

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 4 December 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Cameron (as substitute for Councillor Corall), Crockett, Dickson, Donnelly (as substitute for Councillor Boulton), Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart, Stuart, Thomson and Townson (as substitute for Councillor Cormie).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=2888&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

DETERMINATION OF EXEMPT BUSINESS

1. The Committee was requested to determine that the following item of business, which contained exempt information as described in Schedule 7(A) of the Local Government (Scotland) Act 1973, be taken in private:-

Item 4.1 – 25-29 Queen’s Road.

The Committee resolved:-

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the aforementioned item of business (Article 8 of this minute refers) so as to avoid disclosure of exempt information of the classes described in paragraph 12 of Schedule 7(A) of the Act.

WELCOME

2. The Convener explained that Councillor Crockett was now a member of the Planning Development Management Committee, and welcomed him accordingly.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 6 NOVEMBER 2014

3. The Committee had before it the minute of its previous meeting of 6 November 2014.

The Committee resolved:-

to approve the minute as a correct record.

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STONEYWOOD ESTATE, MARKET STREET, STONEYWOOD - 141316

4. With reference to Article 2 of the Minute of Meeting of the Development Management Sub-Committee of 29 September 2011, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application to vary condition 16 (l) to amend the number of houses that may be occupied on the application site from 50 houses to 140 houses, subject to the following conditions:-

(i) That no more than 140 houses on the application site shall be occupied unless the scheme of improvements to the junction at Stoneywood Road/Stoneywood Terrace/Market Street, as shown on SBA drawing number A064659/A/SK001, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority, has been implemented and is fully operational; (ii) that in addition to (i) above; (a) that the development access on the south side of Stoneywood and Junction RJ3 (as shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK005 or such other drawing as may be approved in writing for the purpose by the planning authority) shall be constructed prior to the occupancy of any individual development plot but need not be made available for public use until completion of all houses on development Blocks S1a and S1b; (b) that Junction RJ4 (as shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK002 or such other drawing as may be approved in writing for the purpose by the planning authority) shall be constructed but need not be made available for public use until completion of all houses on Development Blocks S2, S3 and S4; and (c) that Junction RJ5 (as shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK004 or such other drawing as may be approved in writing for the purpose by the planning authority) shall be constructed but need not be made available for public use until completion of all houses on Development Block S5; (iii) that no individual development plot in Blocks S2, S3 and S4 shall be occupied unless the development access on the south side of Stoneywood Terrace and junction RJ3 shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK005 or such other drawing as may be approved in writing for the purpose by the planning authority, together with their associated link roads have been constructed and are available for public use; (iv) that no individual development plot in Blocks S5 shall be occupied unless the development access on the south side of Stoneywood Terrace and junction RJ4 shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK002 or such other drawing as may be approved in writing for the purpose by the planning authority, together with its associated link road has been constructed and is available for public use; and (v) that no individual development plot in Block S6 shall be occupied unless junction RJ5 shown on page 28 of the Design and Access Statement and SBA drawing number SK004, or such other drawings as may be subsequently approved in writing for the purpose by the planning authority, and link road through Block S5 have been constructed, are available for public use and are fully operational.

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The Committee resolved:-

- (i) to request that officers explore all means of publicising planning applications in the local media; and
- (ii) to approve the recommendation.

NORTH DEESIDE ROAD, OPPOSITE INTERNATIONAL SCHOOL - 141260

5. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee **refuse** the application in respect of planning permission for the erection of three detached properties and landscaping within the site at North Deeside Road (opposite the International School), on the following grounds:-

- (i) That the site lies within the Green Belt which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt, and would lead to the erosion of the character of the Green Belt which would adversely affect the landscape setting of the City. The proposal therefore does not comply with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, Policy NE2 (Green Belt) of the Proposed Local Development Plan or Scottish Planning Policy. If permitted, this application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt policy, when sufficient land has been identified for greenfield housing through the development plan; (ii) that the site lies within land designated as Green Space Network which the Council seeks to protect, promote and enhance the wildlife, recreational, landscape and access value of. The proposed development would detrimentally erode the character or function of the Green Space Network and as such is contrary to Policy NE1 (Green Space Network) of the Aberdeen Local Development Plan and Policy NE1 (Green Space Network) of the Proposed Local Development Plan, and (iii) that the proposed residential dwellings, because of their design, would be unsatisfactory in this location taking account of the prevailing character of the immediate Pitfodels Conservation Area, in that they have not been designed with due consideration for their context. The introduction of the three identical houses, the loss of the area of Green Belt and Green Space Network would have a significantly detrimental impact on the character of this part of the Pitfodels Conservation Area in that the development would not preserve or enhance the Conservation Area. The proposals do not comply with Policies D1 (Architecture and Placemaking), D5 (Built Heritage) or NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan, Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) or NE5 (Trees and Woodlands) of the Proposed Aberdeen Local Development Plan, Scottish Planning Policy or Historic Scotland's Scottish Historic Environment Policy.

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The Convener, seconded by Councillor Greig, moved:-

That the recommendation contained in the report be approved.

Councillor Malik, seconded by Councillor Thomson, moved as an amendment:-

That the application be approved as the proposal did not represent overdevelopment of the site, would enhance the conservation area and would allow for better connectivity in the area, specifically in relation to access to the old Deeside Railway, subject to the following conditions:

- (i) That no development shall take place within the application site unless a full programme of works relative to the realignment of the core path along the eastern boundary of the site (to include but not limited to time lines for path closures and undertaking work, specification of path, soft and hard landscaping, and protective fencing during construction stage) has been submitted to and approved in writing by the planning authority. Thereafter, the path shall be implemented in full accordance with the approved details and be available for public use prior to, and during, any other construction works within the application site – in order to ensure the use of the core path is disrupted as little as possible and upgraded to the best possible standard;
- (ii) that no development shall take place within the application site unless the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site;
- (iii) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority an updated detailed scheme of landscaping for the site, which scheme shall include measures for the protection of all existing trees on site in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting which should correspond with any discussions relative to condition 1 - in the interests of the amenity of the area;
- (iv) that all planting, seeding and turfing comprised in the approved scheme of landscaping relative to the individual house plots shall be carried out in the first planting season following the completion of the development, whilst the planting relative to the amenity landscaped area outwith the residential plots should be carried out in advance of any construction works relating to the new houses. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area;
- (v) that no development pursuant to the planning permission hereby approved shall be carried out unless a

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plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area; (vi) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development; (vii) that a new access onto North Deeside Road shall be constructed, generally in accordance with the plan layout shown on Drg. No. 104591/0002 Rev. D, which shows a bellmouth radii of 6.0m. There shall be a refuse bin storage area provided on the west side of the access, located behind the wall at the rear of the footway. The wall on the east side of the proposed access needs to be realigned over approximately 10m to provide the required visibility splay of 2.4m x 120m – in the interests of road safety; (viii) that a 5.0m wide access road shall be constructed, generally in accordance with Drg. No. 104591/0002 Rev. D (which shows the plan layout) and Drg. No. 104591/0003 Rev. A (which shows the proposed vertical geometry); and (ix) that a minimum of three car parking spaces shall be provided adjacent to each house, with adequate turning space so that cars can enter and leave the access road in forward gear.

On a division, there voted:- for the motion (5) – the Convener; and Councillors Greig, Jean Morrison, MBE, Jennifer Stewart and Sandy Stuart; for the amendment (10) – the Vice-Convener and Councillors, Cameron, Crockett, Donnelly, Dickson, Jaffrey, Lawrence, Malik, Thomson and Townson.

The Committee resolved:-

to adopt the motion.

AIRYHALL HOUSE, LAND NORTH OF CRAIGTON ROAD, PITFODELS - 131354

6. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee **refuse** the application in respect of planning permission for the construction of five terraced houses and associated site works at Airyhall House, Craigton Road, Pitfodels, on the following grounds:-

- (i) That the proposal would not preserve or enhance the character and appearance of the conservation area, being detrimental to that character and

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appearance due to (a) the inappropriate location, form, design and external finishing materials of the proposed houses; (b) the inappropriate density of development and juxtaposition with adjacent buildings resulting in a pattern of development that is not reflective of or in keeping with the area; and (c) the loss of green space, all of which would be contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking), D2 (Design and Amenity), D5 (Built Heritage), and D6 (Landscape) and the associated supplementary guidance of the Aberdeen Local Development Plan and Policies D1 (Quality Placemaking by Design), D2 (Landscape), D4 (Historic Environment) and H1 (Residential Areas) of the Proposed Aberdeen Local Development Plan; and (ii) that the proposal would be contrary to Policy LR1 of the Aberdeen Local Development Plan in that the proposal would exceed the number of residential units allocated for the area, to the detriment of the character of the area arising from the inappropriate density of development.

The Committee resolved:-

to approve the recommendation to refuse the application, as detailed in the report.

CONFIRMATION OF TREE PRESERVATION ORDER NUMBERS 131, 150, 191, 192, 218

7. The Committee had before it a report (CHI/14/043) by the Director of Communities, Housing and Infrastructure which asked that the Committee confirm the making of provisional Tree Preservation Orders.

The report explained that the exact details of the trees were as follows:

- Tree Preservation Order Number 131, Station Road, Dyce
- Tree Preservation Order Number 150, 40 Culter House, Milltimber
- Tree Preservation Order Number 190, 299 Queen's Road
- Tree Preservation Order Number 191, Former Raeden Centre
- Tree Preservation Order Number 218, Former Hilton Nursery School

The report recommended:-

That the Committee confirm the making of Tree Preservation Orders 131, 150, 191, 192 and 218 without modifications, and that the Head of Legal and Democratic Services attend the requisite procedures.

The Committee resolved:-

to approve the recommendation contained in the report.

In accordance with the decision recorded under Article 1 to this minute, the following item was considered with the press and public excluded.

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25-29 QUEEN'S ROAD, ABERDEEN - 140896

8. With reference to Article 10 of the minute of meeting of the Committee of 6 November 2014, the Committee had before it a report by the Head of Legal and Democratic Services which provided legal advice in relation to unauthorised works at 25-29 Queen's Road, Aberdeen.

The report provided background information on the case and explained that any powers that the Authority has can only be exercised after an Enforcement Notice has been served.

The report also provided details of the powers available after the period of notice under the Enforcement Notice has lapsed and if the Notice has not been adhered to. These include fixed penalty notices, prosecution proceedings and direct action.

The report recommended:-

that the Committee instruct officers in Legal and Democratic Services to issue a fixed penalty notice once an Enforcement Notice, served in connection with the current unauthorised works, is effective.

The Committee resolved:-

to approve the recommendation.

- **COUNCILLOR RAMSAY MILNE, Convener.**