

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 3 November 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener (for articles 1 to 9); and Councillors Blake, Boulton, Clark (for articles 1 to 9), Copland, Crockett (for articles 1 to 8), Houghton (for articles 1 to 9), MacGregor (as substitute for Councillor Alphonse), MacKenzie, Nicoll (as substitute for Councillor McRae), van Sweeden (as substitute for Councillor Cooke) and Thomson.

**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 Committee heard from the Chief Officer – Strategic Place Planning who provided an update in relation to guidance on outdoor seating, which had been at the Committee previously, before commencing public consultation. Mr Dunne explained that he hoped to report back to the December meeting with any proposed revisions to the draft guidance. Mr Dunne also intimated that the Chief Planner for Scotland had recently written to local authorities regarding outdoor seating and the removal of the relaxed guidance in September 2022 following COVID-19. Mr Dunne advised that he would circulate the letter to members and asked that they make contact if they had any questions in relation to the content of the letter.

At this juncture, the Convener congratulated Mr Dunne on being appointed Chief Officer – Strategic Place Planning and wished him well with his role.

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2. The Committee had before it the minute of the previous meeting of 29 September 2022, for approval.

#### **The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE PLANNER

3. The Committee had before it a planner of future Committee business as prepared by the Interim Chief Officer - Governance.

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**The Committee resolved:-**

to note the information contained in the Committee business planner.

**WEST LODGE, GREENWELL ROAD ABERDEEN - 220969**

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

That the application for detailed planning permission for the change of use from class 4 (business) to class 10 (non residential institutions) at West Lodge Greenwell Road Aberdeen, be approved subject to the following conditions:-

**Conditions****(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

**(02) CAR PARKING**

That the use hereby approved shall not be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. 142 - 201 B of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason: in the interests of public safety and the free flow of traffic, and to ensure compliance with Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

The Committee heard from Mr Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered questions from members.

**The Committee resolved:-**

to approve the application conditionally.

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**GRANVILLE, 58 VICTORIA STREET, DYCE, ABERDEEN - 220837**

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

That the application for Detailed Planning Permission for the partial change of use of existing guest house to class 3 (food and drink) including erection of side extension and associated works at Granville, 58 Victoria Street Dyce Aberdeen, be approved subject to the following conditions:-

**Conditions****1. DURATION OF CONSENT**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason: In accordance with section 58 (duration of planning permission) of the 1997 Act.

**2. HOURS OF OPERATION**

The use hereby approved shall not operate outwith the hours of 08:00am and 07:00pm Monday to Friday; and 09:00am and 07:00pm Saturday and Sunday.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

**3. NOISE**

That the use hereby approved shall not be brought into use unless the noise mitigation measures set out in the approved Noise Impact Assessment (prepared by Couper Acoustics, Ref: 17720212313 – V3, dated July 2022) have been installed. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the existing levels of amenity are not impacted upon.

**4. ODOUR**

That the use hereby approved shall not be brought into use unless the odour mitigation measures set out in the approved Odour Impact Assessment (prepared by Couper Acoustics, Ref: 1720212313 – V3, dated July 2022) have been installed. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the planning authority.

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Reason: In order to ensure the existing levels of amenity are not impacted upon.

### 5. ACCESS

That the use hereby approved shall not be brought into use unless the existing internal doorway providing access to this unit from the guest house has been built up, as shown on drawing reference 3501 – 2/07 B, and the new pedestrian access along the western boundary and the associated path, as shown on drawings references 3501 – 2/02 Rev C and 3501 – 2/09 Rev C, have been formed and are fully operational. Once completed the works shall be retained in perpetuity.

For the avoidance of doubt the existing entrance to the guest house shall not be used for the purposes of accessing the Class 3 unit hereby approved.

Reason: In order to ensure the existing levels of amenity are not impacted upon.

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 conditionally with an extra informative to be added to read:- for the avoidance of doubt no takeaway shall operate from this approved class 3 use unless it is a minor and incidental component of the business which does not affect environmental amenity as per Circular 1/1998 The Town and Country Planning (Use Classes) (Scotland) Order 1997.

### **14 VICTORIA STREET, CITY CENTRE, ABERDEEN - 220613**

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

That the application for Detailed Planning Permission for the change of use from class 2 (occupational health clinic) to class 11 (children's role play cafe) including installation of access ramp at 14 Victoria Street, City Centre Aberdeen, be approved subject to the following conditions:-

#### **Conditions**

##### **(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

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### (02) USE CLASS RESTRICTION

That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the premises shall only be used for that applied for in this application as a children's role play café. For the avoidance of doubt, express grant of planning permission from the Planning Authority shall be required for any other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Reason: To ensure that a good level of amenity can be maintained, and that any additional impacts arising from other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) can be suitably assessed.

### (03) NOISE MITIGATION MEASURES

That the use hereby approved is not implemented until the critical noise mitigation measures as set out in section 7 of the Noise Impact Assessment by SK/AD Acoustics (Report No: SKAD-22-03091) are applied. These must include:

1. The plaster with laths of party walls within the proposed development between adjoining properties number 12 Victoria Street to the south and numbers 1 and 5 Waverley Place to the north should be removed entirely and replaced with a self-standing timber stud construction, fully independent and free from any connections with granite as described in table 12 (noise source side); and
2. The installation of the works should adhere to the specific requirements detailed within sections 7.1.1.6 to 7.1.1.10 and appendix C.

Reason – In the interest of residential amenity and to minimise any potential noise pollution arising from the hereby approved use.

### (04) LANDSCAPING SCHEME

That the use hereby approved is not implemented until a detailed landscaping scheme for the area to the front of the building has been submitted in writing and approved by the Planning Authority. This shall include the finishing materials of the ramp and planting details. The agreed landscaping scheme shall subsequently be implemented in the first growing season following the implementation of the use hereby approved.

Reason – In the interests of the visual amenity of the conservation area.

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

#### **The Committee resolved:-**

to defer consideration of the application to a future meeting of Planning Development Management Committee in order to gather information on (1) the Chapel Street car

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park and how many spaces were available for members of the public to utilise; (2) disabled parking spaces and (3) the amount of on-street parking spaces that would be available in the local area for use.

**328 STONEYWOOD ROAD ABERDEEN - 220880**

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

That the application for Detailed Planning Permission for the erection of a garden room with wood burning stove flue to the front at 328 Stoneywood Road Aberdeen, be approved subject to the following condition:-

**Condition**

**(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

The Committee heard from Jemma Tasker, Planner, who spoke in furtherance of the application and answered questions from members.

**The Committee resolved:-**

to approve the application conditionally.

**AREA F3, PINWOOD, SITE ADJACENT TO COUNTESSWELLS ROAD, ABERDEEN - 211773**

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

That the application for Detailed Planning Permission for the erection of 17 houses with associated landscaping, access and infrastructure at area F3, Pinewood, site adjacent to Countesswells Road Aberdeen, be approved with a legal agreement and subject to the following conditions:-

**Conditions**

**1. Car Parking**

That the dwellings hereby approved shall not be occupied unless the approved areas of

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car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. F3\_APL\_100 – Rev K of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason: in the interests of public safety and the free flow of traffic, and to ensure compliance with policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

**2. Connection to Public Sewer**

That the dwellings hereby approved shall not be brought into use unless connection has been made to the public sewer system.

Reason: In order to ensure compliance with policy NE6 (Flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan, which does not permit connection to private wastewater systems in sewered areas.

**3. Tree Protection**

No development shall take place other than in accordance with the approved scheme of tree protection (Struan Dalgleish *Tree Survey Report, Arboricultural Impact Assessment and Tree Protection Plan*, dated December 2021) or such other Tree Protection Plan as has been submitted to and approved by the planning authority prior to commencement of development.

Reason: In order to secure adequate protection for all trees to be retained on the site during construction works and to ensure compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

**4. Landscaping Works**

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.

Reason: In order to ensure that the approved landscaping works are carried out at an appropriate time and to offset the impact of tree losses necessary for development to occur.

**5. Further Arboricultural Works**

Any tree work not specified in the submitted Struan Dalgleish *Tree Survey Report*,

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*Arboricultural Impact Assessment and Tree Protection Plan*, dated December 2021, which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied.

Reason: In order to ensure that existing trees are appropriately retained and protected where practicable.

**6. Boundary Enclosures**

That no dwelling within the development hereby approved shall be occupied unless the boundary treatments shown on drawing F3\_APL\_30 – Rev D have been delivered in full accordance with that plan, or any such substitute as has been submitted to and approved in writing by the planning authority for that purpose.

Reason: To ensure that boundary enclosures of an appropriate design, scale and materials to the local context are provided prior to first occupation, and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

**7. Carbon Reduction and Water Efficiency**

No dwelling hereby granted planning permission shall be occupied unless an Energy Statement and Water Efficiency Statement applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

Reason: to ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

**8. Residential Travel Pack**

That no residential unit within the development shall be occupied unless the approved Residential Travel Pack (or such other RTP as has been submitted to and approved in writing by the planning authority for this purpose) has been submitted to and approved in writing by the Planning Authority, and thereafter provided to residents on first occupation.

Reason: to be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport – in the interests of reducing travel by private car.

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

**The Committee resolved:-**

to approve the application conditionally with a legal agreement and an extra condition added to read:-



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### 9. Footpath Connections

That no development pursuant to this planning permission shall be undertaken unless a construction methodology for the path link, between the eastern end of the new road and the existing footpath adjacent to the eastern site boundary, has first been submitted to and approved in writing by the planning authority.

Thereafter, no dwelling within the approved development shall be occupied unless all footpath connections shown on the approved site plan (ref F3\_APL\_100 K), or any other such plan which has been submitted to and approved in writing by the planning authority for this purpose, have been fully constructed and made available for use.

Reason - to ensure permeability through the development site and convenient links to local retail use and recreational routes.

### LAND SOUTH OF NORTH DEESIDE ROAD, MILLTIMBER, ABERDEEN - 220865

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

That the application for approval of matters specified in conditions 1 (Design); 2 (Access Junction); 5 (Landscaping); 6 (Trees); 8 (Construction Environment Management Plan); 9 (Air Quality/Dust); 11 (Noise Impact Assessment); 12 (Low/ Zero Carbon Technologies Statement); 13 (Watercourse) ,14 (Watercourse, SEPA); 15 (Green Measures); 16 (Bird Hazard Management Plan); 17 (Archaeology); 18 (Badger Survey), 19 (Surface Water), 20 (Scottish Water); 21 (Residential Travel Pack) for erection of 75 residential units in connection with planning permission in principle ref. 200535/PPP – land south of North Deeside Road Milltimber Aberdeen, be approved subject to the following conditions:-

#### **Conditions**

1. Prior to the occupation of the 38th dwellinghouse, both the eastern and western footpath connections to the Deeside Way, illustrated on drawing ref BH222-BHL-ZZ-ZZ-DR-A-P (00)003 P03 shall be completed and brought into use. Thereafter, the said connections shall be retained in perpetuity.

Reason: in order to provide pedestrian access to the site from the Deeside Way.

2. That the use hereby approved shall not be brought into use unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (Noise Impact Assessment Ref: 9208/PR/SL Rev D – dated 18th August 2022. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.

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Reason: in the interests of amenity.

3. Prior to the occupation of the 75th dwellinghouse, the existing post and wire fencing located along the northern boundary of the application site shall be removed in its entirety.

Reason: in the interests of amenity and to open up the area of open space to the immediate south.

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

**The Committee resolved:**

to approve the application conditionally with extra conditions added to read:-

4. That prior to the completion of the 70<sup>th</sup> residential unit, the internal road network, as shown on Drawing No: BH222\_BHL\_XX\_XX\_DR\_C\_701 02, or any such drawing which may supersede this drawing, shall be completed in accordance with the approved plans. For avoidance of doubt this shall include:
  - the completion to the eastern site boundary line (marked red) of the internal road leading into the future residential/commercial development area to the east in a way that enables connection to be made for pedestrian and vehicular traffic by way of construction work that can take place entirely within that adjoining land.
  - allowance for the formation of a suitable access within the site to serve future commercial development, to comply with the agreed Masterplan and as shown by the line marked "Indicative location for east – west access connection identified in blue of Drawing No: BH222\_BHL\_XX\_XX\_DR\_C\_701 02.

Reason: to ensure that access can be provided to the future development areas to the east to comply with the requirements of the approved masterplan and planning permission in principle.

5. That prior to the commencement of development, notwithstanding the details as submitted in the approved Construction Environment Management Plan (Ref: ) confirmation shall be submitted to, and agreed in writing by the Planning Authority of the neighbouring residential properties which are to be included within the required to and referenced full photographic dilapidation survey. Thereafter the works shall be carried out in full accordance with the scheme as approved.

Reason: to ensure that an accurate record is undertaken and that the proposed works would have no adverse impact on residential properties in the surrounding area.

6. That prior to the occupation of any dwellinghouse hereby approved, notwithstanding the details submitted in the approved Residential Travel Pack

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(Ref) further information shall be submitted to and approved in writing by the Planning Authority in relation to accessible walking and cycling routes, amenities and services found in the surrounding area along with transportation methods available in the surrounding area.

Reason: in the interests of promoting more sustainable modes of transport.

**BIRCHWOOD HOUSE UPPER FLAT, 1 SOUTH AVENUE, ABERDEEN - 221070**

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

That the application for Detailed Planning Permission for the resurfacing of an external amenity area to form a parking/turning area retrospectively at Birchwood House, Upper Flat, 1 South Avenue Aberdeen, be refused for the following reasons:-

The development fails to adequately retain the level of amenity previously afforded to the ground floor neighbouring property due to the siting of the development directly adjacent their ground floor windows, having a notable detrimental impact on their privacy. Furthermore, the development fails to minimise the adverse impact caused to adjacent protected trees, namely Lime Tree T30, through the inappropriate siting of the developing, the construction methods utilised and the inadequate protection of the tree while this work was being carried out. Therefore, the proposal fails to accord with the fundamental aims of Policies H1 (Residential Areas) and NE5 (Trees and Woodlands) of the current Aberdeen Local Development Plan 2017; its associated Supplementary Guidance: ‘The Householder Development Guide’ and ‘Trees and Woodlands’; and Policies H1, D2 and NE5 of the Proposed Aberdeen Local Development Plan 2020.

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

**The Committee resolved:-**

to refuse the application.

**REPRESENTATION PROCEDURE - COM/22/252**

**11.** With reference to article 1 of the minute of Council of 25 August 2022, the Committee had before it a report by the Chief Officer – Strategic Place Planning, which sought approval for the procedure to allow interested parties to make representations on planning applications at Planning Development Management Committee.

**The report recommended:-**

that the Committee -

(a) approve the Procedure and Guidance notes at Appendix 1;

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- (b) note that the Procedure will take effect from 4 November 2022 and will apply to future Planning Development Management Committee meetings thereafter;
- (c) delegate to the Chief Officer – Strategic Place Planning, following consultation with the Convener and Vice-Convenor, to amend the Procedure; and
- (d) instruct the Chief Officer – Strategic Place Planning to report back to the Committee on the effectiveness of the Procedure by December 2023.

**The Committee resolved:-**

to approve the recommendations.

- **COUNCILLOR DELL HENRICKSON, Convener**