

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 29 October 2013. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Crockett (substituting for Councillor Boulton for item 1), Lesley Dunbar (substituting for Councillor Grant), Finlayson, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison MBE, Jennifer Stewart, Thomson, Townson and Yuill (substituting for Councillor Jennifer Stewart for item 1).

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2876&Ver=4>

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 26 SEPTEMBER 2013

1. The Committee had before it the minute of its previous meeting of 26 September 2013.

**The Committee resolved:-**  
to approve the minute.

### SITE AT MAIDENCRAIG, NORTH AND SOUTH OF THE A944 -130265

2. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application, subject to the conditions listed below, in respect of planning permission in principle for a mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure but to withhold the issue of the consent document until the applicant had entered into a legal agreement to deliver (1) affordable housing; (2) transfer of land ownership to allow potential improvements to the A944; (3) Strategic Transport Fund contributions; and (4) developer contributions towards primary education; community facilities; recreation facilities; library facilities; core path networks; healthcare facilities; flood prevention scheme; and road improvements to mitigate the impact of development.

(1) That no individual phase of the development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application for that individual phase has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; unless the planning authority has given written approval for a variation; these matters being details of the (a) means of access and car parking, cycle parking and motorcycle parking; (b) siting, design and external appearance of the building(s); (c) hard and soft landscaping of the site; (d) tree survey to

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show details of all existing trees, and those to be removed, retained and planted, with a scheme for protection of those to be retained on site during construction works; (e) site and plot boundaries and enclosures; (f) arrangements for the segregation, storage, collection and management of residential, commercial and business waste arising from within that phase; and (g) low zero carbon equipment or carbon reduction measures to meet the requirements of the Council's SPG on reducing carbon emissions from new development; (2) That this planning permission in principle shall lapse unless an application for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following (a) the expiration of 3 years from the date of this grant of planning permission in principle; (b) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused; and (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; (3) That this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration; (4) That, unless the planning authority has given written approval for a variation, the details and phasing of the development shall follow the general principles established in the Masterplan dated April 2013, stamped copies of which are attached to this planning permission. In particular the areas identified as Phases 3a and 4, as indicated on page 54, 'Section 5.1 Phasing' of this document, will show evidence that the location, design and construction of the new housing have taken account of the need to protect residents from potential noise nuisance arising from the proximity to Albion Kennels; (5) That all planting, seeding and turfing, comprised in any scheme of landscaping approved under Condition (1) attached to this grant of planning permission in principle, 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; (6) That (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of the most eastern primary access junction with the A944, including capacity, distribution, signalling, operational flow, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) no individual residential property hereby approved shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation; (7) That (a) no development pursuant to the planning permission in principle hereby approved

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shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of both the central and most western primary access junctions with the A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include capacity, distribution, signalling, operational flow, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; and (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation; (8) That (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of A944 junction improvements, including the A944/Stronsay Drive junction, together with provision of segregated cycle facilities at each, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; and (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation; (9) That (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing all elements required to implement and enforce a Prohibition of Driving Order on Core Path 29, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include all physical infrastructure alterations, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; and (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the Prohibition of Driving Order has been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation; (10) That (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing a proposed management plan to deal with all access issues through the entire length of the insert road set back to the south of A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include provision for emergency access, prohibition orders, all physical infrastructure improvements, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; and (b) no building shall be occupied within any individual phase identified through

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the phasing plan under part (a) of this condition, unless the management plan has been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation; (11) That, unless the planning authority has given written approval for a variation, no more than Phase 1 comprising 182 residential units shall be occupied until the Aberdeen Western Peripheral Route (AWPR) has been constructed; (12) That (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the design and construction of culverts linking the north and south developments beneath the A944 has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; and (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the culvert scheme has been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation; (13) That (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed plan identifying appropriate exclusion zone boundaries for the main and subsidiary badger setts, as identified in the Badger Protection Plan, dated June 2013, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) unless the planning authority has given written approval for a variation through consultation with Scottish Natural Heritage, no construction works pursuant to the planning permission in principle hereby approved shall take place within any exclusion zone as identified in the above plan; (14) That, notwithstanding the details contained within the Badger Protection Plan, dated June 2013, and unless the planning authority has given written approval for a variation through consultation with Scottish Natural Heritage, no development pursuant to the planning permission in principle hereby approved shall take place unless a Pre-construction Survey has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. The survey will be undertaken a minimum of 12 months prior to construction commencing; within a radius of 1km around the whole development site, and shall include an up to date assessment of badger activity on the development site. It shall also highlight whether any badgers setts exclusions are required, and if so, consider alternative sets and potential locations, having regard for restrictions arising from the breeding season; (15) That no development pursuant to the planning permission in principle hereby approved shall take place unless a Nature Conservation Management Plan, that incorporates the Local Nature Reserve and the Green Space Network, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (16) That (a) unless the planning authority has given written approval for a variation, no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a

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full site waste management plan for the processing of construction and demolition waste for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) no work shall be carried out within that individual phase unless the management plan is fully implemented in accordance with the approved plans; (17) That (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout and construction method of adequate pedestrian and cycle connectivity from that individual phase to the A944 has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans; (18) That (a) no development within the area identified as Phase 1b, as indicated on page 54, 'Section 5.1 Phasing' of the Masterplan dated April 2013, stamped copies of which are attached to this planning permission, pursuant to the planning permission in principle hereby approved, shall take place unless a detailed scheme showing the precise location, layout, design and construction method of pedestrian and cycle connectivity from the eastern side of the development, north of the A944, to the existing residential area to the east, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans; (19) That (a) no development within the area identified as Phase 1a, as indicated on page 54, 'Section 5.1 Phasing' of the Masterplan dated April 2013, stamped copies of which are attached to this planning permission, pursuant to the planning permission in principle hereby approved, unless a detailed scheme showing the precise location, layout, design and construction method of pedestrian and cycle connectivity from the south-eastern side of the development to the B9119, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. This scheme shall include an investigation of the existing infrastructure that would form part of this route, to establish the current status of the infrastructure and identify any infrastructure improvements that are required; and (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented, including all identified infrastructure improvements, in accordance with the approved plans; (20) That (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of acceptable pedestrian access to the proposed bus stops within that phase; and upgrading of each identified bus stop as necessary to provide a minimum

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provision of shelter, seating, lighting, timetable information and raised kerbs, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans; (21) That (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a fully detailed SUDS scheme, to comply with the Drainage Impact Assessment, reference B9204, dated 5 September 2013, for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans; (22) That (a) unless the planning authority has given written approval for a variation, no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless the implementation of a programme of archaeological work (to include all necessary post-excavation and publication work) has been secured for that individual phase in accordance with a written scheme of investigation that has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by, the planning authority; and (b) no work shall be carried out within that individual phase unless the programme of archaeological work has been fully implemented in accordance with the approved plans; (23) That (a) unless the planning authority has given written approval for a variation, no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme in respect of that individual phase, showing suitable dust suppression measures to be incorporated within the procedures for demolition and construction, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include the provision of dust suppression equipment during periods of dry weather, and measures to prevent the potential for mud and/or other debris from vehicular traffic being deposited on the A944 public highway adjacent to the site; and (b) no work shall be carried out within that individual phase unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved; (24) That no individual employment based development pursuant to the planning permission in principle hereby approved shall be occupied unless a detailed Green Transport Plan for that individual development, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (25) That no individual residential property on any individual phase of the development pursuant to the

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planning permission in principle hereby approved shall be occupied unless a comprehensive Residential Travel Pack for that individual phase has been (a) submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) subsequently provided to occupants of each residential property to be occupied. The pack will set out proposals for reducing dependency on the private car, including information on external connectivity to key facilities, and will provide, in consultation with local schools and the planning authority, information on safer routes to schools.

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

to approve the recommendation.

### **UNITS 8 & 9 - QUEENS LINKS LEISURE PARK, LINKS ROAD - 130488**

3. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for a change of use from Class 11 (Assembly and Leisure) to Class 1 (Shops), non-food goods mixed between bulky and general comparison goods, including coffee shop and the linking of both units to form one single unit, external alterations to facilitate the linking of the units and the formation of new 'shopfront' openings and replacement of solid canopies with translucent type glazing, subject to the following conditions:-

(1) That the unit hereby granted planning permission shall not be occupied unless a scheme detailing cycling storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; (2) That no development shall take place unless there has been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, a revised mode share, modal split targets and associated penalties for not meeting targets; (3) That prior to the commencement of development the applicant shall submit details to the planning authority for the approval of the upgrading of the bus stop on Links Road. The development shall not be occupied unless the proposed upgrading works have been implemented in accordance with said approved scheme; (4) That, except as the planning authority may otherwise agree in writing, all deliveries to the approved use shall take place between the hours of 11pm and 6am; (5) That this consent relates solely to the use of the land and buildings for Class 1 retail use. The use hereby approved will have a minimum of 50% of the approved overall net floor area (totalling 6,900 square metres), which shall be used for bulky comparison goods, in addition the remainder of the use, apart from the ancillary café, shall be for general comparison goods and should not include food sales; (6) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be

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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; (7) That prior to the commencement of development, details shall be submitted to, and approved in writing, by the planning authority in relation to the surface materials to be used for the upgrading of the footpath on the Esplanade; and (8) That prior to the commencement of development, an updated floor plan shall be submitted to, and approved in writing, by the planning authority providing details of lockers and shower facilities for the use of staff within the proposed use.

The Convener moved, seconded by Councillor Cormie:-

That the application be approved in accordance with the recommendation contained within the report, and that officers investigate the feasibility of increasing the number of short stay cycle parking spaces.

Councillor Corall moved as an amendment, seconded by Councillor Boulton:-

That the application be refused on the grounds that a change of use from Class 11 (Assembly and Leisure) to Class 1 (Shops) was a retrograde step and was not in keeping with the surrounding area in particular the Beach Esplanade.

On a division, there voted:- for the motion (12) - the Convener; and Councillors Cormie, Lesley Dunbar, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison, Samarai, Jennifer Stewart, Thomson and Townson; for the amendment (3) - Councillors Boulton, Corall and Finlayson.

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

to adopt the motion.

### **ARDENE HOUSE, SKENE ROAD, KINGSWELLS - 130400**

4. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application, subject to the conditions listed below, in respect of planning permission for the erection of a Class 4 three-storey office development (17,129 square metres), 425 car parking spaces and associated infrastructure access, landscaping and ancillary works, but to withhold the issue of the consent documents until the applicant had entered into a legal agreement for (1) Strategic Transport Fund contributions; and (2) developer contributions towards core path networks and road improvements to mitigate the impact of the development.



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(1) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority; (2) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (3) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing Nos. 'AL(90)001 revision R' and 'AL(00)104 revision D' 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; (4) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall not be occupied unless the drainage has been installed in complete accordance with the said scheme; (5) That the development hereby approved shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; (6) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for 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 to 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; (7) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks; (8) That the development hereby approved shall not be occupied unless the landscaping scheme as shown on drawing no. 'AD-13001-100 Rev H', or such other drawing as may subsequently be submitted and approved in writing by the planning authority, has been implemented in full accordance with the approved plans; (9) 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

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planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (10) That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing by the planning authority; through consultation with Transport Scotland and the Trunk Roads Authority where deemed necessary; a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets; (11) That (a) a minimum of two months prior to the commencement of any works associated with the development hereby approved, a site specific construction environmental management plan (CEMP) shall be submitted to and approved in writing by the planning authority, in conjunction with SEPA and any other agencies as deemed appropriate by the planning authority; and (b) no development shall take place unless it is in full accordance with the relevant plan approved under part (a) of this condition; (12) That no development shall take place unless the mitigation measures as identified in the Ecological report (dated 19 August 2013 version 5.0) by Direct Ecology have been implemented in their entirety; (13) That (a) the development hereby approved shall not be occupied unless a detailed scheme for the monitoring of car parking, and potential rat-running in and through the Prime Four development and Park & Ride site, has been submitted to and approved in writing by the planning authority; and (b) thereafter, the scheme approved under part (a) of this condition shall be updated by the applicant, through consultation with the planning authority, to adequately reflect the ongoing progress of the Prime Four development; (14) That the development hereby approved shall not be occupied unless the asphalt path has been fully implemented along the southern boundary, between the access point and the eastern boundary, using a 'no dig' construction methodology in accordance with drawing nos. 'D1858.I.405' and 'AD-13001-100 Rev H' hereby approved, or such other drawing as may subsequently be submitted and approved in writing by the planning authority; (15) That (a) no development shall take place unless a detailed scheme showing the precise location, layout, design and construction method of a connection link, through the application site to the site boundary with the Prime Four development, has been submitted to and approved in writing by the planning authority. Such a scheme shall show the physical extent of the link stopping 1 metre short of the boundary with Prime Four and include a 2 metre verge extending beyond the road boundary; and (b) the development hereby approved shall not be occupied unless the connection link has been fully implemented in accordance with the approved plan under part (a) of this condition, unless the planning authority has given written approval for a variation; (16) That, as per the Key Mitigation Recommendations detailed within the 'Ecology Report' - Extended Phase 1 Habitat Survey and Protected Species Assessment, by Direct Ecology and dated 19 August 2013 (version 5.0), no development shall take place unless a Pre-construction Survey has been submitted to and approved in writing by the planning authority in consultation with Scottish Natural Heritage; and (17) That the building hereby approved shall

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not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

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

to approve the recommendation subject to the following additional conditions:-

- (18) That the office building to be erected pursuant to this planning permission shall not be occupied prior to (1) the completion and operation of the A944/AWPR Interchange; or (2) the completion and operation of an alternative means of vehicle access to the development site as agreed with Aberdeen City Council as planning and roads authority; and
- (19) That no development shall take place within the application site unless detailed plans of the proposed left-in left-out junction have been submitted to and approved in writing by the planning authority, in consultation with the roads authority. Thereafter, unless agreed in writing by the planning authority, no construction works on the office building shall take place unless the said junction has been constructed and completed in full accordance with the approved details or an alternative means of vehicular access approved under condition 18 has been implemented in full and is available for use to access the site.

### **EDGEHILL HOUSE, NORTH DEESIDE ROAD - 130211**

5. With reference to Article 4 of the minute of meeting of the Development Management Sub Committee (Visits) of 29 August 2013, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application, subject to the conditions listed below, in respect of planning permission for the replacement of the existing dwelling and construction of five additional dwellings with associated infrastructure, improved access and tree protection works, but with consent being withheld pending satisfactory conclusion of a planning agreement relating to the payment of monies in connection with developer contributions and affordable housing provision.

- (1) That no development shall be undertaken until such time as the existing bus stop on North Deeside Road has been relocated in accordance with drawing 96035/1001, or any other such drawing as submitted to and approved in writing by the planning authority for this purpose; (2) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (3) That no development pursuant to this planning permission shall take place, nor shall any

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part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety; (4) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (5) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (6) 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; (7) 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 to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented; (8) That any tree work 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; (9) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks; (10) That the dwellings hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No. 1796-EHD-P03 or such other scheme as may be subsequently approved in writing by the planning authority; (11) That the dwellings hereby granted planning permission shall not be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been

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submitted to and approved in writing by the planning authority; (12) That the dwellings hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full; and (13) That no development in connection with this consent shall be commenced until such time as details of an appropriate 'no-dig' construction methodology for the formation of the new driveway and vehicular access have been submitted to, and approved in writing by, the planning authority. Thereafter, all works shall be carried out in full accordance with the agreed method statement, unless otherwise agreed in writing by the planning authority.

The Convener moved, seconded by Councillor Greig:-

That the application be approved in accordance with the recommendation contained within the report, and that existing bus stop on North Deeside Road be replaced with a cantilever option.

Councillor Boulton moved as an amendment, seconded by Councillor Samarai:-

That the application be approved in accordance with the recommendation contained within the report, with the exception of an additional condition with regard to a satisfactory single point of vehicular access from Culter House Road rather than North Deeside Road.

On a division, there voted:- for the motion (7) - the Convener; and Councillors Corall, Lesley Dunbar, Greig, Lawrence, Thomson and Townson; for the amendment (8) - Councillors Boulton, Cormie, Finlayson, Jaffrey, MacGregor, Jean Morrison, Samarai and Jennifer Stewart.

**The Committee resolved:-**

to adopt the amendment.

**50-52 COLLEGE BOUNDS, OLD ABERDEEN - 130908**

**6.** The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for the installation of an entrance light above the main entrance doors on the western elevation, subject to the following conditions:-

(1) That the fitting and means of fixing should be non-ferrous to prevent damage and staining and should use existing fixing holes or joints; and (2) That the light fitting shall be restricted to no greater than a 50W SON/E wattage.

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**The Committee resolved:-**

to approve the recommendation.

**FORMER BUCKSBURN PETROL STATION, CHAPEL OF STONEYWOOD TO FAIRLEY ROAD - 120374**

7. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the issue of a certificate of appropriate alternative development stating -

- (1) That in respect of the land which is subject of the application, on the relevant date of 25 September 2007 or at a future point in time, planning permission would have been granted for -
  - a. a petrol filling station with ancillary retail up to 103.5sqm
  - b. for horticulture and nursery with a small-scale ancillary retail element (such as a farm shop)
  - c. for non-residential agricultural or forestry buildings
  - d. for telecommunications masts and ancillary equipment
 but would not have been granted for any other use;
- (2) That any planning permission described in (1) would have been granted subject to suitable conditions addressing the following matters -
  - a. layout, design and external appearance of buildings or structures
  - b. mitigation of any contaminated land
  - c. surface water and foul drainage
  - d. access to the site
  - e. landscaping of the site; and
- (3) That because Scottish Ministers through Transport Scotland, made orders under the Roads (Scotland) Act 1984 promoting the Aberdeen Western Peripheral Route, which is the scheme for which the application land is to be acquired, it would not be appropriate to include planning permission for the scheme in the certificate as would normally be the case.

**The Committee resolved:-**

to approve the recommendation.

**122 BROOMHILL ROAD - 130910**

8. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee **refuse** the application in respect of planning permission for a change of use for the vacant car showroom to Class 1 (Shop), as well as shop front alterations, external alterations, the erection of a gate/fence to the rear and other

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associated works, including footpath and parking improvements, on the following grounds:-

- (1) The proposal does not comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan as there would be conflict with neighbouring properties which would act as a nuisance to and impinge on the enjoyment of the existing residential amenity arising from the proposed servicing and delivery arrangements for the premises, in particular the noise disturbance there from in relation to loading/offloading, the movement of metal cages, and also in relation to vehicular movements; and
- (2) That the applicant has not demonstrated that suitable and appropriate servicing and delivery arrangements and facilities can be provided. This could therefore result in delivery vehicles stopping on the public road adjacent to the premises which would cause a road safety hazard and would interrupt the free flow of traffic.

The Committee was addressed by Councillor Yuill, one of the local members for the area, who expressed support for the recommendation contained within the report.

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

to approve the recommendation.

## PLANNING DIGEST

9. The Committee had before it a report by the Head of Planning and Sustainable Development which advised members of the use of a condition regarding the planning application approved for serviced apartments and business unit at Oldmill Road, Bon Accord Crescent (130743) by the Committee at its meeting of 23 August 2013.

### **The report recommended:-**

that the Committee note that condition 12 would not be attached to any consent and that the use of the apartments as serviced apartments would be ensured through the legal agreement that would be secured before planning consent was issued and that would be legally binding in perpetuity on the owner and operator of the serviced apartments.

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

to approve the recommendation.

## CONFIRMATION OF TREE PRESERVATION ORDERS - EPI/13/213

10. The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which sought confirmation of four temporary Tree Preservation Orders

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made by the Head of Planning and Sustainable Development in order to provide long term protection.

**The report recommended:-**

that the Committee confirm the making of Tree Preservation Orders 210, 215, 216 and 217 without modifications, and that the Head of Legal and Democratic Services carry out the requisite procedures.

**The Committee resolved:-**

to approve the recommendation.

- **RAMSAY MILNE, Convener.**