

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 24 April 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton (from Article 5), Corall, Grant, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison MBE, Samarai, Jennifer Stewart, Sandy Stuart (substituting for Councillor Cormie), Thomson, Townson and Young (substituting for Councillor Boulton for Articles 1 to 4).

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2881&Ver=4>

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.

AGENDA ORDER

1. The Convener proposed that agenda item 2.4 (Fairley Road (Land to East of), Kingswells - 130228) be considered immediately after agenda item 2.1, and this was accepted.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 20 MARCH 2014

2. The Committee had before it the minute of its previous meeting of 20 March 2014.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 31 MARCH 2014

3. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 31 March 2014.

The Committee resolved:-

to approve the minute.

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OLDFOLD FARM, NORTH DEESIDE ROAD, MILLTIMBER - 130378**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 in respect of planning permission in principle for a residential development comprising approximately 550 residential units, commercial floor space, a replacement primary school, associated ancillary uses and infrastructure improvements including a new junction between the A93 and the Oldfold site, but to withhold the issue of the consent document until the applicant had entered into a section 75 legal agreement with the Council to secure (1) the provision of 25% affordable housing in accordance with the Development Framework and Masterplan and include a range of delivery options, including on-site provision; (2) developer contributions towards primary education provision and a proportionate element of land for a new school (to include community facilities, library facilities, sports and recreation facilities and playing field provision); (3) developer contributions towards secondary education, community facilities, healthcare provision, the core path network and the Strategic Transport Fund; and (4) developer contributions towards improvements at the North Deeside Road/Kirk Brae junction; and subject to the following conditions:-

- (1) That all development shall take place in accordance with the phasing strategy contained within section 6.1 of the Oldfold Design and Access Statement, unless otherwise agreed through the submission of a matters specified in conditions application for an alternative phasing programme covering the same matters;
- (2) That no more than 275 residential units shall be occupied unless all legs of the Aberdeen Western Peripheral Route (AWPR) have been constructed and are fully operational;
- (3) That no more than 264 units shall be completed before the proposed mixed use centre within block G has been completed and is available for use;
- (4) That no residential unit within any phase (except phase 1 block U) shall be occupied unless the proposed signalised junction between the site and North Deeside Road (A93) has been constructed in accordance with Fairhurst drawing 83744/1099B (or such other drawing as may subsequently be approved in writing for the purpose by the planning authority) and is fully operational;
- (5) That no development within phases 3, 4 or 5 shall take place unless a matters specified in conditions application for the provision of access into the development at the existing Bingham Road and Bingham Road West junction has been submitted to and approved by the planning authority;
- (6) That no development within phases 4 or 5 shall take place unless a matters specified in conditions application for the provision of access into the development at the existing Bingham Road and Bingham Hedges junction has been submitted to and approved by the planning authority;
- (7) That no development within phase 1 block U shall take place unless a matters specified in conditions application for the upgrading of Murtle Den Road has been submitted to and approved by the planning authority;
- (8) That no development within phases 4 or 5 shall take place unless a matters specified in conditions application for a signalised crossing point on Bingham Road has been submitted to and approved by the planning authority. The specification and exact location shall be agreed

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through the said application; (9) That no development in any phase shall take place unless a matters specified in conditions application comprising a scheme of all foul and surface water drainage works for the whole development has been submitted to and approved by the planning authority in consultation with SEPA. The scheme shall include a topographical survey and survey of all watercourses (both open and culverted) within the site and any areas downstream which may be affected by the development; (10) That no development within any particular phase shall take place unless a matters specified in conditions application comprising programme of archaeological work in accordance with a written scheme of investigation for that particular phase has been submitted to and approved by the planning authority; (11) That no development within any particular phase shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination within that particular phase has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include (1) an investigation to determine the nature and extent of contamination; (2) a site-specific risk assessment; and (3) a remediation plan to address any significant risks and ensure the site is fit for the use proposed. No building(s) within any particular phase shall be occupied unless (1) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken for that phase; and (2) a report specifically relating to the building(s) within that phase have been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation. The final buildings within any particular phase shall not be occupied unless a report has been submitted to and approved in writing by the planning authority that verifies that completion of the remedial works for that phase, unless the planning authority has given written consent for a variation; (12) That no development associated with the demolition of the Oldfold farm buildings shall take place unless a matters specified in conditions application comprising a bat survey has been submitted to and approved by the planning authority. The survey must be carried out in accordance with the Council's Supplementary Guidance 'Bats and Development' and identify any mitigation measures required to address any impact on bats or their roosts; (13) That no development shall take place in block U or phase 5 unless a matters specified in conditions application comprising a badger protection plan has been submitted to and approved by the planning authority. The protection plan must include a survey which has been undertaken a minimum of 12 months prior to construction commencing; within a radius of 1km around the development site, and shall include an up to date assessment of badger activity in the development site surroundings. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with Scottish Natural Heritage

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(SNH) best practice guidance; (14) That no development within any particular phase shall take place unless a matters specified in conditions application comprising a tree survey for that particular phase has been submitted to and approved by the planning authority. The survey shall be undertaken in accordance with the Council's Supplementary Guidance 'Trees and Woodland'; (15) That no development within any particular phase shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase has been submitted to and approved by the planning authority in consultation with SEPA; (16) That no development within any particular phase shall take place unless a matters specified in conditions application comprising a site specific site waste management plan (SWMP) for that particular phase has been submitted to and approved by the planning authority in consultation with SEPA; (17) That no development within any particular phase shall take place unless for that phase a matters specified in conditions application has been submitted to and approved by the planning authority comprising (a) details of existing and proposed site levels; (b) details of layout, design and external appearance of (i) buildings and ancillary structures; (ii) vehicular, cycle & pedestrian accesses and car & motorcycle parking; (iii) short and long term secure cycle parking; (iv) storage areas for waste and recyclables; (v) plot boundary enclosures; (vi) exterior lighting; and (vii) play zones (if relevant to that phase and in accordance with the Development Framework and Masterplan); and (c) details of compliance with the Council's supplementary guidance on Low and Zero Carbon Buildings; (18) That no development within any particular phase shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping covering all areas of public and private green space for that particular phase has been submitted to and approved by the planning authority. The scheme shall be in accordance with the Development Framework and Masterplan and include details of (a) tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting; (b) proposed hard surface materials; (c) existing stone field boundaries and how they would be integrated into the finished development; (d) the existing hedge on the boundary between the site and Bingham Road and how it would be integrated into the finished development; and (e) arrangements for the management and maintenance of open space; (19) That no unit within any phase shall be occupied unless a matters specified in conditions application has been submitted to and approved by the planning authority for the improvement of the existing bus stops at the following locations (a) on the north side of North Deeside Road, 27m west of Murtle Den Road; (b) on the south side of North Deeside Road, opposite Beaconhill Lodge; and (c) on the south side of North Deeside Road, 53m east of Bingham Road. The said scheme should consider the provision of bus shelters, timetables, lighting, boarding kerbs, and clearway markings at each bus stop, taking into account the locational characteristics of each stop; (20) That no unit within any phase shall be occupied unless a matters specified in conditions application comprising 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; and (21) That the primary school shall not be

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occupied unless a matters specified in conditions application which identifies safe routes to the new primary school from within the development and the existing settlement of Milltimber and any associated work to create the safe routes, has been submitted to and approved by the planning authority.

The Convener moved, seconded by Councillor Jaffrey:-

That the application be approved in accordance with the recommendation contained within the report.

Councillor Young moved as an amendment, seconded by the Vice Convener:-

That the application be approved in accordance with the recommendation contained within the report with the exception that developer contributions be sought towards the Deeside Way instead of the core path network in terms of the section 75 legal agreement.

On a division, there voted:- for the motion (11) - the Convener; and Councillors Corall, Grant, Greig, Jaffrey, MacGregor, Jean Morrison, Samarai, Jennifer Stewart, Sandy Stuart and Townson; for the amendment (4) - the Vice Convener; and Councillors Lawrence, Thomson and Young.

The Committee resolved:-

to adopt the motion.

FAIRLEY ROAD (LAND TO EAST OF), KINGSWELLS - 130288

5. With reference to Article 4 of the minute of its meeting of 20 March 2014, 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 in respect of planning permission for the construction of 7 detached units, 28 semi-detached units and 11 terraced houses with associated access roads, drainage and Sustainable Urban Drainage Systems (SUDS), but to withhold the issue of the consent document until the applicant had entered into a legal agreement with the Council to secure (1) onsite affordable housing provision; (2) Strategic Transport Fund contributions; (3) developer contributions towards affordable housing, education facilities, community facilities and recreation and healthcare; and (4) the provision of a footpath along the western boundary of the application site on Fairley Road; and subject to the following conditions:-

(1) That no more than 21 dwellinghouses (i.e. Phases 1 and 2 as shown on Drawing No AOL_208 rev. C) hereby granted permission shall be occupied unless (a) the new pedestrian footpath along the east side of Fairley Road has been provided and is available for use; (b) an RCC compliant road link and pedestrian footpath has been provided up to the eastern legal boundary of the application site as per Drawing No APL_205 rev H; and (c) the open space provision to the south of the access road (as shown on Drawing No APL_205 rev

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H) is completed and laid out in accordance with drawing no APL_301 rev I, and the Fairley Road planting schedule Rev A (unless otherwords agreed in writing by the planning authority). The approved 'public open space' shall not thereafter be used for any purpose other than as public open space; (2) that no more than 40 dwellinghouses hereby granted permission shall be occupied unless all pedestrian footpaths shown on Drawing No APL_205 rev H have been constructed up to the legal boundary of the application site and are available for use; (3) that plots 22-34 inclusive hereby approved shall not be occupied unless the car parking areas relative to those houses have been constructed, drained, laid-out and demarcated in accordance with Drawing No APL_205 rev H, or such other drawing as may subsequently be submitted and approved in writing by Aberdeen City Council as planning authority. Such areas shall not thereafter be used for any other purpose other than the parking of cars ancillary to the development; (4) 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, such a programme shall be submitted in advance for the written approval of Aberdeen City Council as planning authority; (5) that no development shall take place unless a bird hazard management plan has been submitted to and approved in writing by Aberdeen City Council as planning authority (in consultation with Aberdeen International Airport). The submitted plan shall include details of the developer's commitment to managing the risk of attracting birds to the site during excavation activities, measures put in place for the safe dispersal of birds, and thereafter the such approved measures shall be implemented in full; (6) 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 Aberdeen City Council as planning authority and thereafter no individual house shall be occupied unless the drainage required for that house has been installed in complete accordance with such an approved scheme; (7) that no development shall take place unless a site specific Environmental Management Plan (EMP) has been submitted for the written approval of Aberdeen City Council as planning authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise and dust management; (8) that no development shall take place unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of the site boundary enclosure along the western side of the development hereby granted planning permission. The scheme shall include details of the 'drystane gateway' to the site. None of the buildings along the Fairley Road elevation (plots 1-9 inclusive) hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety; (9) that no development shall take place unless further details of the render finishes to the walls of the dwellinghouses 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

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the details so agreed; (10) that no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (dated July 2012) have been implemented in their entirety; (11) that no development shall take place unless there has been submitted and approved in writing a detailed Residential Transport Pack 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; and (12) 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 Aberdeen City Council as 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" as soon as practicable.

The Committee also had before it a report by Mr Euan Couperwhite, Infrastructure and Assets Programme Manager - Education, Culture and Sport, which provided information on the accommodation available within Kingswells Primary School in light of recent planning applications.

The report recommended:-

that the Committee -

- (a) note the fact that the increase in pupil numbers at Kingswells Primary School is forecasted to increase before taking account of the Dandara development;
- (b) note that this increase and the impact on the school's capacity are temporary as the pupil roll is projected to return to 2013/14 levels by 2021/22;
- (c) note that accommodation within Kingswells Primary School could be restructured to accommodate the required number of classes when the pupil roll reaches its peak in 2018/19; and
- (d) note that should the school ever become unable to accommodate new children, the authority would require to provide education provision at the next nearest school.

Members referred to the previous decision of the Committee to visit Kingswells Primary School in connection with the application, which had not taken place due to concerns from officers in Education, Culture and Sport, and reiterated the need for such a visit to be undertaken.

The Convener moved as a procedural motion, seconded by Councillor Grant:-

That the application be determined this day.

On a division, there voted:- for the procedural motion (5) - the Convener; and Councillors Boulton, Grant, Lawrence and Jean Morrison; against the procedural motion (10) - the Vice Convener; and Councillors Corall, Greig, Jaffrey, MacGregor, Samarai, Jennifer Stewart, Sandy Stuart, Thomson and Townson.

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The Committee resolved:-

to reject the procedural motion and therefore reiterate the need for a site visit to be undertaken to Kingswells Primary School in connection with the application.

At this juncture, Charlie Penman, Head of Education Services - Education, Culture and Sport, joined the meeting and answered a number of questions from the Committee, and Councillor Delaney as one of the local members, in connection with the matter. Members also asked questions of Mr Couperwhite in connection with his report, and Mr Adam Sime, Development Obligations Officer, Planning and Sustainable Development.

The Committee further resolved:-

to again defer consideration of the application to enable members to visit Kingswells Primary School, and that the visit take place outwith school hours in order that there be no impact on the educational wellbeing of the pupils.

STONEYWOOD AREA S6, STONEYWOOD 131012

6. 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 in respect of planning permission for the erection of 276 flats and 16 townhouses with associated infrastructure, public open space and parking subject to the modification of the existing legal agreement to secure planning gain contributions relating to sport and recreation; health facilities; community facilities; libraries; and core paths; and subject to the following conditions:-

- (1) That no development pursuant to this planning permission shall take place, nor shall any 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, as it relates to those buildings;
- (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 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. The scheme must also outline the measures in place to avoid endangering the safe operation of aircraft through the attraction of birds;
- (4) that the development hereby approved shall not be occupied unless the car, motorcycle (including a secure fixed point) and bicycle parking areas, relating to those occupations, hereby granted planning permission have been constructed,

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drained, laid-out and demarcated in accordance with drawing No's. DP 522 04 Rev B and DP 522 12 Rev 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; (5) that no development pursuant to this planning permission shall take place nor shall the buildings be occupied unless there has been submitted to and approved in writing for the purpose by the planning authority an assessment of the noise levels likely within the proposed buildings, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full; (6) 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. All landscaping plans and plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport; (7) 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; (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 to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented; (9) 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; (10) 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

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with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied; (11) that prior to the occupation of any of the flatted properties within the development, the developer shall provide the 4 car club spaces as shown on drawing: Masters4s5s6 rev A, as hereby approved, and thereafter such spaces shall be retained in complete accordance with the details as so agreed; (12) that the development hereby approved shall not be occupied unless the refuse storage areas hereby granted planning permission, as they relate to such occupations, have been constructed, drained, laid-out and demarcated in accordance with drawing No. DP 522 12 Rev 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 storage of refuse ancillary to the development and use thereby granted approval; (13) that no individual development plot shall be occupied unless there has been submitted to, and approved in writing by, the planning authority, a comprehensive Residential Travel Pack for that development plot, setting out proposals for reducing dependency on the private car. This should also include information on external connectivity to key facilities, and, in consultation with local schools and the planning authority, information on safer routes to schools; (14) that the buildings 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; (15) that no part of any dwellinghouse or flat shall be built below a height of 30m AOD; (16) that development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with the Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented, as approved, on completion of the development and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the planning authority; and (17) that in the event that during construction, crane or scaffolding is required at a higher elevation than that of the planned development (above 25m AGL), then their use must be subject to a separate consultation with Aberdeen International Airport.

The Committee resolved:-

to approve the recommendation.

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BLACKHILLS QUARRY, COVE - 130490

7. 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 in respect of planning permission for an extension to Blackhills Quarry subject to the conclusion of a legal agreement that would require a roads condition survey to be carried out in 2020 and reviewed every five years thereafter, and that this be used to attribute the percentages of costs (attributed to the Council and the applicant) associated to repairing damage caused to the road network; and subject to the following conditions:-

- (1) That at least one year prior to mineral workings ceasing on the site, a restoration and aftercare plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The plan must include information on any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment, including groundwater quality and quantity. The said plan must also include an assessment of the effect that any backfilling below the water table will have on groundwater;
- (2) that the proposed operations hereby granted permission shall cease on or before 28 November 2050 unless the written approval of the planning authority is first obtained;
- (3) that the hours of operations for extraction and processing and despatch of dry aggregates shall be restricted to (i) 7.00am to 7.00pm Mondays to Fridays; (ii) 7.00am to 1.00pm Saturdays; and (iii) at no time on a Sunday, bank holidays, or national holidays; unless written consent of the planning authority is obtained
- (4) that the hours of operations for operation and despatch from the asphalt plant shall be restricted to (i) 6.00am to 7.00pm Mondays to Fridays; (ii) 6.00am to 12.00pm Saturdays; and (iii) at no time on a Sunday, bank holidays or national holidays; unless the written consent of the planning authority is obtained;
- (5) that the equivalent noise level (Leq) shall not exceed 55dB(A) measured as a one hour free field Leq at any existing noise sensitive property external to the site boundary, the details for measuring which are to be submitted to, and approved in writing by the planning authority. South Blackhills may be periodically subject to higher levels but not exceeding 60dB(A) provided that the property remains under the control of the applicant and suitable noise attenuation measures that are submitted to and approved by the planning authority are introduced to the property;
- (6) that the ground vibration as a result of the blasting operations shall not exceed a peak particle velocity of 6mms⁻¹ ppv for 95% of events with no blast exceeding 12.0mm/sec⁻¹ at existing private residential and commercial properties, with a limit of 12mms⁻¹ being applied at railway structures and 14.8mms⁻¹ being applied at Haven Cottage - which is owned by the applicant;
- (7) that prior to the commencement of any blasting operations, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the planning

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authority; (8) that prior to the commencement of any blasting operations, details of the methods employed to minimise air pressure from blasting operations, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place only in accordance with the scheme as approved or such subsequent amendments as may receive the written approval of the planning authority; (9) that the depth of the quarry shall not exceed 48m above ordinance datum (AOD) without the prior written approval of the planning authority; (10) that within one year of this permission, a detailed landscaping scheme shall be submitted to and approved in writing by the planning authority, this 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; (11) 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; (12) 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; (13) that within one year of the date of this permission, 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; (14) that no blasting shall take place within the site unless the prior approval of Network Rail is obtained. For the avoidance of doubt, Network Rail should be notified seven days in advance of any blasting in order to afford them an opportunity of making comment; (15) that the level of vibration at the railway boundary shall not exceed a maximum peak particle velocity of 25mm/sec; (16) that the proposal should ensure that there is no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys; (17) that without the prior approval of Network Rail, the proposed works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway; (18) that storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway; (19) that storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway; (20) that cranes and jibbed machines, used in connection with the works, must be positioned that the jib or any suspended load does not

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swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres; (21) that all cranes, machinery and constructional plant must be positioned and used to prevent the accidental entry onto railway property of such plant or loads attached thereto, in the event of failure; (22) that vibration monitoring shall be carried out by the developer, or their contractors, to determine the effects of blasting on the railway, and Network Rail, in consultation with the planning authority, shall be supplied with a copy of the results; (23) that within a year of the date on this permission, a procedure shall be set in place between Network Rail and Leith's (Scotland) Limited on the design and operation of a "Safe System of Work" to ensure the protection of rail traffic whilst blasting is being undertaken; (24) that the developer shall (a) meet the costs of all reasonable protective works carried out by Network Rail, which are directly attributable to the proposed use of explosives pursuant to the foregoing conditions; and (b) indemnify Network Rail against all third party claims arising by reason or in consequence of the said use of explosives except insofar as the same are caused by the negligence of Network Rail, their servants, agents or licensees; (25) that where alterations to existing ground levels are proposed within 10 metres of the boundary of railway land (including the construction of storage mounds) detailed plans of the development, including cross-sections should be forwarded to Network Rail, in consultation with the planning authority, for assessment and comment before development commences; and (27) that Network Rail shall be notified of any significant alterations to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, blasting specification etc.

The Committee resolved:-

to approve the recommendation.

UNIT 7 KITTYBREWSTER RETAIL PARK, BEDFORD ROAD - 130766

8. 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 demolition of the existing unit and the erection of two detached buildings, one to accommodate a fast food restaurant with drive-through and the other to accommodate a gym, subject to the following conditions:-

(1) That the restaurant and drive-through hereby approved shall not be occupied or brought into first use until the Bedford Road bus gate has been implemented in full and is in operation; (2) that no occupation of either building hereby approved shall take place until a detailed scheme which outlines measures to restrict vehicular access to the existing service access to vehicles which are service vehicles only has been submitted to and approved in writing by the planning authority, and implemented in full in accordance with the approved details. Thereafter the implemented scheme shall be retained at all times in accordance with the approved details; (3) that no occupation of either building

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hereby approved shall take place until a detailed scheme for a pedestrian access to the overflow car park from the main Retail Park has been submitted to and approved in writing by the planning authority, and implemented in full in accordance with the approved details. The scheme should consider pedestrian safety measures. Thereafter the implemented scheme shall be retained at all times in accordance with the approved details; (4) that no occupation of either building hereby approved shall take place until a detailed scheme which outlines measures to improve awareness of the overflow car park for car users has been submitted to and approved in writing by the planning authority, and implemented in full in accordance with the approved details. The scheme should consider bold signage and lining within the car park of the Retail Park. Thereafter the implemented scheme shall be retained at all times in accordance with the approved details; (5) that no occupation of either building hereby approved shall take place until a detailed scheme showing cycle parking spaces and motor cycle spaces, showering and changing facilities for employees within each building, in accordance with the Supplementary Guidance Accessibility and Transport, and a timetable for implementation has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented in accordance with the approved details and thereafter retained at all times in accordance with the approved details; (6) that no occupation of either building hereby approved shall take place until a detailed timetable for the phasing of the implementation of the car parking as shown on the approved plans has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented in accordance with the approved details, and thereafter the car parking retained at all times in accordance with the approved details; (7) that no occupation of the restaurant or operation of the drive through shall take place until full details of a scheme capable of filtering, extracting and dispersing of cooking fumes, has been submitted to and approved in writing by the planning authority, and implemented fully in accordance with the approved details; (8) that no development shall commence on site until a detailed assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises has been submitted to, and approved in writing by, the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area and as approved by the planning authority shall be installed prior to the first use of the building that the mitigation measures pertain to, unless the planning authority has given prior written approval for a variation; (9) that no development shall commence on site until a detailed scheme of hard landscaping for the sites has been submitted to and approved in writing by the planning authority, which scheme shall include the type and colour of materials; (10) that no occupation of either building hereby approved shall take place until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the planning authority, which scheme shall include proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (11) that all planting, seeding and turfing

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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; (12) that no occupation of either building hereby approved shall take place until a detailed scheme of the proposed boundary treatment has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented in accordance with the approved details and thereafter retained at all times in accordance with the approved details; (13) that no occupation of either building hereby approved shall take place until a detailed scheme showing bin storage and recycling areas, including timetable for implementation, has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented in accordance with the approved details and thereafter retained at all times in accordance with the approved details; (14) that no occupation of the restaurant building shall take place until a detailed scheme of the proposed external seating and decking areas has been submitted to and approved in writing by the planning authority. The scheme shall include provision of litter bins. Thereafter the scheme shall be implemented in accordance with the approved details and thereafter retained at all times in accordance with the approved details; (15) that notwithstanding the details submitted, full details of the external materials for each building hereby approved, including samples as may be required, shall be submitted to and approved in writing by the planning authority prior to the completion of the foundations of that building the materials are proposed for. Details shall include type and colour. Thereafter the development shall be completed in accordance with the approved details; (16) that no occupation of the restaurant and drive through shall take place until the scheme as approved under planning reference 131509 has been implemented in full; (17) that no external lighting shall be installed, erected or placed within the application site boundary, except as otherwise may be approved in writing by the planning authority. Such details required for consideration by the planning authority will include the submission of the installation, type, intensity of illumination and location of lighting, including any hoods, and shall ensure that the throw of light is confined solely within the boundaries of the site; (18) that for the avoidance of any doubt no free standing canopies or structures are hereby approved as part of this planning permission; and (19) that for the avoidance of doubt, other than those shown on the plans hereby approved, no enlargement by way of extension, installation of a mezzanine floor, or other alteration to any of the buildings the subject of this permission shall be carried out without express planning permission first being obtained.

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The Committee resolved:-

to approve the recommendation subject to an additional condition restricting the hours of operation for the restaurant and drive-through to 6.00am until 12 midnight, 7 days a week.

LAND TO SOUTH OF SOUTH LASTS FARM, CONTLAW ROAD, MILLTIMBER - 131859**9. 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 erection of a single 500kw wind turbine (hub height 60m, total height 86.5m), associated tracks and substation, subject to the following conditions:-

- (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 prior to work commencing on site, full colour details of the proposed turbine and substation shall be submitted for the further written approval of the planning authority and the development shall be implemented in accordance with the approved details;
- (3) that no development pursuant to this planning permission shall commence unless a detailed site specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site;
- (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 be occupied unless the drainage has been installed in complete accordance with the said scheme;
- (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

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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; (7) that no development shall take place unless a scheme for ecological protection (drawing no131859-01), or such alternative 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 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/ecological 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; (9) that prior to the commencement of development on the site, the developer shall obtain written approval from the planning authority, following consultation with Transport Scotland - Trunk Road Network Management Directorate (the trunk roads authority) and Police Scotland, for a traffic management plan. This plan shall include details of (i) routing of construction traffic and construction workers' traffic; (ii) provision of any temporary car park; (iii) controlled routing of heavy vehicles; (iv) arrangements for police escort or other escort approved by Police Scotland of abnormal loads; (v) any speed restrictions required; and (vi) temporary site signage identifying routes for all site vehicles and advising drivers of all necessary information. Such provisions in the approved plan shall be fully implemented, unless otherwise agreed in writing by the planning authority; (10) that in the event that this turbine becomes obsolete or redundant, it must be removed within 6 months of such event. In the event that the turbine and associated equipment is removed, the site shall be made good, in accordance with a scheme to be submitted and approved in writing by the planning authority, within 1 month of such removal; and (11) that notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbine, or other buildings or structures within the site without the written approval of the planning authority.

The Convener moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendation contained within the report.

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

That the application be refused on the grounds that the proposed development would have an adverse impact on the existing landscape and therefore did not comply with Policy D6 (Landscape) within the Aberdeen Local Development Plan; on residential amenity with regard to shadow flicker; on natural heritage and ecology; and in terms of road safety.

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On a division, there voted:- for the motion (9) - the Convener; and Councillors Corall, Grant, Lawrence, MacGregor, Jean Morrison, Samarai, Sandy Stuart and Townson; for the amendment (6) - the Vice Convener; and Councillors Boulton, Greig, Jaffrey, Jennifer Stewart and Thomson.

The Committee resolved:-

to adopt the motion.

OLD POLICE STATION, HAZLEHEAD CRESCENT - 140133

10. 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 variation of planning condition 5 of the original permission, to increase the opening hours of the approved hot food takeaway on Sundays from 8.30am to 10.00pm (the original permission was from 8.30am to 4.00pm), subject to the following conditions:-

- (1) That the use hereby granted planning permission shall not take place unless any external duct work comprised in the approved scheme for filtering, extracting and dispersing cooking fumes has been finished in a colour to match the exterior of the premises or treated in accordance with such other scheme as may be submitted to and approved in writing by the planning authority;
- (2) that the use hereby granted planning permission shall not take place unless provision has been made within the application site for litter disposal and, if appropriate, recycling facilities in accordance with a scheme which has been submitted to and approved in writing by the planning authority;
- (3) that the building hereby granted planning permission shall not be used for the sale of hot food unless it has been adapted to provide sound attenuation against internally generated noise. Such a scheme shall ensure that the internal noise level in residential properties above and adjacent to the hot food shop is not greater than 45 Db[A] during the day and 35 Db[A] at night in each habitable room, all in accordance with details submitted to and approved in writing by the planning authority before development commences, unless the planning authority has given written approval for a variation;
- (4) that the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises and a system of regular maintenance has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation;
- (5) that hot food shall not be sold from the premises other than during the hours from 8.30am until 10.00pm, unless the planning authority has given prior written approval for a variation; and
- (6) that, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site

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boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery].

The Convener moved, seconded by Councillor Grant:-

That the application be approved in accordance with the recommendation contained within the report.

Councillor Jennifer Stewart moved as an amendment, seconded by Councillor Thomson:-

That the application be refused on the grounds that the proposed increase in opening hours could lead to an increase in litter and anti-social behaviour, and would therefore have a detrimental effect on residential amenity.

On a division, there voted:- for the motion (10) - the Convener; and Councillors Corall, Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, Samarai, Sandy Stuart and Townson; for the amendment (5) - the Vice Convener; and Councillors Boulton, Greig, Jennifer Stewart and Thomson.

The Committee resolved:-
to adopt the motion.

LAND TO SOUTH WEST OF LOIRSBANK ROAD, CULTS - 111566

11. 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 the erection of four detached dwellinghouses, on the following grounds:-

- (1) That the proposal would consist of housing within an area subject to flooding and is therefore contrary to: Policy NE6 - Flooding and Drainage in the Aberdeen Local Development Plan 2012 and Scottish Planning Policy Risk Framework in relation to flooding;
- (2) That the proposal is contrary to Green Belt Policy NE2 in the Aberdeen Local Development Plan as it consists of 'main stream' houses within the green belt and does not fall within any of the categories of development that may be acceptable due to their locational requirements; and
- (3) That the proposed houses due to their location, overall design and the cumulative effect when taken together with the houses on the neighbouring site, would be overly dominant within the setting and landscape and would be detrimental to the character of the green belt within the River Dee valley and to visual amenity within the surrounding area. The proposal would be, thereby, contrary to Policy D6 - Landscape, Policy D1 - Architecture and Placemaking.

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Councillor Boulton moved, seconded by Councillor Greig:-

That the application be refused in accordance with the recommendation contained within the report.

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

That the application be approved, subject to the conditions suggested within the report, on the grounds that precedent had been set with regard to other developments in the vicinity, and that the risk of flooding was minimal.

On a division, there voted:- for the motion (13) - the Convener; the Vice Convener; and Councillors Boulton, Grant, Greig, Lawrence, MacGregor, Jean Morrison, Samarai, Jennifer Stewart, Sandy Stuart, Thomson and Townson; for the amendment (2) - Councillors Corall and Jaffrey.

The Committee resolved:-

to adopt the motion.

LAND TO SOUTH WEST OF LOIRSBANK ROAD, CULTS - 111967

12. 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 the excavation and ground works to form compensation storage areas, in connection with the proposed development of four houses on the adjacent site (111566), on the following grounds:-

- (1) That the proposal would not comply with the risk framework in Scottish Planning Policy in relation to flooding as it is required in association with residential development; and
- (2) That the proposal is contrary to Green Belt Policy NE2 in the Aberdeen Local Development Plan as it does not fall within any of the categories of use that may be considered within the green belt and is required in association with proposed residential development.

The Committee resolved:-

to approve the recommendation.

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AUCHENFROE, 267 NORTH DEESIDE ROAD, MILLTIMBER - 140148

13. 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 the erection of a new single detached dwellinghouse in a new plot, to be formed via the sub-division of the existing curtilage, on the following grounds:-

- (1) That the proposal is considered to be contrary to the guidance set out in the Council's adopted 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, so far as it relates to the appropriate siting of dwellings with due regard to any established pattern of development. By virtue of its siting uncharacteristically close to its own plot boundaries and adjacent dwellings, the proposal fails to demonstrate due regard for its context or make a positive contribution to its setting, and is therefore contrary to policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan and the relevant paragraph 82 of Scottish Planning Policy. The proposal would also, as a result of its failure to demonstrate accordance with the aforementioned supplementary guidance and its impact on the character of the surrounding area, be contrary to policy H1 (Residential Areas) of the Aberdeen Local Development Plan; and
- (2) That the proposal would result in the removal of a significant number of protected trees which, though generally not of particular quality individually, collectively contribute to landscape character and local amenity. The proposal is therefore considered to be contrary to the aims of policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

The Vice Convener proposed that a site visit be undertaken to enable members to ascertain the position of the proposed development in the context of the existing curtilage.

The Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

TREE WORKS AT FRAIRSFIELD ROAD, CULTS - EPI/14/107

14. The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which advised of an application for the removal of three trees which were the subject of Tree Preservation Order 119.

The report recommended:-

that the Committee refuse consent to remove the three trees identified for removal.

The Committee resolved:-

to approve the recommendation.

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PLANNING DIGEST - EPI/14/116

15. The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which advised of an appeal which had been upheld by the Scottish Government in regard to 122 Broomhill Road (130910).

The report recommended:-

that the Committee note the outcome of the appeal decision.

The Committee resolved:-

to approve the recommendation.

RAMSAY MILNE, Convener.