

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 1 September 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Allard (as substitute for Councillor McRae), Alphonse, Blake, Boswell (as substitute for Councillor Thomson for articles 9 to 12) Boulton, Clark (as substitute for Councillor Cormie), Copland, Fairfull (as substitute for Councillor Cooke for all items except article 10), Farquhar (as substitute for Councillor MacKenzie), Houghton (for all items except article 7), Thomson (up to article 8) and Tissera (as substitute for Councillor Crockett).

The agenda and reports associated with this minute can be found [here](#).

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.

ANNOUNCEMENT

1. The Convener advised that item 7.5 on the agenda (erection of restaurant (class 3) with drive thru facility (sui-generis) including installation of 2no. customer order displays, post height restrictor and play frame; car parking, landscaping and associated works including demolition at Rosehill House, 202 Ashgrove Road West, Aberdeen) had been withdrawn and would not be considered.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 23 JUNE 2022

2. The Committee had before it the minute of the previous meeting of 23 June 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PRE DETERMINATION HEARING OF 1 JUNE 2022

3. The Committee had before it the minute of the Pre Determination Hearing of 1 June 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record.

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COMMITTEE PLANNER

4. The Committee had before it a planner of future Committee business.

The Committee resolved:-

to note the information contained in the Committee business planner.

JOHNSTON G BLOCK, UNIVERSITY OF ABERDEEN - 220244

5. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed Planning Permission for the change of use from residential to class 2 (financial professional and other services); installation of security fencing and associated works (Retrospective), at Johnston G Block, University of Aberdeen, be approved unconditionally.

The Committee heard from Aoife Murphy, Senior Planner, who spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the application unconditionally.

ALBYN HOSPITAL, 21 - 24 ALBYN PLACE, ABERDEEN - 211797

6. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the temporary removal of a section of walling at Albyn Hospital, 21 - 24 Albyn Place, Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DISMANTLING AND RESINSTATEMENT METHODOLOGY

That no development shall take place unless a methodology for the dismantling, storage and reinstatement of the section of wall to be removed has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning authority, development shall be undertaken in accordance with the approved methodology.

Reason – to ensure the character of the conservation area and setting of the listed buildings would be preserved.

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(02) TREE PROTECTION

That no development shall take place unless the tree protection measures, specified in the Arboricultural Method Statement for Temporary Construction Access, produced by Ground Control Limited (ref: J210593, dated 20 December 2021) and associated submissions, or such other measures agreed in writing with the planning authority for the same purpose, have been fully implemented.

Reason – to ensure the protection of the street trees on Albyn Grove.

(03) REINSTATEMENT OF WALL

That unless otherwise agreed in writing by the planning authority, the section of wall which is to be removed shall be reinstated by 1 March 2024 or on completion of construction works which require the access, whichever is the earliest.

Reason – to restrict the period for which the wall is removed to the minimum required and to ensure the character of the conservation area and setting of the listed buildings would be preserved.

The Committee heard from Matthew Easton, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the application conditionally, with condition 1 amended to read:-

(1) DISMANTLING AND REINSTATEMENT METHODOLOGY

That no development shall take place unless a methodology for the dismantling, storage and reinstatement of the section of wall to be removed has been submitted to and approved in writing by the planning authority. The methodology shall (i) include details of where the stone will be stored during the period the wall is removed; and (ii) aim to ensure that any difference in final appearance of the reinstated section of wall (both stones and mortar) compared to the remaining sections of wall is kept to the minimum possible.

Thereafter, unless otherwise agreed in writing with the planning authority, development shall be undertaken in accordance with the approved methodology.

Reason - to ensure the character of the conservation area and setting of the listed buildings would be preserved.

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7. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed Planning Permission for the erection of 2 storey modular unit comprising 8 classrooms, store and toilets and partially covered walkway linking to existing school, for a temporary period not exceeding five years, at Bucksburn Academy Aberdeen, be approved subject to the following condition:-

(1) TIME LIMIT AND SITE REINSTATEMENT / REPLACEMENT PLANTING

That the hereby approved building shall not remain on the site beyond a period expiring 5 years following the date of the grant of planning permission, or beyond the date in which an alternative, permanent solution becomes operational – whichever is sooner. No later than 3 months prior to the removal of the building, a scheme for the reinstatement of the site (including details of new landscaping and tree planting) shall be submitted to and agreed in writing by the Planning Authority and thereafter the agreed scheme shall be implemented no later than the first planting season following the removal of the building from the site.

Reason: In order to preserve the character and visual amenity of the area in the long-term, as the proposed building would only be acceptable as a temporary installation and is not of a suitable design for permanent retention. Also in order to reinstate the site to soft landscaping to ensure no permanent loss of urban green space, and to ensure compensatory replacement planting in lieu of the trees to be felled to facilitate the development.

The Committee heard from Alex Ferguson, Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the application with an amended condition, to read:-

TIME LIMIT AND SITE REINSTATEMENT / REPLACEMENT PLANTING

That the hereby approved building, covered walkway and all associated drainage infrastructure shall not remain on the site beyond a period expiring 5 years following the date of the grant of planning permission, or beyond the date in which an alternative, permanent solution becomes operational - whichever is sooner. No later than 3 months prior to the removal of the building, walkway and drainage infrastructure, a scheme for the reinstatement of the site (including details of new landscaping and replacement tree planting) shall be submitted to and agreed in writing by the Planning Authority and thereafter the agreed scheme shall be implemented no later than the first planting season following the removal of the building from the site.

Reason: In order to preserve the character and visual amenity of the area in the long-term, as the proposed building and walkway would only be acceptable as a temporary

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installation and is not of a suitable design for permanent retention. Also in order to reinstate the site to soft landscaping to ensure no permanent loss of urban green space, and to ensure compensatory replacement planting in lieu of the trees to be felled to facilitate the development.

TILLYOCH, CULTER HOUSE ROAD, PETERCULTER, ABERDEEN - 211699

8. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Planning Permission in Principle for a residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities, at Tillyoch, Culter House Road, Peterculter, Aberdeen, be refused for the following reasons:-

1. the proposed development is considered to represent the erosion of the character and function of the designated existing Green Space Network. Due to its location and scale, the proposal does not meet any of the exception criteria highlighted within Green Belt policy. Furthermore, the proposed access road is not considered to be essential infrastructure. As such, the development is contrary to Policy NE1 - Green Space Network and Policy NE2 - Green Belt of the Aberdeen Local Development Plan 2017 and would represent a significant departure from the adopted Development Plan Strategy;
2. the development would result in the large-scale alteration of the existing rural landscape character of the site and surrounding area, to its detriment. This would harm the strategic landscape framework of the area, which is a key part of the city's setting, especially when viewed from the gateway route of the A93 from the west. As such, the proposal is contrary to Policy D2 - Landscape of the Aberdeen Local Development Plan 2017;
3. due to its location, which is considered removed from the established area of Peterculter, the proposal does not constitute sustainable development and sufficient measures have not been taken to maximise opportunities for sustainable and active travel and to minimise the use of the private car. As such the development is considered contrary to Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel of the Aberdeen Local Development Plan 2017;
4. the proposed access road and junction from the B979 would result in the unacceptable loss of a significant area of Ancient Woodland and a substantial number of trees that are protected by Tree Preservation Order 256 located within the application boundary. Sufficient acceptable mitigation has not been proposed. The proposal is accordingly considered contrary to Policy NE5 - Trees and

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Woodland of the Aberdeen Local Development Plan 2017 and Policy NE5 - Trees and Woodland of the Proposed Aberdeen Local Development Plan 2020;

5. the proposed access road and junction from the B979, due to the related loss of a significant area of Ancient Woodland and trees covered by a Tree Preservation Order, would adversely impact on the natural heritage and ecological integrity of the site. Sufficient acceptable mitigation has not been proposed. The proposal is accordingly contrary to Policy NE8 - Natural Heritage of the Aberdeen Local Development Plan 2017 Policy NE3 - Our Natural Heritage of the Proposed Aberdeen Local Development Plan 2020.

The Committee heard from Aoife Murphy, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener moved, seconded by Councillor Copland:-
that the application be refused in line with the officer recommendation.

Councillor Houghton moved as an amendment, seconded by Councillor Boulton:-
that there be a willingness to approve the application conditionally, with the conditions detailed in the committee report, subject to entering into a Section 75 agreement for developer obligations as outlined in the report, with an extra condition covering the retention of drystone walls within the site. The reasons for approval were as follows:-

1. It is recognised that a substantial part of the site was zoned for development in the Proposed Local Development Plan and the principle development on this site had been accepted as the settled view of the Council and this should be given significant weight and was considered to outweigh the adopted plan which was outwith the 5 year period and therefore out of date.
2. It is recognised that the access road would cross land which was green belt and green space network in both the adopted and proposed local development plan and that this area would result in the loss of ancient woodland and trees protected by Tree Protection orders and their associated wildlife value, however the mitigatory measures proposed by the applicant in terms of tree planting and long term maintenance of the woodland were considered to be sufficient to adequately mitigate the wildlife, landscape, trees protected by TPO and ancient woodland designation.
3. The development was considered to be sustainable in that there were safe active travel routes available to the nearby community facilities and shops in Peterculter and access is to be provided to enable the future provision of a bus service to the site therefore complying with Policies T2 and T3.
4. The proposal would provide housing which meets the needs of the local community, providing affordable housing and family homes.

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5. On balance there were sufficient material considerations to outweigh the green belt and green space network policy in the adopted Local Development Plan.

On a division, there voted:- for the motion (7) – the Convener, and Councillors Allard, Blake, Clark, Copland, Fairfull and Thomson – for the amendment (6) – the Vice Convener and Councillors Alphonse, Boulton, Farquhar, Houghton and Tissera.

The Committee resolved:-

to adopt the motion and therefore refuse the application in line with the officer recommendation.

HEATHERLY, WELLINGTON ROAD, ABERDEEN - 211072

9. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Planning Permission in Principle for a residential development (up to 24 two storey units) with amended access, open space and ancillary infrastructure, at Heatherly, Wellington Road, Aberdeen, be refused for the following reasons:-

1. Open Space / Green Space / Woodland Loss

As the proposal would result in erosion of the physical extent of the green space network, loss of woodland and reduction of its ecological, wildlife and landscape value, it would directly conflict with Aberdeen Local Development Plan (ALDP) policy NE1: Green Space Network and ALDP policy NE5: Trees and Woodlands and related guidance. It is considered that this impact could not be adequately addressed by use of conditions or developer contributions towards off site greenspace/open space enhancement / compensatory woodland given the extent of woodland / open space loss and lack of compensatory planting. As the proposal would result in the loss of urban green space and no replacement green space is proposed outwith the site in the locality, it directly conflicts with ALDP policy NE3: Urban Green Space.

2. Residential Amenity

It has not been demonstrated that 24 houses can be satisfactorily accommodated on the site without causing undue overlooking of existing adjacent private residential garden ground. The proposed development would result the loss of existing valued open space / woodland within the site. Overall, the development does not therefore satisfy the amenity expectation of Aberdeen Local Development Plan (ALDP) policy H1: Residential Areas.

3. Pedestrian Access / Active Travel Connectivity

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Inadequate pedestrian connectivity with existing housing to the north of the site is proposed and it has not been demonstrated that adequate safe routes to Lochside Academy would be provided, such that the proposal conflicts with the objective of ALDP policy T3: Sustainable and Active Travel.

4. Contamination Risk

Inadequate information has been provided to demonstrate that the site is suitable for the proposed residential end use and that the proposed development would not pose a risk to occupants / the wider environment due to historic ground contamination. Thus, the proposal would not accord with the requirements of PAN 33 and it cannot be concluded that the development would satisfy the expectations of ALDP policy R2: Degraded & Contaminated Land.

5. Flood Risk

Notwithstanding the submission of drainage assessment and potential use of SUDS within the site inadequate information has been submitted to demonstrate that the proposal would comply with ALDP policy NE6: Flooding, Drainage & Water Quality as no flood risk assessment has been provided.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to refuse the application in line with the officer recommendation.

REAR OF 602, 600 AND 598 HOLBURN STREET, ABERDEEN - 220648

10. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Planning Permission in Principle for the erection of 2 dwelling houses with associated access and landscaping works - rear of 602, 600 And 598 Holburn Street, be refused for the following reasons:-

1. Lack of information

Insufficient information had been provided in order to enable full analysis of the potential adverse impact of the development in relation to loss of / impact on trees, drainage, daylight and sunlight impact on adjacent houses and garden ground to the west and thus it has not been demonstrated that the proposal complies with policies NE5: Trees and Woodland, NE6: Flooding, Drainage & Water Quality and D1: Quality Placemaking by Design and related guidance within the Aberdeen Local Development Plan 2017 (ALDP). Cross sections and street elevations are required to assess amenity impacts and the relationship with the street/ existing houses. As these had not been provided, it had not

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been demonstrated that the proposal complies with the requirements of policies H1: Residential Areas and D1: Quality Placemaking by Design.

2. Supplementary Guidance Conflict

The proposal directly conflicts with ALDP Sub-division & Redevelopment of Residential Curtilages supplementary guidance as formation of the proposed house plots would require combining parts of three separate gardens.

3. Amenity / Overdevelopment

The scale and positioning of the proposed houses relative to the street and adjacent houses, and absence of greenspace within the front gardens is considered to be indicative of overdevelopment of the site. The proposal had an adverse impact on existing amenity by reason of the removal of garden ground and its replacement with built development of inappropriate form as evidenced by the offset positioning of the house frontages relative to the street and the building line to either the northwest or southeast and the absence of greenspace or garden ground at the public frontages of the buildings. It was therefore considered that the proposal conflicts with the design quality objectives of ALDP policies D1: Quality Placemaking by Design, D2: Landscape, H3: Density and Scottish Planning Policy.

4. Precedent

Approval of the application would result in the creation of an adverse precedent for similar proposals on corner sites throughout the city whereby house plots could be formed by the amalgamation of parts of existing rear gardens.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to refuse the application.

GROUND FLOOR FLAT, 69 HARDGATE ABERDEEN - 220622

11. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed Planning Permission for the erection of a fence, decking and gate to front (retrospective), at ground floor flat, 69 Hardgate Aberdeen, be refused for the following reasons:-

The implemented deck, associated enclosure and front entrance gate failed to comply with the relevant policies of the Aberdeen Local Development Plan, namely Policy H1 (Residential Areas) Policy D1 (Quality Placemaking by Design) in addition to the

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Council's Supplementary Guidance 'Householder Development Guide'. The works, owing to their public location and visibility, coupled with the design, size, scale and material finish, were wholly out of character with the prevailing characteristics of the immediate and wider area and in turn result in a significant detrimental impact upon visual amenity. The works caused significant harm to the Bon-Accord Crescent/Crown Street Conservation Area in this location and therefore would neither preserve or enhance it in line with legislative requirements, Scottish Planning Policy, Historic Environment Policy for Scotland and therefore Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017. The proposal also failed to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020. On the basis of the above, it was considered that there were no material planning considerations of sufficient weight that warranted approval of the application.

The Committee heard from Aoife Murphy, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to refuse the application.

GUIDANCE ON OUTDOOR SEATING - PLA/22/183

12. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which presented a draft guidance note on Outdoor Seating and also sought approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to this Committee for approval within the next six months.

The report recommended:-

that the Committee –

- (a) approve the content of the draft Guidance on Outdoor Seating at Appendix 1;
- (b) instruct the Interim Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Guidance on Outdoor Seating document for a four week non statutory public consultation; and
- (c) instruct the Interim Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Outdoor Seating to a subsequent Planning Development Management Committee within the next six months.

The Committee resolved:-

to approve the recommendations.

- **Councillor Dell Henrickson, Convener**