

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 24 July 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Dickson (substituting for Councillor MacGregor), Grant, Greig, Jaffrey, Lawrence, Jean Morrison MBE, Jennifer Stewart, Thomson and Townson.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2884&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.**

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 19 JUNE 2014**

1. The Committee had before it the minute of its previous meeting of 19 June 2014.

**The Committee resolved:-**

to approve the minute.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 10 JUNE 2014**

2. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 10 June 2014.

**The Committee resolved:-**

to approve the minute.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 26 JUNE 2014**

3. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 26 June 2014.

**The Committee resolved:-**

to approve the minute.

### **CONSERVATION AREAS - COVE BAY; OLD ABERDEEN AND PITFODELS**

4. The Convener advised that correspondence had been received from Old Aberdeen Heritage Society, in connection with the above report by the Head of

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Planning and Sustainable Development, which requested that consideration of the matter be deferred, and requested a deputation in the event that it was not deferred.

The Convener, supplemented by the Head of Planning and Sustainable Development, advised that there was no longer an immediate time pressure associated with the matter, and it was his intention that a site visit be undertaken to all three Conservation Areas in advance of a report back to the Committee at a later date.

**The Committee resolved:-**

to defer consideration of the matter for site visits to be undertaken at a date to be arranged.

**FORMER ST NICHOLAS HOUSE, BROAD STREET - 140698**

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

That the Committee defer consideration of the application in respect of planning permission for a mixed use development including office, hotel, retail, restaurant and leisure uses, civic space, car parking, access routes, landscaping, other infrastructure and public realm improvements, in order that a Public Hearing be held.

**The Committee resolved:-**

that a Public Hearing be held on 28 August 2014.

**SITE 94-102 HARENESS ROAD, ALTENS INDUSTRIAL ESTATE - 140229**

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 a five storey (with basement) office building with associated car parking and landscaping, but to withhold the issue of the consent documents until the applicant provided financial contributions towards the core path network, subject to the following conditions:-

- (1) That the building 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;
- (2) That no development shall take place unless a scheme of all drainage works (including calculations as necessary) designed to meet the requirements of Sustainable Urban Drainage Systems (SUDS) has been submitted to and approved in writing by the planning authority. Thereafter no part of the office

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building shall be occupied unless the drainage has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority; (3) That no development (other than site preparation and ground works) shall take place unless a scheme of 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. Thereafter the development shall be carried out in accordance with the details so agreed; (4) That no development (other than site preparation and ground works) shall take place until details of all boundary treatments have been submitted to, and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed; (5) That no development (other than site preparation and ground works) shall take place until a scheme of all external finishing/planting to the walls of the decked car park hereby approved has been submitted to, and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed; (6) That no development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the planning authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the planning authority; (7) That no part of the office building shall be occupied unless there has been submitted to and approved in writing a detailed occupier specific green travel plan which (a) shall be in general accordance with the travel plan framework included within the Travel Plan and Transport Statement (May 2014 - Revision B); and (b) must outline sustainable measures to deter the use of the private car, in particular single occupant trips and provide detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets; (8) That no development (other than site preparation and ground works) shall take place unless a further detailed scheme for the landscaping for the site (which shall include (i) 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; (ii) tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; and (iii) the proposed materials to be used to surface areas of hard landscaping has been submitted to and approved in writing by the planning authority; (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 planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; and (10) That no part of the office building hereby approved shall be occupied unless the vehicular parking, motorcycle parking and cycle parking has been constructed, drained, laid-out and demarcated in accordance with drawing A1-01-02 (Revision A), or such other drawings as may subsequently be approved in

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writing by the planning authority. Thereafter such areas shall not be used for any purpose other than the parking of vehicles, cycles and motorcycles ancillary to the approved office development.

**INFORMATIVE**

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

**The Committee resolved:-**

to approve the recommendation.

**LAND AT CHARLESTON ROAD, COVE - 140494**

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 a proposed residential development consisting of the erection of 29 houses and 18 flats and associated infrastructure, but to withhold consent until a legal agreement was secured to deliver affordable housing and developer obligations contributions towards a new northbound lane on Wellington Road, sport and recreation facilities, library provision, community facilities and core paths, subject to the following conditions:-

- (1) That no development pursuant to the development hereby approved shall take place unless a pre and post construction access strategy has been submitted for the further approval of the planning authority and thereafter, unless otherwise agreed in writing, no dwellinghouse shall be occupied unless said strategy has been implemented in full; (2) That no development pursuant to the planning permission hereby approved shall be occupied unless traffic orders have been promoted to (i) stop up the existing junction of Whitehills Road and Wellington Road; (ii) make the length of Whitehills Road, from its junction with the unsurfaced track that leads to Langdykes Road to its junction with Cove Road, a no through road (residents and emergency access only); and (iii) make the length of unsurfaced track from Whitehills Road to its junction with Langdykes Road a route for pedestrians and cyclists only (no vehicles) unless the planning authority has given written consent for a variation; (3) That no residential unit within the development hereby approved shall be occupied unless a paved and lit combined footway/cycleway link from the new community to the footway of Langdykes Road has been constructed via the existing route of the track that links Whitehills Road to Langdykes Road and in accordance with a

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further detailed scheme that has been submitted to, and approved in writing by, the planning authority; unless the planning authority has given written consent for a variation; (4) That no development pursuant to the planning permission hereby approved shall take place unless a site specific Construction Environmental Management Plan (CEMP) for construction work has been submitted to and approved in writing by the planning authority (in consultation with SEPA and other agencies). The plan will, inter alia, detail measures, including mitigation and monitoring, to minimise odour and dust and to control noise from plant, equipment and site operations to prevent any nuisance or public health risk on the occupants of adjacent residential properties. It will include a construction method plan detailing the impacts of heavy vehicles and any machinery to be operated including the timings and routings of lorry movements to and from the site with the aim of minimising movement along residential streets. No development shall be carried out unless in accordance with the approved plan, unless a variation has been approved in writing by the planning authority; (5) That no development pursuant to the planning permission hereby approved shall take place unless a full site waste management plan for the processing of construction and demolition waste has been submitted to and approved in writing by the planning authority. No work shall be carried out unless in accordance with the approved plan unless the planning authority has given written consent for a variation; (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 hard and soft landscaping for the site which scheme shall include the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, as well as materials to be used for pavements and roads; (7) 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 new areas of planting 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; (8) That all soft and hard landscaping comprised in the approved scheme 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; (9) That that no development pursuant to the planning permission hereby approved shall take place unless a scheme of street and footpath lighting has been submitted to, and approved in writing by the planning authority. No unit shall be occupied unless the scheme has been implemented in full accordance with the scheme of lighting approved in writing by the planning authority;

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(10) That the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 100271/2200E or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan;

(11) That the development hereby granted planning permission shall not be occupied unless provision for facilities for storage of domestic waste and recyclable material as detailed on Plan No 1351/P/-/03 or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan;

(12) That no development pursuant to the planning permission hereby approved shall take place unless a further detailed specification of the energy and water saving measures that would be installed in every residential unit is submitted to and approved in writing by the planning authority and no residential unit shall be occupied unless these have been installed, unless the planning authority has given written consent for a variation;

(13) 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;

(14) 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 in its entirety; and

(15) That no development shall take place unless a scheme detailing all external finishing materials to the walls, doors and windows 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.

**INFORMATIVE**

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

**The Committee resolved:-**

to approve the recommendation.

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**THE CHESTER HOTEL, 59-63 QUEEN'S ROAD, ABERDEEN - 140259**

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

That the Committee approve unconditionally the application for retrospective planning permission for the installation of granite seating to the front of the hotel and fixed seating and pergola to the rear.

The Convener moved, seconded by Councillor Cormie:-

That the application be approved in accordance with the recommendation contained within the report, and that the Head of Planning and Sustainable Development write to the applicant expressing the Committee's concern at the retrospective nature of the application and emphasising the importance of associated licensing conditions being adhered to.

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

That the application be refused on the grounds that the associated impact of the structures had a detrimental effect on residential amenity in terms of noise nuisance.

On a division, there voted:- for the motion (11) - the Convener; the Vice Convener; and Councillors Boulton, Corall, Cormie, Dickson, Grant, Jaffrey, Lawrence, Jean Morrison and Townson; for the amendment (3) - Councillors Greig, Jennifer Stewart and Thomson.

**The Committee resolved:-**

to adopt the motion.

**27 WHITEHALL TERRACE, ABERDEEN - 140440**

**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 change of use of the dwelling (Use Class 9) to a mixed use of dwelling and childminding (Use Class 10), subject to the following conditions:-

(1) That no more than 10 children shall be accommodated within the childminding element of the mixed use at any given time; and (2) That the childminding use be restricted to the hours of 8.00am to 6.00pm Monday to Friday.

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Councillor Corall moved as a procedural motion, seconded by Councillor Greig:-

That a site visit be undertaken to allow members the opportunity to view the size of the garden in terms of its sufficiency for the number of children potentially using it.

On a division, there voted:- for the procedural motion (7) - Councillors Corall, Cormie, Grant, Greig, Jaffrey, Lawrence and Jennifer Stewart; against the procedural motion (7) - the Convener; the Vice Convener; and Councillors Boulton, Dickson, Jean Morrison, Thomson and Townson.

There being an equality of votes, in terms of Standing Order 15(5) the Convener exercised his casting vote against the procedural motion. The Committee, therefore, proceeded to determine the application this day.

The Convener moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendation contained within the report, and that the applicant be requested to (1) consider possible screening for the garden in discussion with planning officers; and (2) submit a travel plan.

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

That the application be refused on the grounds that it failed to comply with Policy H1 within the Aberdeen Local Development Plan insofar as it could not be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity; and due to the detrimental impact there would be in terms of traffic and road safety in the immediate vicinity of the property.

Councillor Dickson moved as a second amendment:-

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

Councillor Dickson's amendment failed to attract a seconder and was therefore not put to the vote.

On a division, there voted:- for the motion (8) - the Convener; and Councillors Corall, Cormie, Dickson, Grant, Lawrence, Jean Morrison 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.



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**39 KING'S CRESCENT, ABERDEEN - 140715**

**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 material change of use of the property, to allow use as a House of Multiple Occupation (HMO), which would allow more than five unrelated people to live in the premises together, subject to the following conditions:-

- (1) That the proposal shall be implemented in accordance with drawing no. PL\_7B, in that the maximum number of lettable rooms shall be 10;
- (2) That the use hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on drawing no. PL\_7B have been provided; and
- (3) That prior to the date of occupation of the hereby approved HMO, the developer shall submit details, for written approval by the planning authority of how and what information will be provided at the property (e.g. cycle route maps and car club promotional literature) which support sustainable transport in the area.

**DECLARATION OF INTEREST**

**At this juncture, the Convener spoke in support of the objections submitted by Old Aberdeen Community Council and Old Aberdeen Heritage Society, emphasising the high number of HMOs in the area, and expressed his preference that the application be refused, however if the Committee was minded to approve the application that certain conditions or informatives be attached.**

**Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, the Convener declared an interest in the matter, vacated the Chair and withdrew from the meeting. Thereupon, the Vice Convener took the Chair.**

Councillor Cormie moved, seconded by Councillor Dickson:-

That the application be approved in accordance with the recommendation contained within the report, and that an informative be attached to require the applicant to check with Building Standards in terms of any internal alterations which may require a building warrant.

Councillor Jean Morrison moved as an amendment, seconded by Councillor Boulton:-

That the application be refused on the grounds that the proposal is considered to result in an adverse impact on the amenity of the area, involving the loss of existing residential use in favour of a more intensive occupancy of a commercial nature, contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan. The proposal is also considered to make inadequate

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provision for off-street car parking for residents, and as such would fail to accord with Policy T2 (Managing the Transport Impact of Development) and the associated 'Transport and Accessibility' supplementary guidance.

On a division, there voted:- for the motion (6) - Councillors Corall, Cormie, Dickson, Lawrence, Jennifer Stewart and Townson; for the amendment (7) - the Vice Convener; and Councillors Boulton, Grant, Greig, Jaffrey, Jean Morrison and Thomson; absent from the division (1) - the Convener.

**The Committee resolved:-**

to adopt the amendment.

**At this juncture, the Vice Convener vacated the Chair in favour of the Convener upon his return.**

**13 DEVONSHIRE ROAD, ABERDEEN - 140515**

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

That the Committee approve unconditionally the application in respect of planning permission for the creation of a car parking area within the rear garden of the property and the removal of part of the site boundary wall and the erection of gates adjacent to Union Grove Lane.

**The Committee resolved:-**

to approve the recommendation.

**SITE 17 PETERSEAT DRIVE AND SITE 49 MINTO AVENUE, ALTENS INDUSTRIAL ESTATE - 140028**

**12.** 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 retrospective hazardous substances consent for the storage and industrial use of various hazardous substances, subject to the following conditions:-

- (1) That the hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form as amended by the supplementary information from the applicant (email dated 27/02/14), nor outside the areas marked for storage of the the substances on the plans which formed part of the application (specifically the 'Overall Site Plan', drawing No. 3388C01); and (2) That substances which are catergorised as Part B2

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'Toxic' shall be restricted to those substances which exist in the liquid phase when held at ambient temperature and pressure conditions.

**INFORMATIVE**

In accordance with the provisions of section 28 of the Planning (Hazardous Substances) (Scotland) Act 1997, nothing in this hazardous substances consent hereby granted shall require or allow anything to be done in contravention of any of the relevant statutory provisions or any prohibition notice or improvement notice served under or by virtue of any of those provisions. To the extent that such a consent or notice purports to require or allow any such thing to be done, it shall be void. "Relevant statutory provisions", "improvement notice" and "prohibition notice" have the same meanings as in Part I of the [1974 c. 37.] Health and Safety at Work etc. Act 1974.

**The Committee resolved:-**

to approve the recommendation.

**PLANNING DIGEST**

**13.** The Committee had before it a report by the Head of Planning and Sustainable Development which provided an update on planning application 130918 - Hillhead of Clinterty, Tyrebagger Road, Kirkton of Skene - proposed explosives storage facility comprising six buildings access road, bunds and lighting towers, which had been considered at its meeting of 28 May 2014 (Article 5 of the minute refers).

**The report recommended:-**

that the Committee note the report.

**The Committee resolved:-**

to approve the recommendation.

- **RAMSAY MILNE, Convener.**