

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 9 February 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Boulton, Clark, Cooke, Copland, Farquhar, McRae, Councillor Mrs Stewart 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.

DECLARATIONS OF INTEREST OR CONNECTIONS

1. The following statements of transparency were noted:-
 - In relation to item 6.2 on the agenda (variation to condition 10, A944 Jessiefield Junction), Councillor Blake advised that she had a connection due to coordinating advertisements for Cults, Bieldside and Milltimber Community Council, but did not consider that the nature of her connection amounted to an interest that would require her to withdraw from the meeting;
 - In relation to item 7.1 on the agenda (Dutch Mill hotel), Councillor Boulton advised that she was a member of the Licensing Board however did not consider that the nature of her connection amounted to an interest would require her to withdraw from the meeting.

Councillor Copland advised that in relation to item 7.1 on the agenda, Dutch Mill Hotel, that he had previously indicated a view on the application and therefore would leave the meeting when the application was being considered and would take no part in the deliberation or determination of the application.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 12 JANUARY 2023

2. The Committee had before it the minute of the previous meeting of 12 January 2023, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance.

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The Committee resolved:-

- (i) to note that the Pre Application Forum application scheduled for 9 March Committee (92-126 John Street) would now be heard at the meeting on 20 April 2023; and
- (ii) to otherwise note the information contained in the planner.

64 DEVONSHIRE ROAD ABERDEEN - 221130

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 installation of replacement front windows; formation of garden walls; and installation of hard surface and artificial grass (partially retrospective) at 64 Devonshire 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) LANDSCAPING SCHEME

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- The location, design and materials of all hard landscaping works including paving/slabs/chuckies.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

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Reason - To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

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

The Committee also heard from the applicant for the application, Mr David Harris, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally in line with the officer recommendation.

A944 JESSIEFIELD JUNCTION AND LAND SOUTH OF A944, AT BELLFIELD FARM, EAST MIDDLEFIELD - 220536

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

That the application for a variation to condition 10 (requiring Condition 1 to be implemented in full prior to the occupation of the 1001st house constructed) of planning application ref. P141888 at A944 Jessiefield Junction and Land South of A944, at Bellfield Farm, East Middlefield, be approved subject to the following conditions:-

Conditions

1. That the agreed works pursuant to condition 3 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to occupation of the 1251st house constructed on the Countesswells development site as identified in the OP38 designation within the 2017 Aberdeen Local Development Plan.

Reason: In the interests of road capacity and safety.

2. That the development hereby approved shall be implemented in accordance with details approved as part of MSC permission 170510/MS in relation to:

- (a) Detailed levels survey of the site and cross sections showing proposed finished road levels relative to existing ground levels and a fixed datum point;
- (b) Detailed drainage plan, including full details of the proposed means of disposal of surface water from the development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of Sustainable Urban Drainage Systems (SUDS), including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
- (c) Details of all cut and fill operations;

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- (d) Details of all roads, footpaths and cycleways including tie-ins to existing/proposed roads (including confirmation of control over necessary land);
- (e) details of any screen walls/ fencing to be provided;
- (f) Details of all landscaping, planting and screening associated with the development.

Reason: To ensure a satisfactory final layout, appearance and to avoid any flood risk.

3. All soft and hard landscaping proposals approved as part of MSC permission 170510/MSA shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: In the interests of protecting trees and ensuring a satisfactory quality of environment.

4. The details approved as part of MSC permission 170510/MSA in relation to the agreed drainage system, shall be provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details submitted also include the future long-term maintenance of the system covering matters such as:
 - (a) Inspection regime relating to matters such as outlets/inlets;
 - (b) Frequency and method of cleaning of filter trenches, removal of silt etc;
 - (c) Grass cutting (and weeding) regime for swales;
 - (d) Means of access for future maintenance;
 - (e) How to ensure that planting will not be undertaken over perforated pipes;
 - (f) Details of the contact parties for future factoring/ maintenance of the scheme to protect the water environment and help reduce flooding.

Reason: To protect the water environment and help reduce flooding.

5. That no development pursuant to this planning permission shall commence unless the following has been approved by way of formal application(s) for approval of Matters Specified in Condition:
 - (a) A detailed and finalised Construction Environment Management Plan (CEMP) including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site and the mechanism for compliance;
 - (b) A scheme of noise and dust suppression measures to minimise potential impact during the construction phase; and
 - (c) Details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development

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have been submitted to and approved in writing by the Planning Authority. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study.

All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to prevent potential water pollution and to minimise the impacts of construction works on the environment.

6. Prior to commencement of any work in the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the planning authority in consultation with SEPA by way of formal application(s) for approval of Matters Specified in Condition. This shall include:
 - (a) Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development;
 - (b) Full details relating to the realignment of the any watercourse on site, including the Cults Burn. Any redesigned watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 200 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development;
 - (c) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason: To protect and improve the water environment and to protect people and property from flood risk.

7. That no development shall take place until details in relation to updated surveys for protected species (red squirrel/bats/badgers) have been submitted through a further Matters Specified in Condition application. Subsequently, no development shall take place unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the Planning Authority. No development shall take place unless the mitigation measures which have been agreed in writing by the Planning Authority are carried out in accordance with the agreed scheme.

Reason: To ensure the protection of protected species.

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8. That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted through a further Matters Specified in Condition application, and approved in writing by, the Planning Authority, and that any such scheme as may have been approved has been implemented.

Reason: In order to ensure adequate protection for the trees on site during the construction of the development.

9. That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals or 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 through a further Matters Specified in Condition application, 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.

Reason: In order to preserve the character and visual amenity of the area.

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

The Committee also heard from the Clerk who read out a statement on behalf of Cults, Bielside and Milltimber Community Council, who objected to the application.

The Committee then heard from Mr Mark Peters, Fairhurst, who spoke in support of the application on behalf of the agent for the application.

The Convener moved that the application be approved in line with the officer recommendation.

Councillor Boulton, seconded by Councillor Blake, moved as an amendment that the application be refused for the following reasons:-

The proposal was contrary to T2 (Managing the Transport Impact of Development) and I1 (Infrastructure Delivery and Planning Obligations) of the 2017 Aberdeen Local Development Plan and Policies 13 (Sustainable Transport) and 18 (Infrastructure First) of National Planning Framework 4 due to the additional traffic impact and delay caused by traffic from an additional 250 units on the road network prior to the opening of the Jessiefield Junction improvement and Eastern Link Road to Countesswells and due to a delay in delivery in essential infrastructure required for the wider Countesswells development. The proposal was further contrary to policy T3 (Sustainable and Active Travel) of the 2017 Aberdeen Local Development Plan and Policy 13 (Sustainable Transport)

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due to the delay in delivery of sustainable transport measures along the route from Countesswells to the Jessiefield Junction.

The Convener's motion failed to attract a seconder and was therefore not put to the vote in line with Standing Order 29.12.

The Committee resolved:-

to refuse the application.

At this juncture, in accordance with article 1 of the minute, Councillor Copland left the meeting.

DUTCH MILL HOTEL, 7 QUEENS ROAD ABERDEEN - 221514

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 erection of a temporary marquee to the existing north car park to provide a covered external area for outdoor dining and drinking space, at Dutch Mill Hotel, 7 Queens Road Aberdeen, be refused for the following reasons:-

Due to the location of the structure in the frontage area of the building, its form and proposed materials, it was considered that the proposal would have an unacceptable impact on the character of the Albyn/Rubislaw Conservation Area and the setting of the category C listed building. Approval of the proposal would set an undesirable precedent for similar development along Queen's Road and in similar locations throughout the City. It was concluded that these considerations outweighed the benefits to the business, local economy, and community. In the context of Covid-19 social distancing requirements being eased and hospitality venues returning to full capacity, it was considered that there was no longer any compelling justification for this development that could outweigh the identified conflict with the Development Plan.

The proposal would be contrary to Policy D4: Historic Environment and D1: Quality Placemaking and Design in the adopted Aberdeen Local Development Plan 2017 and to Policies D6: Historic Environment D1: Quality Placemaking in the Proposed Aberdeen Local Development Plan 2020 and the Revised Draft National Planning Framework 4, which was a significant material consideration.

The Committee heard from Ms Lucy Greene, Senior Planner, who spoke in furtherance of the application and answered questions from members.

The Committee then heard from Mr Ian Mills and Mr Finlay Cran, who both spoke in support of the proposed application.

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The Committee also heard from Ms Elaine Farquharson-Black, who spoke in support of the application on behalf of the applicant.

The Committee resolved:-

to approve the application subject to the following 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) TIMESCALE FOR CESSATION OF USE AND REMOVAL OF STRUCTURE

That permission for the development hereby approved shall be for a limited period, expiring 3 years from the date of this permission. The use of the marquee shall cease on 10.02.2026, with the marquee being removed from site by 28.02.2026.

Reason: In order to retain control over this temporary form of development and to enable the impact of the development on the amenity of the surrounding area to be reviewed.

(03) NOISE EQUIPMENT

That there shall be no amplified music played in the marquee other than through the equipment identified in the Noise Impact Assessment by Grosle Environmental Services Version 4 dated 24.05.22, namely:

- a) A 100v line speaker system consisting of eight ceiling mounted speakers facing downward inside the marquee as detailed within sections 6.1.1 (and 5.4) and providing a maximum permitted music sound pressure level output of 71 dB(A) at one metre based on assessment conditions detailed within section 5.2.3.

Reason: In the interests of the amenity of the occupiers of nearby buildings.

(04) HOURS OF USE

Use of the marquee shall be prohibited between the hours of 22:00 hours and 12:00 hours on any given day.

Reason – in the interests of the amenity of the area.

(05) TREES

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That the marquee hereby granted planning permission shall not be brought into use unless there are in place at least 4no. trees in the locations indicated on the approved drawings, or others that shall be subsequently agreed, in accordance with details of species and size at planting that have been submitted to, and agreed in writing with the planning authority. If any of the trees die or are severely damaged they shall be replaced with others of the same size and species.

Reason - in the interests of the visual amenity and character of the area and to help screen views of the marquee.

DRAFT ABERDEEN PLANNING GUIDANCE: RESOURCES FOR NEW DEVELOPMENT - PLA/23/046

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which presented draft Aberdeen Planning Guidance (APG) on Resources for New Development. The report sought approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to Full Council for approval before December 2023, as part of a wider report on all current guidance documents to support the Aberdeen Local Development Plan 2023.

The report recommended:-

that the Committee –

- (a) approve the content of the draft Aberdeen Planning Guidance: Resources for New Development (Appendix 1) and adopt the draft document as Interim Planning Advice from the date of adoption of the Aberdeen Local Development Plan 2023;
- (b) instruct the Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Aberdeen Planning Guidance: Resources for New Development document for a six week period of public consultation, and for this consultation to be undertaken at the same time as the public consultation exercise on a number of associated Supplementary Guidance and Aberdeen Planning Guidance documents instructed by Council on 14 December 2022;
- (c) instruct the Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Resources for New Development to Council before December 2023 as part of the wider post-consultation report on all current draft guidance documents to support the Aberdeen Local Development Plan 2023; and
- (d) instruct the Chief Officer – Strategic Place Planning to consult the Strategic Environmental Assessment (SEA) Gateway on the associated SEA Screening Report for the draft Aberdeen Planning Guidance document: Resources for New Development, and to publicise the result of the Screening Determinations on the Council's website.

The Committee resolved:-

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- (i) to request that officers undertake a comparison of the adopted 2017 planning documents and the consultation documents, and for the changes to be presented alongside the consultation materials to aid effective engagement; and
- (ii) to approve the recommendations.

DRAFT ABERDEEN PLANNING GUIDANCE: SPACE STANDARDS - PLA/23/050

8. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which presented draft Aberdeen Planning Guidance (APG) on Space Standards. The report sought approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to Full Council for approval before December 2023, as part of a wider report on all current guidance documents to support the Aberdeen Local Development Plan 2023.

The report recommended:-

that the Committee -

- (a) approve the content of the draft Aberdeen Planning Guidance: Space Standards (Appendix 1) and adopt the draft document as Interim Planning Advice from the date of adoption of the Aberdeen Local Development Plan 2023;
- (b) instruct the Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Aberdeen Planning Guidance: Space Standards document for a six week period of public consultation, and for this consultation to be undertaken at the same time as the public consultation exercise on a number of associated Supplementary Guidance and Aberdeen Planning Guidance documents instructed by Council on 14 December 2022;
- (c) instruct the Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Space Standards to Council before December 2023 as part of the wider post consultation report on all current draft guidance documents to support the Aberdeen Local Development Plan 2023; and
- (d) instruct the Chief Officer – Strategic Place Planning to consult the Strategic Environmental Assessment (SEA) Gateway on the associated SEA Screening Report for the draft Aberdeen Planning Guidance document: Space Standards, and to publicise the result of the Screening Determinations on the Council's website;

The Committee resolved:-

- (i) to request that officers undertake a comparison of the adopted 2017 planning documents and the consultation documents, and for the changes to be presented alongside the consultation materials to aid effective engagement; and
- (ii) to approve the recommendations.

- **Councillor Dell Henrickson, Convener**