

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 16 July 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener (for articles 1 to 5 and 7 to 12); Councillor Finlayson, Vice Convener; and Councillors Boulton (for articles 1 to 8), Corall (for articles 1 to 9), Cormie, Crockett, Dickson, Donnelly (as substitute for Councillor Milne for article 6 and as substitute for Councillor Boulton for articles 9 to 12), Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Noble (as substitute for Councillor Corall for articles 10 to 12), Stuart and Thomson.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=3605&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.

### DECLARATION OF INTEREST

The Head of Planning and Sustainable Development declared an interest in the following item and item 4.4 (Confirmation with Modification of Tree Preservation Order 195) due to her future employer Burness Paull LLP having made representations in relation to both items. Dr Bochel withdrew from the meeting during consideration of both items.

### JESMOND DRIVE - 150369

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 planning permission in principle for the erection of 19 affordable housing units with associated car parking and landscaping at Jesmond Drive, on the following grounds:-

That the proposal would be contrary to the Policies NE3 (Urban Green Space) and NE1 (Green Space Network) of the adopted Local Development Plan and Policies NE3 (Urban Green Space) and NE1 (Green Space Network) of the proposed Local Development Plan, in that:-

- (1) it would result in the loss of green space without laying out or making available an equivalent and equally convenient and accessible area for public access;
- (2) it would have a detrimental impact on the character and appearance of the surrounding area, as it would significantly increase the built-up nature and its role as a natural buffer between various residential

areas. It would set an undesirable precedent in policy interpretation for the consideration of similar applications on Urban Green Space that could lead to the incremental erosion of open space areas throughout the City; and

- (3) it would result in the erosion of this part of the Green Space Network to the detriment of existing wildlife corridors between habitats and the character and appearance of the surrounding area.

The Convener moved, seconded by Councillor Cormie, that the application be refused in accordance with the recommendation contained within the report.

Councillor Jaffrey moved as an amendment, seconded by Councillor Boulton, that the application for planning permission in principle be approved as it was not contrary to policies NE1 (Green Space Network) and NE3 (Urban Green Space), subject to appropriate conditions and a legal agreement with the Council *as set out in the report*.

On a division, there voted:- for the motion (3) – the Convener; and Councillors Cormie and Greig; for the amendment (11) – the Vice Convener; and Councillors Boulton, Corall, Crockett, Dickson, Jaffrey, Lawrence, Malik, Jean Morrison, Sandy Stuart and Thomson.

Subsequently the Development Management Manager advised that the following conditions should be adhered to:-

1. That no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of the (i) site layout, including the means of access and car parking; (ii) siting, design and external appearance of the building(s); (iii) landscaping, including the children's play area; (iv) cycle parking and refuse storage; (v) site boundaries; (vi) external lighting; and (vii) drainage, including SuDS measures – in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006; (2) with respect to the terms of condition 1(ii), the detailed design submitted as part of the Matters Specified in Conditions application and approved in writing by the Local Planning Authority shall include elements of green infrastructure including bird nesting bricks into or on the walls of the buildings suitable for house sparrows, starlings and swifts, and bat roost bricks, and considerations should also be given to other measures such as 'green roofs'. Thereafter the residential units shall not be occupied unless built in full accordance with details so approved or unless the Local Planning Authority has given prior written approval for a variation – in the interest of visual amenity and to mitigate/ improve biodiversity; (3) that no part of the development shall be occupied before the development access/ internal road layout and parking arrangements are constructed in accordance to drawing A/14655/901/1 to the satisfaction of the Local Road Authority, unless the Local Planning Authority has given prior written approval for a variation:- (a) this parking requirement is based on 19 one bed rented units provided by a Registered Social Landlord, and shall consist of 15 car parking spaces,

including 1 mobility space; 19 long-stay covered and secure cycle parking spaces; 4 short-stay cycle parking spaces within 50m of the building entrances and 2 motorcycle spaces; and (b) the parking should be constructed using Green Infrastructure measures, providing every opportunity to reduce the surface water flooding and biodiversity – in the interest of safety of local highways, promotion of sustainable transport methods, to enhance the Green Space Network and climate change adaptation; (4) that no part of the development shall be occupied unless a schedule of work relating to the upgrading and replacement of the southbound bus shelter and relocation of the north bound bus stop immediately to the west of the site on Jesmond Drive, which may include seating, lighting, shelter, raised kerbs and timetable provision has been submitted to and approved in writing by the Local Planning Authority, and subsequently these works have been implemented - in the interests of sustainability and to encourage a reduction in the level of private car trips generated by the development; (5) that no part of the development shall be occupied before Residential Travel Packs have been submitted for prior approval to the Local Planning Authority. Such approved packs shall subsequently be issued to the first occupiers of each residential unit – to promote sustainable travel methods; (6) with respect to condition 1(iii), a further detailed scheme of landscaping and Green Space Network enhancement for the site shall be submitted as part of a Matters Specified in Conditions application and approved in writing, which 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. This landscaping scheme shall include the following:- (a) retention of all wych elm trees and sycamore tree on the site; (b) the area indicated as marshy grassland in Appendix 3 on page 29 of the Ecology Report dated 24 June 2015 submitted by Direct Ecology should be retained as such; (c) inclusion of a buffer strip of at least 3m shall surround the marshy grassland referred to in b., such buffer can incorporate green infrastructure including items such as parking areas, specific details of which shall be incorporated into any future submissions; and (d) the planting scheme should take account of the recommendations set out in paragraph 5.1.2 on page 21 of the Ecology Report dated 24 June 2015 submitted by Direct Ecology and should include native species, with an emphasis on native species with a local provenance that are suitable for attracting wildlife – in the interests of biodiversity and the visual amenity of the area; (7) 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 this purpose by the Local Planning Authority in the interests of the visual amenity of the area; (8) with respect to condition 1(iii)a detailed scheme for a children’s play area shall be submitted as part of a Matters Specified in Condition application and approved in writing by the Local Planning Authority. This scheme shall

subsequently be completed, laid out and equipped in accordance with these approved details prior to occupation of the first residential unit.. The Children's Play Area shall thereafter not be used for any purpose other than as a Children's Play Area - to improve the quality of the remaining open space on the site and as a mitigation measure to part compensate for the loss of the public open space; (9) with respect to condition 1(vi), a scheme for external lighting shall be submitted as part of a Matters Specified in Condition application and approved in writing by the Local Planning Authority, and thereafter implemented in full accordance with this approved scheme unless the local planning authority has given prior written approval for a variation. This lighting shall be of a type that does not impact on foraging bats and commuting wildlife, and shall take account of the recommendations made in section 5.2.3 on page 22 of the Ecology Report dated 24 June 2015 submitted by Direct Ecology. Further information can be found at [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) - in the interest of public safety and biodiversity; (10) with respect to the terms of condition 1(vii), a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems shall be submitted as part of a Matters Specified in Condition application, and approved in writing by the Local Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained; (11) notwithstanding any further details provided, the one bedroom units hereby approved shall only be used for social rented housing provided through a Registered Social Landlord and shall be retained as such in perpetuity - the justification for the departure from the local development plan was based on the need for affordable housing within this area and the accepted number of car parking spaces is below that required for mainstream housing or other types of affordable housing; (12) notwithstanding any further details provided, the number of bedrooms for each individual unit shall be one - the Council's Education Department has assessed the proposal on this basis for the need for developer contributions. Any increase in bedrooms would need to be reassessed on their impact on local education facilities, which could result in an increase in required developer contributions.

## **INFORMATIVE(S)**

1. In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;
  - (i) the expiration of 3 years from the date of this grant of planning permission in principle;
  - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

2. In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.

**The Committee resolved:-**

- (i) to note that the letter of representation from the Community Council had not been included with the paperwork and to request that this was remedied in future; and
- (ii) to adopt the amendment.