

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 1 June 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, Lawrence, McRae, Mrs Stewart (as substitute for Councillor Crockett) and Thomson.

Also present as a local member – Councillor Yuill (for item 3 only)

**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.**

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 20 APRIL 2023

1. The Committee had before it the minute of the previous meeting of 20 April 2023, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE PLANNER

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

The Committee heard from the Chief Officer – Strategic Place Planning, who provided a brief verbal update in relation to the Proposed Local Development Plan 2020 (PLDP) and its impending adoption at the Council meeting on 14 June 2023.

**The Committee resolved:-**

to note the verbal update in relation to the PLDP and also the information contained in the committee business planner.

### FORMER BRAESIDE PRIMARY SCHOOL - 221310

3. 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 30 affordable residential units with associated infrastructure and open space, at the former Braeside

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Primary School site, be approved subject to a legal agreement and 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.

### **PRE-COMMENCEMENT OF DEVELOPMENT**

#### (02) TREE PROTECTION FENCING

No development (including demolition or site setup) shall take place unless the tree protection measures shown in Tree Survey BPS-2210-TR-C and drawing BPS-2210-TP (dated 11 October 2022) by Astell Associates have been implemented. Thereafter the fencing shall remain in place for the duration of construction of the development, taking account the phasing within the drawing.

Reason – to protect trees and vegetation from damage during construction in accordance with Policy NE5 (Trees and Woodlands).

#### (03) LANDSCAPING AND BIODIVERSITY ENHANCEMENT

No development shall take place unless a detailed scheme of hard and soft landscaping covering all areas of public and private space has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- Existing and proposed finished ground levels
- Existing landscape features, trees and vegetation to be retained or removed
- Existing and proposed services and utilities including cables, pipelines and substations
- Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting
- Proposed measures to enhance biodiversity (see NatureScot's [Developing with Nature guidance](#))
- Proposed hard surface finishing materials
- Location and design of any street furniture
- Arrangements for the management and maintenance of existing and proposed open space and landscaped areas
- A completed checklist from Annex C of the Developing with Nature guidance.

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Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless all paths, hard landscaping and any artificial bio-diversity enhancement features have been constructed or provided and are ready for use. All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of five years from the completion of the development, in the opinion of the planning authority is dying, is severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – to satisfactorily integrate the development into the surrounding area, enhance the biodiversity value of the site and to create a suitable environment for future residents.

**(04) BOUNDARY TREATMENTS**

No development shall take place unless a scheme showing the detailed design of the proposed boundary treatments for the site and individual plots has been submitted to and approved in writing by the planning authority. The scheme shall include the removal of the fence which currently separates the site from the playpark to the south. Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless the said scheme has been implemented, in accordance with the approved details.

Reason – to satisfactorily integrate the development into the surrounding area and create a suitable level of residential and visual amenity.

**(05) CONNECTION TO CORE PATH**

No development shall take place unless a detailed specification for the path link between the site and Core Path 69, as shown on Halliday Fraser Munro drawing 12273 A SK(00)005 (Rev.P24), has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning authority, no unit within the development shall be occupied unless the path link has been constructed and is available for use.

Reason – to ensure the development is satisfactorily connected into the surrounding path network.

**(06) EXTERNAL LIGHTING**

No development shall take place unless a scheme of external lighting for the footpaths and car parks within the site has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning

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authority, no unit shall be occupied unless the external lighting scheme has been implemented in accordance with the approved details.

Reason – to ensure a suitable level of residential amenity & public safety and to minimise the impact upon wildlife.

**(07) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE**

No development shall take place unless a detailed scheme of electric vehicle charging infrastructure has been submitted to and approved in writing by the planning authority. The scheme shall take account of the requirements of section 7.2 (Electric Vehicle Charging) of the Building Standards Domestic Technical Handbook (June 2023) and show the location and specification of active and passive charging infrastructure. Thereafter, unless otherwise agreed in writing with the planning authority, no unit within the development shall be occupied unless the scheme has been implemented and charging points are available for use.

Reason – to ensure provision is made for the charging of electric vehicles.

**(08) WATER EFFICIENCY**

No development shall take place unless a scheme of water efficiency for each house type has been submitted to and approved in writing by the planning authority. The scheme shall consider the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development, so as to achieve gold standard for water use efficiency in domestic buildings. Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless for that unit the approved measures have been implemented and are available for use.

Reason – to reduce pressure on water abstraction from the River Dee, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation.

**(09) LOW AND ZERO CARBON BUILDINGS**

No development shall take place unless a scheme detailing compliance with the section 4 'Policy Requirement Low and Zero Carbon Generating Technologies' within the Resources for New Development Supplementary Guidance has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless any recommended measures specified within the scheme have been implemented in full and are available for use.

Reason – to ensure that the development complies with requirements for reductions in carbon emissions.

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**(10) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

No development shall take place unless a site-specific Construction Environmental Management Plan(s) (the "CEMP") has been submitted to and approved in writing by the Planning Authority. The CEMP must address the following issues (i) surface water management including construction phase SUDS; and (ii) construction site traffic access and egress arrangements.

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

Reason – to minimise the impacts of necessary demolition / construction works on the environment.

**PRE-OCCUPATION OF UNITS****(11) GEO-ENVIRONMENTAL VALIDATION REPORT**

No unit within the development hereby approved shall be occupied unless a validation report, demonstrating that the recommendations in section 5.0 of the Response to ACC Contaminated Land Unit Consultation – 9 November 2022 by Fairhurst have been undertaken, has been submitted to and approved in writing by the planning authority.

Reason – to ensure the ground within the site is remediated to a suitable level for the proposed residential use.

**(12) DRAINAGE**

No unit within the development hereby approved shall be occupied unless details of the connection point between the site surface water sewer system and the public sewer system has been submitted to and approved in writing by the planning authority. The details shall include confirmation that Scottish Water accept the proposed new connection. Otherwise, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless all drainage works detailed in the approved Drainage Assessment (146472 DA01 (Rev.7) and drawing 146472/2200 (Rev.F) produced by Fairhurst (or such other drawing approved for the purpose) have been installed in accordance with the approved details and are available for use.

Reason – to safeguard water qualities, prevent flooding and ensure that the proposed development can be adequately drained.

**(13) PROVISION OF CAR PARKING**

No unit within the development hereby approved shall be occupied unless all car parking spaces have been constructed and laid out in accordance with Halliday Fraser Munro drawing SK(00)005 (Rev.P24) (or such other drawing approved for the purpose). Thereafter, the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those living or visiting the development.

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Reason – to ensure a suitable level of parking is provided.

**(14) WASTE STORAGE PROVISION**

No unit within the development hereby approved shall be occupied unless the bin storage areas have been provided in accordance with Halliday Fraser Munro drawing SK(00)005 (Rev.P24) or such other drawing as may be approved in writing by the Planning Authority for the purpose.

Reason – to ensure space is available to place bins for collection.

**(15) BRAESIDE PLACE – CYCLIST CONTRAFLOW**

No unit within the development hereby approved shall be occupied unless the measures shown on Fairhurst drawing 146472/1008D (or such other drawing approved for the purpose) to implement a cyclist contraflow on Braeside Place have been implemented.

Reason – to ensure satisfactory access for cyclists to the site.

**(16) PARKING CONTROLS**

No unit within the development hereby approved shall be occupied unless (i) the ‘no parking at anytime’ waiting restrictions within the development and on Braeside Place, shown on Fairhurst drawing 146472/1001G (or such other drawing approved by the planning authority for the purpose), have been implemented; and (ii) a traffic regulation order is in place to ensure the waiting restrictions have effect.

Reason – to minimise indiscriminate parking and ensure the free-flow of traffic.

**(17) RESIDENTIAL TRAVEL PACK**

No unit within the development hereby approved shall be occupied unless a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the Planning Authority. Thereafter, on first occupation of each unit, the pack shall be provided to the occupier.

Reason – to encourage use of more sustainable modes of transport.

**ONGOING RESTRICTION**

**(18) REMOVAL OF PERMITTED DEVELOPMENT RIGHT (PLOTS 5, 13 and 18)**

Notwithstanding the provisions of Article 3 and Class 2B of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any other future class or order covering the same matter), no improvement, addition or

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alteration to the external appearance of a dwellinghouse which would result in a window being present on the north facing elevation of any of the dwellinghouses located on plots 5, 13 and 18 (as shown on Halliday Fraser Munro drawing 12273 A SK(00)005 (Rev.P24), or other such plan to be agreed in writing) of the development hereby approved shall take place without a further grant of planning permission from the planning authority.

Reason – to preserve the privacy of existing residential properties on Braeside Place.

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

The Committee then heard from Keith Pirie, Braeside and Mannofield Community Council, Debbie Knorz, Rhona MacRae, Malcolm Campbell, Michael Crawford and Caroline McLean who all spoke against the proposal and objected to the application.

**At this juncture, Councillor Yuill noted a transparency statement, as he was a Board Member of NHS Grampian who had been referred to in the report. Councillor Yuill felt it was still appropriate that he made his representation as a local member.**

The Committee then heard from Councillor Yuill, local member for the application, who also objected to the application.

Councillor Boulton, moved as a procedural motion, seconded by Councillor Blake:-  
that a site visit take place before the application was determined.

On a division, there voted – for the procedural motion (8) – the Convener and Councillors Blake, Boulton, Cooke, Clark, Farquhar, Mrs Stewart and Thomson – against the procedural motion (5) – the Vice Convener and Councillors Alphonse, Copland, Lawrence and McRae.

**The Committee resolved:-**

to adopt the procedural motion and therefore defer consideration of the application in order for a site visit to be held on Thursday 8 June 2023.

**SITE OF FORMER TREETOPS HOTEL, 161 SPRINGFIELD ROAD, ABERDEEN - 211528**

4. The Committee agreed to hold a site visit on Thursday 8 June 2023 before determining the application.

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**PLANNING ENFORCEMENT ACTIVITY REPORT – APRIL 2022 TO MARCH 2023 - PLA/23/112**

5. The Committee had before it a report by the Chief Officer – Strategic, Place, Planning, which informed Members of the planning enforcement work that had been undertaken by the Planning Service from 1st April 2022 to 31<sup>st</sup> March 2023.

**The report recommended:-**

that the Committee notes the contents of the report.

**The Committee resolved:-**

- (i) to request that legal officers liaise with Councillor Mrs Stewart in regards to an enforcement query;
- (ii) to request that a follow up report be submitted to this committee in relation to ongoing enforcement issues and how these could be progressed; and
- (iii) to otherwise note the content of the report.

**LAND AT GREENFERNS, SITES OP28 & OP33, ABERDEEN - PRE DETERMINATION ROUTE - 230173**

6. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which considered whether planning application 230173/PPP, which triggered the statutory criteria to require that a Pre-Determination Hearing be held, should be determined by the Planning Development Management Committee or if it would be advisable for the Pre Determination Hearing and determination to be carried out by Full Council.

**The report recommended:-**

that the Committee -

- (a) note the contents of the report; and
- (b) agree that the application be the subject of a statutory pre-determination hearing by a special meeting of the Planning Development Management Committee and that the application is then determined at a subsequent scheduled Planning Development Management Committee meeting.

**The Committee resolved:-**

to approve the recommendations.

**DATE OF NEXT MEETING**

7. The Convener advised that the date of the next meeting would be changed to Thursday 29 June 2023 at 10am due to the adoption of the Local Development Plan.

- **Councillor Henrickson, Convener**