

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 28 May 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart, Stuart and Thomson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=3469&Ver=4>

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AGENDA

1. The Convener advised that item 2.1 – Aruba, 5 Netherby Road, Cults (150101) had been withdrawn from the agenda as the Roads Projects Team was now satisfied with the safety of the access and had withdrawn their application. The Convener further advised that Members would receive an update on the current situation with the Broadford Works site due to the recent unlawful entry and fire-raising incidents.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 23 APRIL 2015

2. The Committee had before it the minute of its previous meeting of 23 April 2015.

The Committee resolved:-

to approve the minute as a correct record.

LANGDYKES ROAD, COVE - 141552

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

That the Committee approve the application for a hydrogen fuelling station with on site hydrogen generation and fuel cells systems subject to the following conditions:-

(1) that all planting, seeding and turfing comprised in the approved scheme of landscaping (Drawing Ref P/005) shall be carried out in the first planting season following the completion of the development and 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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2015

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; (2) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 141552-04 or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained; and (3) that no development shall take place unless a scheme detailing all external finishing materials to the canopy, firewall and hydrogen plant building which form part of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

INFORMATIVES

(1) Roads Construction consent will be required under section 21 of the Roads (Scotland) Act. Early contact with Colin Burnett, Senior Engineer is advised to discuss this procedure.

Councillor Thomson moved as a procedural motion, seconded by Councillor Finlayson that the Committee defer consideration of the report until the consideration of other sites had taken place.

On a division, there voted:- for the procedural motion (4) - the Vice Convener; and Councillors Boulton, Jaffrey and Thomson; for the amendment (11) - the Convener; and Councillors Corall, Cormie, Crockett, Dickson, Greig, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart and Sandy Stuart.

There followed further discussion of the application, and at this juncture, the Vice Convener moved as a procedural motion, seconded by Councillor Boulton, that the Committee undertake a site visit.

On a division, there voted:- for the procedural motion (6) - the Vice Convener; and Councillors Boulton, Jaffrey, Lawrence, Jean Morrison MBE and Thomson; for the amendment - (9) the Convener; and Councillors Corall, Cormie, Crockett, Dickson, Greig, Malik, Jennifer Stewart and Sandy Stuart

The Committee proceeded to determine the application.

The Convener moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendations contained within the report.

The Vice Convener moved as an amendment, seconded by Councillor Boulton:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2015

That the application be refused on the grounds that site OP72 was designated for residential use; as it contravened policies H1, R8 and D1; and due to road safety concerns and general safety concerns over the proximity of the site to the residential area.

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

The Committee resolved:-

to adopt the motion.

51 ROSEBERY STREET - 150191

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

That the Committee grant unconditional approval for the application to straighten the existing hipped roof on its South side; to form a new single storey extension to the side/rear; to form a new box dormer to the rear; and to extend an existing dormer on the front elevation of the property.

The Committee resolved:-

to approve the recommendations in the report.

LOIRSTON, NIGG - 130892

5. With reference to article 2 of the minute of its meeting of 16 January 2014, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve an additional condition in respect of any consent issued for the application for planning in principle for the proposed residential development of up to 1067 houses; 8 hectares of employment land; a neighbourhood centre; community facilities; a primary school; landscaping; open space and recreational facilities as approved by Committee in January 2014, namely:-

No development pursuant to this grant of Planning Permission in Principle shall be undertaken unless a scheme for the provision of a vehicular connection from the road network within the application site to Redmoss Road has been submitted to and approved by the planning authority as part of an application for Approval of Matters Specified in Conditions (AMSC). The Scheme shall include:

- (a) a vehicular connection and pedestrian footpath to an adoptable standard from the road network through the application site to Redmoss Road;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2015

- (b) phasing and other arrangements for provision of the vehicular connection and pedestrian footpath to the relevant legal boundaries of the application site;
- (c) and will include, that no works beyond completion of the 400th unit will be undertaken unless the vehicular connection and pedestrian footpath are taken to the relevant legal boundaries of the application site.

Thereafter, no development shall occur otherwise than in full accordance with the agreed scheme - in order to ensure the delivery of key road infrastructure and the full OP77 allocation of the adopted Aberdeen Local Development Plan.

The Convener moved, seconded by Councillor Greig:-

That the addition of the above condition be approved in accordance with the recommendation contained within the report.

Councillor Boulton moved as an amendment, seconded by Councillor Finlayson:-

That the addition of the condition be approved, but to amend part (c) as follows:-
 “and will include, that no works beyond completion of the 300th unit will be undertaken unless the vehicular connection and pedestrian footpath are taken to the relevant legal boundaries of the application site”, to avoid inconsistency with condition 15 in the report.

On a division, there voted:- for the motion (12) - the Convener; and Councillors, Corall, Cormie, Crockett, Dickson, Greig, Lawrence, Jaffrey, Malik, Jean Morrison MBE, Jennifer Stewart and Sandy Stuart; for the amendment (3) - the Vice Convener; and Councillors Boulton and Thomson

The Committee resolved:-

to adopt the motion.

LOIRSTON - GYPSY TRAVELLER SITE - 141441

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

That the Committee express a willingness to approve the application for the formation of a gypsy traveller transit site comprising six pitches and supporting facilities, subject to a Section 75 agreement requiring transfer of the site ownership to Aberdeen City Council, and subject to the following conditions:-

- (1) Prior to the commencement of any works on site, a detailed scheme for surface water drainage shall be submitted to and agreed in writing by the Planning Authority. Thereafter, all work shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the planning authority - to ensure adequate protection of the water environment from surface water runoff;
- (2) that no part of the development hereby approved shall be

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2015

undertaken unless there has been submitted to and approved in writing by the Planning Authority a detailed scheme of site and plot boundary enclosures for the development. No part of the site shall be brought into use unless the said scheme has been implemented in its entirety - in order to ensure that the site is appropriately enclosed and makes use of existing topographical features, such as dry stone dykes, where possible; (3) that no part of the site shall be occupied for the approved use unless details of external lighting have been submitted to, and approved in writing by, the planning authority. Thereafter, the site shall not be brought into use unless the details as agreed have been implemented - in order to ensure that the site is appropriately lit to ensure safe movement but minimise light pollution, as required by the Council's 'Gypsy and Traveller Sites' supplementary guidance; (4) that no development pursuant to this grant of planning permission shall be undertaken unless proposals for ongoing site management have been submitted to, and approved in writing by, the planning authority. Any such proposals should include the following; (a) details of any on-site management, including proposals for any office/security accommodation and staffing thereof, both when the site is occupied and when not in active use; (b) arrangements for sewage disposal and on-site toilet facilities; and (c) details of a local first point of contact ('site manager'), thereafter, all work shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the planning authority - in order to ensure that the development is supported by appropriate long-term management; (5) 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 a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection 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 - in the interests of the amenity of the area; (6) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and 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; and (7) that no unit within the development hereby granted planning permission shall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

The Convener moved, seconded by Councillor Dickson:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2015

That the application be approved in accordance with the recommendation contained within the report.

The Vice Convener moved, seconded by Councillor Boulton:-

That the application be refused on the grounds of the close proximity of the site to schools and the residential area; concerns in relation to traffic levels, access and safety; and the lack of comments from the Education Service.

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

The Committee resolved:-

to adopt the motion.

NETHER ANGUSTON - 150329

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

That the Committee **refuse** the application for the part conversion and part extension of farm steading to form residential dwelling houses on the following grounds:-

(1) Policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP) states that new development in the Green Belt must meet the specific criteria set out in the policy, being that there is a presumption against most kinds of development with only limited exceptions. No information has been provided to justify the inclusion of two new build houses in the Green Belt. The proposal therefore does not comply with Policy NE2 (Green Belt) of the ALDP. If permitted, this application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt Policy and the character and amenity of the Green Belt, when sufficient land has been identified for housing through the development plan;

(2) That although the principle of converting and extending a steading to provide residential accommodation is supported, in this particular instance the proposed development would be contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and the Council's Supplementary Guidance The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside, in that it would result in inappropriate extensions and alterations that would, by way of scale and form, individually and collectively dominate and disguise the original steading and its character, to the detriment of the visual amenity and character of the green belt and landscape setting of the City; and

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2015

(3) That the garden spaces around the buildings proposed within the application site are such that they have not been carefully considered to respect their rural setting. The curtilage that is suggested in the plans would not be appropriate for the type and scale of buildings, specifically Unit Four as it would be unusually large. Therefore the plans do not comply with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and the Council's Supplementary Guidance The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside.

The Convener moved, seconded by Councillor Crockett:-

That the application be refused in accordance with the recommendation contained within the report.

Councillor Boulton moved as an amendment, seconded by Councillor Dickson:-

That the Committee approve the application, subject to appropriate conditions, on the following grounds:-

- (i) that the bringing of old redundant buildings to new would improve the overall amenity of the area; and
- (ii) that by complying with the Council's Low and Zero Carbon Buildings guidance it was suitable to the green belt area.

On a division, there voted:- for the motion (6) - the Convener; and Councillors Cormie, Crockett, Greig, Jaffrey and Malik; for the amendment (9) - the Vice Convener; and Councillors Boulton, Corall, Dickson, Lawrence, Jean Morrison MBE, Jennifer Stewart, Sandy Stuart and Thomson.

Subsequently the Head of Planning and Sustainable Development advised that the following conditions should be adhered to:-

- (1) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'; (2) that none of the units hereby granted planning permission shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel; (3) that no development shall take place unless a scheme detailing all external finishing materials to the roof, walls, windows and doors of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity; (4) that notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2015

the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) no extensions, alterations or improvements which materially affect the external appearance of the dwelling house, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity; (5) that no development shall commence on site unless a plan has been submitted for the further written approval by the Planning Authority relative to the position of any rainwater goods, flues, electricity boxes and gas meters - in the interests of visual aesthetics of the property; (6) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the residential dwellings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to ensure each plot has a suitable amount of garden space and the agricultural land to the west of the building within the application site remains as agricultural land and does not form part of a residential feu; (7) that no development shall commence on site unless a plan has been submitted for the further written approval by the Planning Authority, in consultation with the Roads Authority, which shows adequate turning facilities within the application site for cars and emergency vehicles. Thereafter, no residential unit shall be occupied unless the turning areas have been implemented in full accordance with the approved details - in the interests of road safety; and (8) that no development shall commence on site unless a plan has been submitted for the further written approval by the Planning Authority, in consultation with the Roads Authority, which shows how the access track leading to the application site will be upgraded. Thereafter, no residential unit shall be occupied unless the access track upgrades have been implemented in full accordance with the approved details - in the interests of road safety.

The Committee resolved:-

to approve the application, subject to the conditions specified.

PLANNING ENFORCEMENT ACTIVITY OCTOBER 2014 - MARCH 2015 - CHI/15/189

8. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which informed members of the planning enforcement work that had been undertaken by the service from 1 October 2014 to 31 March 2015.

The Committee resolved:-

(i) to note the contents of the report; and

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2015

- (ii) to thank the planning inspectors Garry Nibloe and Gavin Bruce for all their hard work.

MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency to enable enforcement action to be taken if required.

PLANNING ENFORCEMENT - ALLEGED BREACH OF PLANNING CONTROL AT CAIRDHILLOCK FARM, KINGSWELLS

9. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which advised Members of a breach of planning control and sought authorisation from the Committee to commence enforcement action and redress in the Courts as deemed appropriate.

The report recommended:-

that Committee –

- (a) authorise the serving of an enforcement notice upon McIntosh Plant Hire and the owner of the land requiring the submission of a Proposal of Application Notice in respect of the area of land as shown on the Stop Notice to rectify the breach of planning control. The breach should be remedied by the removal of the imported materials, putting the land back to its original levels / profile and thereafter put to agricultural use; and
- (b) in the event that a Proposal of Application Notice was not submitted within the prescribed time, to request authorisation from the Committee to seek enforcement action or redress in the courts.

The Committee resolved:-

to agree the recommendations contained in the report.

The following item of business was considered with the press and public excluded due to the nature of the legal advice given to Committee at the meeting.

MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency due to public

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2015

safety concerns as a result of the recent incidents at the Broadford Works site.

BROADFORD WORKS

10. The Committee had before it a report by the Head of Planning and Sustainable Development which outlined the current situation with Broadford Works.

The report recommended:-

that Committee delegate authority to the Head of Planning and Sustainable Development in conjunction with the Convener of the Planning Development Management Committee and the Convener of the Finance, Policy and Resources Committee to serve notices under the Building (Scotland) Act 2003 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in respect of urgent works or improvements necessary to prevent access to the Broadford Works site, and to ensure improved security and condition of the buildings.

The Committee resolved:-

- (i) to approve the recommendation;
- (ii) to instruct officers to issue a press statement detailing the Council's concern about health and safety on the site; the deterioration of the buildings; and expressing disappointment that the planning consent had not yet been implemented; and
- (iii) to request that officers prepare a more detailed options report for the next meeting of Council, to include any updates from the inspection of the site.

- RAMSAY MILNE, Convener