

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 17 September 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart, Stuart and Thomson.

The agenda and reports associated with this minute can be found at:-  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=3607&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 PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 18 AUGUST 2016

1. The Committee had before it the minute of its previous meeting of 18 August 2015.

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

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 27 AUGUST 2015

2. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 27 August 2015.

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

### ABERDEEN PET RESORT, CULTER - 141813

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

That the Committee approve the application for planning permission for change of use of part of the stable building to form 14 dog kennels, subject to the following conditions:-

- (1) That the kennels shall not be brought into use unless the development has been completed in its entirety as detailed in the plans hereby approved as part of this development and shall be operated in accordance with mitigation measures as detailed in the document *Noise Impact Assessment: Proposed Dog*

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*Kennels, Aberdeen Pet Resort, Milltimber, Aberdeen* by CSP Acoustics dated 10 June 2015 for the lifetime of the use of the kennels, unless otherwise agreed in writing by the Planning Authority – in order to ensure the kennels are operated in accordance with the mitigation measures detailed in the Noise Impact Assessment provided with the application, the measures considered necessary to reduce noise emission from the kennels to an acceptable level, in the interests of the amenity of the surrounding area.

(2) That the kennels hereby approved shall house no more than 14 dogs at any one time – in order to ensure the kennels are operated in accordance with the mitigation measures detailed in the Noise Impact Assessment provided with the application, the measures considered necessary to reduce noise emission from the kennels to an acceptable level, in the interests of the amenity of the surrounding area.

(3) 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 - in the interests of the amenity of the area.

(4) 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 - in the interests of the amenity of the area.

Councillor Boulton proposed that the application be deferred to allow local residents and neighbours time to undertake their own noise impact assessment.

**The Committee resolved:-**

to defer consideration of the application to allow local residents and neighbours to make arrangements to undertake their own noise impact assessment to be carried out by a suitably qualified noise consultant.

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**A944 JESSIEFIELD JUNCTION AND LAND SOUTH OF A944 AT BELLFIELD FARM  
- 141888**

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

That the Committee approve the application for planning permission for the upgrade of the Jessiefield roundabout Junction on the A944 in order to provide a connection of a new road, footpaths and cycle paths into the designated land release of Countesswells, identified as Opportunity Site OP58 within the Aberdeen Local Development Plan (2012), subject to the following conditions:-

(1) That no development in connection with the planning permission hereby approved shall take place until full details of the siting, design/specification, and landscaping have been submitted to and approved in writing by the planning authority by way of separate application(s) for matters specified in condition (MSC applications). The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. The MSC applications shall include (a) a detailed levels survey of the site and cross sections showing proposed finished road levels relative to existing ground levels and a fixed datum point; (b) a detailed drainage plan, including full details of the proposed means of disposal of surface water from the development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of Sustainable Urban Drainage Systems (SUDS), including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment; (c) details of all cut and fill operations; (d) the details of all roads, footpaths and cycleways including tie-ins to existing/proposed roads (including confirmation of control over necessary land); (e) details of any screen walls/fencing to be provided; (f) details of all landscaping, planting and screening associated with the development - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006;

(2) The landscaping details to be submitted pursuant to condition 1 above shall include (a) existing and proposed finished ground levels relative to a fixed datum point; (b) existing landscape features and vegetation to be retained; (c) existing and proposed services including cables, pipelines and substations; (d) the location of new trees, shrubs, hedges, grassed areas and water features; (e) a schedule of plants to comprise species, plant sizes and proposed numbers and density; (f) the location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment; (g) an indication of existing trees, shrubs and hedges to be removed; (h) a biodiversity action plan; (i) a management plan detailing appropriate management measures for all watercourse buffer strips; and (j) a programme for the completion and subsequent maintenance of the proposed landscaping. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately

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following the commencement of each respective phase of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment;

(3) The details to be submitted pursuant to condition 1 for the development shall show the proposed means of disposal of surface water from the development in accordance with SUDS and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the planning authority, in consultation with SEPA, the agreed drainage system shall be provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as (a) inspection regime relating to matters such as outlets/inlets; (b) frequency and method of cleaning of filter trenches, removal of silt etc; (c) grass cutting (and weeding) regime for swales; (d) means of access for future maintenance; (e) how to ensure that planting will not be undertaken over perforated pipes; and (f) details of the contact parties for future factoring/maintenance of the scheme to protect the water environment and help reduce flooding - to protect the water environment and help reduce flooding;

(4) That no development pursuant to this planning permission shall commence unless the following has been approved by way of formal application(s) for approval of matters specified in condition:

(a) a detailed and finalised Construction Environment Management Plan including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site, and the mechanism for compliance; (b) a scheme of noise and dust suppression measures to minimise potential impact during the construction phase; and (c) details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development have been submitted to and approved in writing by the planning authority. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study.

All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the planning authority - in order to prevent potential water pollution and to minimise the impacts of construction works on the environment;

(5) Prior to the commencement of any work in the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the planning authority in consultation with SEPA by way of formal application(s) for approval of matters specified in condition. This shall include (a) confirmation of the location of all existing water

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bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development; (b) full details relating to the realignment/deculverting of any watercourse on site including the Cults Burn. Any re-designed watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 2 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development; (c) full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the planning authority in consultation with SEPA - to protect and improve the water environment and to protect people and property from flood risk;

(6) No development in the development hereby approved shall take place unless surveys for protected species (red squirrel/bats/badgers) for that phase have been carried out and submitted to and approved in writing by the planning authority by way of formal application(s) for approval of matters specified in condition. Thereafter no development shall take place within the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the planning authority. No development shall take place unless the mitigation measures which have been agreed in writing by the planning authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species;

(7) No development shall take place within any individual block until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority by way of formal application(s) for approval of matters specified in condition. The programme of archaeological work will include all necessary post-excavation and publications - in the interests of protecting items of historical importance as may exist within the application site;

(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 by way of formal application(s) for approval of matters specified in condition and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development;

(9) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting

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(to include timing of works and inspections) has been submitted to and approved in writing by the planning authority by way of formal application(s) for approval of matters specified in condition. 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 - in order to preserve the character and visual amenity of the area; and

(10) That the agreed works pursuant to Condition 1 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to the occupation of the 1001st house constructed on the Countesswells development site as identified in the OP58 designation with the Aberdeen Local Development Plan (2012) - in the interests of road capacity and safety.

An additional condition was added by Planning Officers as follows:-

(11) The development hereby approved shall not be opened to vehicular traffic until the development approved in planning permission in principle ref. no. 141889 has been opened to vehicular traffic, or an alternative all-vehicle access and junction solution linking the Countesswells development site OP58 site to the Kingswells roundabout has been opened to vehicular traffic, all to the satisfaction of the Planning Authority.

### INFORMATIVES

1. that this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;
  - (i) the expiration of 3 years from the date of this grant of planning permission in principle;
  - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;
    - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
  
2. Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

The Convener, seconded by Councillor Boulton moved:-

That the application be approved in accordance with the recommendations contained within the report and the additional condition provided by Planning Officers above, and that a further condition be added as follows:- to erect

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temporary screening/landscaping to act as a screen/noise baffle during the construction of the development.

Councillor Crockett, seconded by Councillor Lawrence moved as an amendment:-

That the application be refused on the grounds that the proposed development would create an impact for traffic at the Kingswells Roundabout.

On a division, there voted:- for the motion (10) – the Convener, the Vice Convener and Councillors Boulton, Dickson, Greig, Jaffrey, Jean Morrison, Jennifer Stewart, Sandy Stuart and Thomson; for the amendment (3) – Councillors Crockett, Lawrence and Malik.

**The Committee resolved:-**  
to adopt the motion.

### **A944 KINGSWELLS JUNCTION AND LAND AT BELLFIELD FARM SOUTH - 141889**

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

That the Committee approve the application for planning permission for the upgrade of the Kingswells Roundabout junction on the A944 in order to provide connection of a new road (including bus lane), footpaths and cycle paths into the designated land release at Countesswells, identified as Opportunity Site OP58 within the Aberdeen Local Development Plan (2012), subject to the following conditions:-

(1) That no development in connection with the planning permission hereby approved shall take place until full details of the siting, design/specification, and landscaping have been submitted to and approved in writing by the planning authority by way of separate application(s) for matters specified in condition (MSC applications). The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. The MSC applications shall include (a) a detailed levels survey of the site and cross sections showing proposed finished road levels relative to existing ground levels and a fixed datum point; (b) a detailed drainage plan, including full details of the proposed means of disposal of surface water from the development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of Sustainable Urban Drainage Systems (SUDS), including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment; (c) details of all cut and fill operations; (d) the details of all roads, footpaths and cycleways including bus lanes and tie-ins to existing/proposed roads (including confirmation of control over necessary land); (e) details of any screen walls/fencing to be provided; (f) details of all landscaping, planting and screening associated with the development - in order to comply with Section 59

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of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006;

(2) The landscaping details to be submitted pursuant to condition 1 above shall include (a) existing and proposed finished ground levels relative to a fixed datum point; (b) existing landscape features and vegetation to be retained; (c) existing and proposed services including cables, pipelines and substations; (d) the location of new trees, shrubs, hedges, grassed areas and water features; (e) a schedule of plants to comprise species, plant sizes and proposed numbers and density; (f) the location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment; (g) an indication of existing trees, shrubs and hedges to be removed; (h) a biodiversity action plan; (i) a management plan detailing appropriate management measures for all watercourse buffer strips; and (j) a programme for the completion and subsequent maintenance of the proposed landscaping. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment.

(3) The details to be submitted pursuant to condition 1 for the development shall show the proposed means of disposal of surface water from the development in accordance with SUDS and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the planning authority, in consultation with SEPA, the agreed drainage system shall be provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as (a) inspection regime relating to matters such as outlets/inlets; (b) frequency and method of cleaning of filter trenches, removal of silt etc; (c) grass cutting (and weeding) regime for swales; (d) means of access for future maintenance; (e) how to ensure that planting will not be undertaken over perforated pipes; and (f) details of the contact parties for future factoring/maintenance of the scheme to protect the water environment and help reduce flooding - to protect the water environment and help reduce flooding;

(4) Prior to the commencement of any works in the development, the location (NGR of source) and type (surface water or groundwater) of the private water supplies serving Upper Kingshill shall be identified. Should they be groundwater fed and fall within 100m of roads, tracks or trenches or within 250m of foundations as proposed within the development, a quantitative hydrogeological assessment shall be submitted and, where appropriate, a scheme of protection and/or mitigation shall be developed by the applicant and agreed with the



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planning authority in writing (in consultation with SEPA) by way of separate application(s) for matters specified in condition (MSC applications). Once approved, the agreed scheme shall be implemented in full - in order to protect the water environment and its users;

(5) That no development pursuant to this planning permission shall commence unless the following has been approved by way of formal applications(s) for approval of matters specified in condition:

(a) a detailed and finalised Construction Environment Management Plan including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site, and the mechanism for compliance; and (b) details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development have been submitted to and approved in writing by the planning authority. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the planning authority - in order to prevent potential water pollution and to minimise the impacts of construction works on the environment;

(6) Prior to the commencement of any work in the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the planning authority in consultation with SEPA by way of formal application(s) for approval of matters specified in condition. This shall include (a) confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development; (b) full details relating to the realignment/decultivating of any watercourse on site including the Cults Burn. Any re-designed watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 2 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development; (c) full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the planning authority in consultation with SEPA - to protect and improve the water environment and to protect people and property from flood risk;

(7) No development in the development hereby approved shall take place unless surveys for protected species (red squirrel/bats/badgers) for that phase have been carried out and submitted to and approved in writing by the planning authority by way of formal application(s) for approval of matters specified in condition. Thereafter no development shall take place within the development unless detailed mitigation measures to safeguard any identified protected

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species have been submitted to and approved in writing by the planning authority. No development shall take place unless the mitigation measures which have been agreed in writing by the planning authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species;

(8) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority by way of formal application(s) for approval of matters specified in condition. The programme of archaeological work will include all necessary post-excavation and publications - in the interests of protecting items of historical importance as may exist within the application site;

(9) 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 by way of formal application(s) for approval of matters specified in condition and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development;

(10) 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 by way of formal application(s) for approval of matters specified in condition. 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 - in order to preserve the character and visual amenity of the area;

(11) That the agreed works pursuant to Condition 1 shall be carried out in their entirety, and to the satisfaction of the planning authority, prior to the occupation of the 401st house constructed on the Countesswells development site as identified in the OP58 designation with the Aberdeen Local Development Plan (2012) - in the interests of road capacity and safety.

**INFORMATIVES**

1. that this planning permission in principle shall lapse unless a further application(s) for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;
  - (i) the expiration of 3 years from the date of this grant of planning permission in principle;
  - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

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- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;
    - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Unless otherwise agreed in writing with the planning authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

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

to approve the recommendation.

**At this juncture, the Convener indicated that he would be speaking on behalf of Old Aberdeen Community Council and Old Aberdeen Heritage Society in support of their objections in relation to the following item of business, and therefore vacated the Chair in favour of the Vice Convener.**

### **CROMBIE HALLS, ABERDEEN UNIVERSITY, COLLEGE BOUNDS - 150392**

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

That the Committee expresses a willingness to approve the application for listed building consent retrospectively for the installation of a partly glazed partition wall (incorporating double doors) that runs on an east/west axis, forming a corridor at the southern end of the former hall, as well as for the erection of a diagonal timber screen in the north western corner of the Refectory room, subject to referral to Historic Scotland.

### **DECLARATION OF INTEREST**

**The Convener addressed the Committee as indicated above and requested that the application be refused. Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, the Convener declared an interest in the matter and withdrew from the meeting.**

The Vice Convener moved, seconded by Councillor Jaffrey:-

That the application be refused on the grounds that the development destroys the character and appearance of the listed building and is therefore contrary to

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Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 (Built Heritage) of the Aberdeen Local Development Plan.

Councillor Dickson, seconded by Councillor Sandy Stuart moved as an amendment:-

That the application be approved in accordance with the recommendation set out in the report.

On a division, there voted:- for the motion (9) - the Vice Convener; and Councillors Boulton, Crockett, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE and Thomson for the amendment (3) – Councillors Dickson, Jennifer Stewart, and Sandy Stuart; absent from the division (1) the Convener.

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

- (i) to adopt the motion to refuse the application and commence formal enforcement proceedings; and
- (ii) that a letter be issued by the Vice Convener to the applicant condemning the works which had been undertaken without the appropriate planning consent.

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

### **LAND OPPOSITE 152 AND 154 NORTH DEESIDE ROAD, MILLTIMBER - 151182**

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

That the Committee approve the application for the erection of a sales cabin until March 2016, subject to the following conditions:-

- (1) That the sales cabin hereby granted planning permission shall not remain on the site after a period of 6 months expiring 31st March 2016 – that the character and siting of the cabin is not such as to warrant its retention for a period longer than that specified in this permission; and
- (2) That the site hereby granted consent is fully restored to grazing ground comprising wild grasses within 4 weeks of the consent expiry date thereby being 28th April 2016. – in the interests of protecting the character of the green space network, the green belt and the visual amenity of the area.

### **INFORMATIVE**

The access junction layout is to be designed to Aberdeen City council standards. The development will require to be subject to a section 56 procedure – please contact Colin Burnet on 01224 522409 to discuss this matter in detail.

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**The Committee resolved:-**

to approve the recommendation.

**LAND AT ROWETT SOUTH, BUCKSBURN - 140844**

**8.** 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 conditionally for a residential-led mixed use development including approximately 1700 homes, local retail and commercial provision, education, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to ensure:-

1. The provision of 25% affordable housing on site;
2. Financial contributions towards a gypsy traveller halting site within the 'Greenferns Landward' site;
3. Financial contributions towards primary education provision and the provision of serviced land within the site for a new two stream primary school;
4. Financial contributions towards secondary education provision;
5. Financial contributions towards community facilities and sports & recreation and provision of serviced land within the site for new sports pitches;
6. Financial contributions towards healthcare and provision of serviced land within the site for a new health centre;
7. Financial contributions towards the Strategic Transport Fund; and
8. Financial contributions towards mitigation on the local roads network.

**(1) WATERCOURSES AND FLOOD RISK**

No development shall take place unless a matters specified in conditions application comprising a detailing a scheme for the protection and enhancement of the water environment has been submitted to and approved in writing by the planning authority in consultation with SEPA [and SNH or other agencies as appropriate]. The scheme shall include –

(i) Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development; (ii) Full details relating to the upgrading of existing culverts / de-culverting of any watercourses on site. Any such proposals shall be designed to accommodate the 1 in 200 year flow; (iii) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. Thereafter all works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

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Reason – in order to protect and improve the water environment and to protect people and property from flood risk.

**(2) AIR QUALITY ASSESSMENT**

No development shall take place unless matters specified in conditions application comprising an assessment of emissions to air from road traffic associated with the whole development has been submitted to and approved in writing by the planning authority. The assessment shall be undertaken in accordance with a method approved by Council's Environmental Health Service and take into account additional traffic associated with other consented or proposed developments in the area, including the Aberdeen Western Peripheral Route. Where the development is assessed as having an adverse impact on local air quality, including the Anderson Drive / Haudigan roundabout / Auchmill Road Air Quality Management Area, mitigation measures shall be specified in the report. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority.

Reason – in order to mitigate the impact of road traffic associated with the development on local air quality.

**(3) NOISE MITIGATION SCHEME FOR FORRIT BRAE SOUTH DWELLINGS**

No development shall take place unless a matters specified in conditions application consisting of a scheme of measures for the protection of the existing dwellings located on Forrit Brae South from road traffic noise (as identified within the AECOM Noise and Vibration Assessment, Chapter 11 of the Environmental Statement) has been submitted to and approved in writing by the planning authority. Thereafter the agreed measures shall be implemented prior to first occupation of the development.

Reason – in order to ensure that existing residents are adequately protected from excessive noise levels.

**(4) BIRD MITIGATION**

No development shall take place unless a matters specified in conditions application comprising a detailing a scheme for the provision of bird nest boxes along the southern edge of the Gough Burn woodland has been submitted to and approved in writing by the planning authority. Thereafter no development shall take place unless the boxes have been installed.

Reason – in order to mitigate the impact of development on bird species.

**(5) CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a Construction Traffic

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Management Plan for that particular phase or block has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason – in order to mitigate the impact of construction traffic on the operation of the road network.

**(6) CONTAMINATED LAND**

No development within any particular phase or block shall take place unless matters specified in conditions application comprising a scheme to deal with any contamination on or within the land forming that particular phase or block 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 include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter no building within the particular phase or block shall be occupied unless for that building (i) 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 and (ii) a report specifically relating to the building has 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 building within the particular phase or block site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies the completion of the remedial works for the entire phase or block, unless the planning authority has given written consent for a variation.

Reason – in order to ensure that the site is fit for human occupation

**(7) ARCHAEOLOGICAL WORK SCHEME**

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme of archaeological work for that particular phase or block in accordance with a written scheme of investigation has been submitted to and approved in writing by

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the planning authority. The scheme of archaeological work will include all necessary post-excavation and publication work.

Reason – in order to protect any items of archaeological importance which may exist within the site.

**(8) RECORDING OF FARM BUILDINGS**

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a building survey of all existing buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. The survey shall comprise a descriptive and photographic record of the building and a plan annotating any features of historic interest to at least to the standard of a level 2 English Heritage building survey and on completion shall be deposited with the local sites and monuments record.

Reason – in order to ensure that a historic record of buildings on the site is undertaken prior to demolition.

**(9) BIRD HAZARD MANAGEMENT PLAN**

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a bird hazard management plan planning authority for that particular phase or block has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of the management of potential bird attractants which may be attractive to nesting, roosting and "loafing" birds, and the measures in place to implement removal of birds/eggs/nests if deemed necessary. Thereafter the agreed measures shall be implemented in full for the lifetime of the development unless otherwise agreed in writing by the planning authority.

Reason – to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.

**(10) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)**

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address (i) surface water management; (ii) site waste management; (iii) watercourse engineering; (iv) pollution prevention; (v) management of wetland environment to increase its biodiversity value; and (vi) the protection of the wetland should any major oil spills occur in the area feeding it. Thereafter development shall be undertaken in accordance with the approved CEMP.



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

**(11) DUST MANAGEMENT PLAN**

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless matters specified in conditions application comprising a Dust Management Plan for that particular phase or block has been submitted to and approved in writing by the planning authority. The management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter development (including demolition) of each phase or block shall be undertaken in accordance with the approved plan.

Reason – in order to control air pollution from dust associated with the construction of the development.

**(12) SURFACE WATER DRAINAGE**

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall (i) detail two levels of sustainable drainage (SUDS) treatment (or three levels for industrial hardstanding areas) for all areas roads / hardstanding / car parking and one level of SUDS treatment for roof run-off; (ii) include source control; and (iii) shall be developed in accordance with the technical guidance contained in the SUDS Manual (C697). Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – in order to ensure adequate protection of the water environment from surface water run-off.

**(13) WASTE WATER CONNECTIONS**

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme for the connection of buildings to the public waste water system for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public waste water system are in place. Thereafter no building shall be occupied unless connection has been made to the public waste water network in accordance with the approved details.

Reason – in order to ensure that sewage is satisfactorily treated and disposed of.

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(14) **BADGER PROTECTION PLAN**

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless matters specified in conditions application comprising a badger protection plan for that particular phase or block has been submitted to and approved in writing by the planning authority. The plan must contain (i) an updated badger survey, if the current data is more than six months old; (ii) details of final badger fencing and locations of all badger tunnels; (iii) details of foraging habitat mitigation; (iv) proposals to enhance the quality of the retained and newly created foraging habitat for badgers; and (v) details of the advance delivery of the foraging habitat mitigation.

Thereafter no development shall take place unless the agreed mitigation measures have been implemented unless otherwise agreed in writing.

Reason – in order to ensure the protection of UK protected species.

(15) **TREE SURVEY AND PROTECTION**

No development within any particular phase or block shall take place unless matters specified in conditions application comprising a tree survey (carried out by a qualified arboriculturist) for that particular phase has been submitted to and approved in writing by the planning authority. The survey shall be undertaken in accordance with the Councils Supplementary Guidance 'Trees and Woodland' and include measures for the protection of those trees to be retained. Thereafter development shall be implemented in accordance with the approved details.

Reason – in order to safeguard any trees of value within and surrounding the site and assist in integrating existing trees into the development.

(16) **DESIGN AND LAYOUT OF ROADS, PATHS AND BUILDINGS**

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings and other structures for that particular phase or block has been submitted to and approved in writing by the planning authority. The application shall comprise –

(i) details of existing and proposed site levels (including cross sections); (ii) details of the layout and finish of roads, footpaths and cycle paths; (iii) details of layout, design and external appearance of –

- buildings and ancillary structures;
- vehicular and motorcycle parking;
- short and long term secure cycle parking;
- storage and collection arrangements for waste and recyclables;
- boundary enclosures around individual homes and other premises;

(iv) details of play zones (if relevant to that phase/block and in accordance with the masterplan);

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Thereafter the development shall be implemented in accordance with the approved details.

Reason – in order to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

**(17) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES**

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme of measures for the protection of the proposed residential properties from road traffic noise for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall ensure that external noise levels do not exceed LAeq 18 hour 50dB during the daytime period (0700- 2300) in any rear garden area and internal levels within bedrooms do not exceed LAeq 8 hour 30dB during the night time period (2300-0700) with windows partially open for ventilation. Thereafter no residential property shall be occupied unless the mitigation measures relevant to that particular property have been implemented in accordance with the agreed scheme.

Reason – in order to ensure that residents of the development are adequately protected from excessive noise levels.

**(18) PERWINNES RADAR SAFEGUARDING**

No development within any particular phase or block shall take place, unless there has been submitted to and approved in writing by the planning authority in consultation with the radar operator (NATS (En-route) plc), for that particular phase or block either (i) detailed plans including grid coordinates and spot heights for all corners of the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the Perwinnes Radar; or (ii) details of a scheme to mitigate any detrimental impact upon the operation of the Perwinnes Radar. Thereafter, development shall take place in complete accordance with such a scheme as so approved unless the planning authority and NATS (En-route) plc have given written consent for a variation.

Reason – in the interests of aircraft safety.

**(19) WATER EFFICIENCY STATEMENT**

No development within any particular phase or block shall take place unless matters specified in conditions application comprising a water efficiency statement for that particular phase or block has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings or BREEAM level 5 for non-domestic buildings. Thereafter

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the approved measures shall be implemented in the construction of the development.

Reason – in order to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

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

No development within any particular phase or block shall take place unless matters specified in conditions application comprising a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. Thereafter, each building shall not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

**(21) LANDSCAPING**

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising the a scheme of hard and soft landscaping covering all areas of public and private open/green space for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

(i) Existing and proposed finished ground levels; (ii) Existing landscape features, field boundaries, trees, woodland and vegetation to be retained or removed; (iii) Existing and proposed services and utilities including cables, pipelines and substations; (iv) Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting; (v) location, design and materials of walls, fences, gates and street furniture; (vi) arrangements for the management and maintenance of existing and proposed open space, woodland and landscaped areas including watercourse buffer strips; and(vii) proposed hard surface finishing materials.

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

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Reason – in order to integrate the development into the surrounding landscape, increasing the biodiversity value of the site and creating a suitable environment for future residents.

(22) **PUBLIC TRANSPORT STRATEGY**

No part of the development shall be occupied unless a matters specified in conditions application comprising a public transport strategy for the whole development has been submitted to and approved in writing by the planning authority. The strategy shall include proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy. Thereafter the agreed strategy shall be implemented as approved, unless otherwise agreed in writing by the Planning Authority.

Reason – in the interests of encouraging the use of public transport and reducing reliance on the use of private cars.

(23) **A96 / FORRIT BRAE JUNCTION ALTERATIONS**

Unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the layout of the A96 / Forrit Brae junction has been altered to prevent right turn movements from the A96 into Forrit Brae or from Forrit onto the A96 eastbound. The details of these alterations shall be agreed in writing by the Planning Authority in consultation with Transport Scotland.

Reason – in order to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

(24) **TRUNK ROAD FRONTAGE TREATMENTS**

That unless otherwise agreed in writing, no development within blocks RS:1, RS:13a, RS:13b, RS:18, RS:19 and RS:21 as identified on page 16 of the approved Rowett South: Phase 1 Masterplan (dated July 2015) shall take place unless a matters specified in conditions application comprising details of the frontage treatment along the trunk road boundary for that particular block has been submitted to and approved in writing by the planning authority in consultation with Transport Scotland. Thereafter the details shall be implemented as approved.

Reason – to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

(25) **EXTERNAL LIGHTING**

No development within any particular phase or block shall take place unless matters specified in conditions application comprising details of the external lighting for that particular phase or block has been submitted to and approved in writing by the planning authority after consultation with Transport Scotland, as

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the trunk roads authority. Thereafter the external lighting shall be shall be implemented in accordance with the approved details.

Reason – in order to ensure that there will be no distraction or dazzle on the trunk road and that the safe o the traffic on the trunk road will not be diminished and to ensure the safeguarding of Aberdeen International Airport.

Reason – in order to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

(26) **RESIDENTIAL TRAVEL PACK / GREEN TRAVEL PLAN**

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising either a residential travel pack (in the case of residential development) or a green travel plan (in the case of commercial development) for that particular phase or block has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason – in order to reduce dependency on the private car for travel.

(27) **PROVISION OF AWPR (DYCE / CRAIBSTONE) SECTION**

Unless otherwise agreed in writing by the Planning Authority and in consultation with Transport Scotland, the proposed development shall be limited to no more than 175 occupied residential units and ancillary uses, for the period prior to the Dyce / Craibstone Section of the Aberdeen Western Peripheral Route being open to traffic.

Reason – To restrict the scale of the development in order to minimise the interference with the safety and free flow of traffic on the trunk road.

(28) **RETENTION OF LISTED BOUNDARY STONES**

No development within block RS:44 or the open space to the west shall take place unless a matters specified in conditions application comprising a scheme for the retention in situ of the listed boundary stones (no. 42 and 41) adjacent to Kepplehills Road (identified as AS7 and AS8 in Chapter 13 of the Environmental Statement) has been submitted to and approved in writing by the planning authority. The scheme must explain how the features would be incorporated into the completed development proposals.

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Reason – in order to mitigate the impact of the development on cultural heritage assets.

(29) PHASING

That no development shall take place other than in accordance with the indicative phasing strategy contained within section 4 of the Rowett South Phase 1 Masterplan document, unless otherwise agreed through the submission of a matters specified in conditions application for an alternative phasing programme covering the same matters.

Reason – in order to ensure development is progressively accompanied by the appropriate associated infrastructure.

(30) SAFE ROUTES TO SCHOOL

The proposed primary school shall not be occupied unless matters specified in conditions application which identifies safe routes to the new primary school from within the development and any associated work to create the safe routes, has been submitted to and approved in writing by the planning authority.

Reason – in order to promote sustainable and safe travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

(31) RETAIL IMPACT ASSESSMENT (RIA) – BLOCK RS:27

No more than 700 units shall be completed unless a matters specified in conditions application comprising a retail impact assessment for retail, leisure and commercial uses within blocks RS:27 has been submitted to and approved in writing by the planning authority. The impact assessment shall be undertaken in accordance with a method approved by Council's Planning Service but is expected to (i) consider the required levels of retail, leisure and commercial floor space required in order to meet the demands of the development; (ii) indicate the level of actual floor space and mix of uses proposed; and (iii) make an assessment of any potential impact on nearby town, district or neighbourhood centres and Aberdeen city centre as a result of the new floor space.

Thereafter, the retail, leisure and commercial space shall be openly marketed with a view to securing occupiers for the units and marketing update reports shall be provided to Aberdeen City Council annually, starting one year after approval of the matters specified in conditions application.

In the case where no occupier can be found for any particular area of retail, leisure and commercial space, no more than 1400 residential units shall be completed unless a further retail impact assessment has been provided addressing the same considerations as the initial RIA. Thereafter, annual marketing reports shall continue.

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Reason – in order to ensure provision of local retail, commercial and community facilities at an appropriate time for the Newhills expansion area and to ensure that existing retail, leisure and commercial centres are not adversely impacted.

(32) **RETAIL IMPACT ASSESSMENT (RIA) – BLOCK RS:28**

That no development of the medical centre proposed in block RS:28 shall take place unless a matters specified in conditions application comprising a retail impact assessment for retail, leisure and commercial uses within the ground floor level of the medical centre has been submitted to and approved in writing by the planning authority. The impact assessment shall be undertaken in accordance with a method approved by Council's Planning Service but is expected to (i) consider the required levels of retail, leisure and commercial floor space required in order to meet the demands of the development; (ii) indicate the level of actual floor space and mix of uses proposed; and (iii) make an assessment of any potential impact on nearby town, district or neighbourhood centres and Aberdeen city centre as a result of the new floor space.

Reason – in order to ensure provision of local retail, commercial and community facilities at an appropriate time for the Newhills expansion area and to ensure that existing retail, leisure and commercial centres are not adversely impacted.

(33) **MASTERPLAN FOR REMAINDER OF SITE**

No development of any area outwith the part of the application site covered by the 'Rowett South Phase 1 Masterplan' shall take place unless matters specified in conditions application comprising an addendum to the existing 'Rowett South Phase 1 Masterplan' or a second masterplan for that particular area has been submitted to and approved in writing by the planning authority through an application for matters specified in conditions.

Reason – In order to ensure the key design principles are established for the area in a comprehensive and coherent manner.

**DIRECTION UNDER SECTION 59(5) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

That in accordance with the power granted to it under section 59(5) the planning authority hereby direct that section 59(2)(a)(i) shall apply in respect to this planning permission in principle with the substitution of the period of 3 years with that of 10 years, as is considered appropriate by the planning authority in this instance on the basis of the scale and size of the allocation. Therefore this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all conditions attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following; (i) the expiration of 10 years from the date of this grant of planning permission in principle; (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of



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matters specified in conditions was refused; (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

**INFORMATIVE NOTES****1. EXPIRATION OF CONSENT**

This planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - pursuant to section 59 of the Town and Country Planning (Scotland) Act 1997.

**2. DETAILED PLANNING APPLICATIONS**

The planning authority expect the matters specified in the conditions attached to this planning permission in principle to be addressed through the submission of matters specified in conditions applications. The submission of standalone detailed planning applications is strongly discouraged due to the added complexity of assessing such applications outwith the terms of the planning permission in principle. Should detailed planning applications be submitted it is likely that (i) further supporting information (e.g. transport assessment) would be required in order to adequately assess the proposals and (ii) new section 75 legal agreements would be required in order to secure developer obligations. Notwithstanding the standalone nature of any detailed planning applications, such application would be expected to observe the terms of the planning permission in principle conditions.

**3. ABERDEEN INTERNATIONAL AIRPORT SAFEGUARDING OF (CRANES & SCAFFOLDING & OTHER TALL CONSTRUCTION EQUIPMENT)**

Attention is drawn to the requirement within the British Standard Code of Practice for the Safe Use of Cranes (BS7121), specifically section 9.9.3 (Crane Control in the Vicinity of Aerodromes) which requires the responsible person to consult the aerodrome manager for permission to work if a crane is to be used within 6km of an aerodrome and its height would exceed 10m or that of surrounding trees and structures. Use of cranes or scaffolding above the height of the proposed development, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager (safeguarding@aairport.com / 01224 725756) at least one month prior to use. Failure to do so may result in any responsible person being guilty of an offence under Article 137 (Endangering Safety of and Aircraft) of the Air Navigation Order (CAP 393) which states that a person must not recklessly or negligently act in a manner likely to endanger an aircraft.

**4. ABERDEEN INTERNATIONAL AIRPORT SAFEGUARDING (HEIGHTS)**

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Any development above a height of 7m is likely to cause an infringement of a critical flight safety surface. If any proposal is anticipated to cause an infringement then it is recommended that contact is made with Aberdeen International Airport Safeguarding Manager (safeguarding@aiairport.com / 01224 725756).

### 5. PERWINNES RADAR (SAFEGUARDING)

Developers and applicants are advised that the application site is within the safeguarding zone of Perwinnes Radar Installation, operated by NATS (En Route) plc ("NERL"). On receipt of an application for matters specified in conditions (MSC) related to this grant of planning permission in principle (PPiP), the planning authority will consult NERL to determine if proposed buildings and structures would have an adverse impact upon the operation of the radar installation and if mitigation to any impact is possible. If an unacceptable impact and a viable mitigation is identified, the developer will be expected to agree with NERL a mitigation package prior to determination of an application. The planning authority strongly suggests that prior to submission of an application, early dialogue with NATS is undertaken to find a solution to any impact a development may have on the radar. NATS provide a technical consultancy service to developers wishing to enter into pre-application discussions and further information can be obtained from the NATS Safeguarding Office at NATSSafeguarding@nats.co.uk .

### 6. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

SEPA advice recommends that the CEMP is submitted at least 2 months prior to the commencement of any works on site. This is to allow necessary agencies sufficient time to fully review the mitigation proposals and avoid any potential delays to the project moving forward.

### 7. HOURS OF WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 16:00 hours on Saturday, with no noisy work audible at site boundary on Sunday.

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

- (i) to approve the recommendation; and
- (ii) to ensure that Scottish Water are consulted in terms of a sustainable drainage system.

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**MAKRO SITE, 1 WELLINGTON ROAD, WELLINGTON ROAD INDUSTRIAL ESTATE  
- 140924**

9. With reference to article 3 of the minute of meeting of 18 June 2015, the Committee had before it a report by the Head of Planning and Sustainable Development which outlined that, following the Members decision of 18 June 2015 of a willingness to approve the development subject to the completion of legal agreement, the applicants agent has approached the planning authority to highlight the following:-

- their difficulties in obtaining an end-user for a large supermarket due to the current economic climate; and
- the fact that they had been approached by IKEA with an offer to occupy a 4,274 square metres of the area the applicant previously proposed as a supermarket

That, in the light of the changed circumstances, an amended proposal was being referred back to Committee by the Convenor in consultation with the Head of Service as follows:-

- Retain the Makro (wholesale warehouse) store (as proposed in the original application submission) at 4502 square metres (reduced from the current overall premises level of 10,252 square metres;
- Reduce the extent of Class 1(Retail) Supermarket to 1476 square metres from 5750 sqm at present;
- Provide a store / warehouse of, for a new concept order and collect unit for IKEA. External alterations to include a third entrance feature and associated cladding alterations; and,
- A drop in the number of car parking spaces provided overall from 500 down to 482.

**The report recommended:-**

that the Committee reiterate its decision of 18 June 2015 to approve the application conditionally for alterations to the existing wholesale Cash and Carry of 10,252 square metres (inclusive of mezzanine level) to form two separate units with one of 4,502 square metres being retained for wholesale use, and a larger (southern) unit of 5,750 square metres being used for Supermarket (Class 1) retail purposes (70% convenience / 30% comparison retailing), but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to address the following matters:-

1. Developer contributions towards the Strategic Transport Fund; and,
2. Developer contributions towards mitigation on the local roads network together with the provision of infrastructure.

It was therefore recommended that approval is granted subject to the following conditions:-

- (1) 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

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thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(2) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems 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 - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) That the use hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(4) 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 - in the interests of the amenity of the area.

(5) 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 - in the interests of the amenity of the area.

(6) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. Proposed Site Plan A5128/P(--)-06 Rev D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

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(7) That no other development in connection with the permission hereby approved shall take place and the access / egress hereby approved shall not be brought into use unless visibility of 60 metres in both directions along the public road has been provided from a point 4.5 metres measured at right angles from the existing carriageway surface along the centre line of the approved new access. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed - To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

(8) That the use hereby granted planning permission shall not take place unless the recycling facility has been provided in complete accordance with drawing no. Proposed Site Plan A5128/P(-- ) 06 Rev D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of recycling - in order to ensure the appropriate provision of recycling facilities in an accessible location across the City.

(9) The floorspace of the proposed development hereby permitted shall be restricted to 5750 square metres (GFA) of Class 1 Retail for the sale of 70% convenience, and 30% comparison goods, and shall be used for no other purpose - in order to prevent the sale of goods that would have a potentially unacceptable level of impact on the vitality and viability of the city centre as the regional shopping focus.

The Committee decided to approve the application in line with the amendments proposed by the applicant and associated amendments to conditions (6), (8) and (9) of those previously agreed (above) as follows:-

(6) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. Proposed Site Plan A5128/P(-- ) 16 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 - in the interests of public safety and the free flow of traffic.

(8) That the use hereby granted planning permission shall not take place unless the recycling facility has been provided in complete accordance with drawing no. Proposed Site Plan A5128/P(-- ) 16 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

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recycling - in order to ensure the appropriate provision of recycling facilities in an accessible location across the City.

(9) The floorspace of the proposed smaller Class 1 Retail Unit of 1476 square metres hereby permitted shall be restricted to convenience retailing only, and shall be used for no other purpose - in order to retain an element of convenience goods shopping on the site to serve the local community and prevent the sale of goods that would have a potentially unacceptable level of impact on the vitality and viability of the city centre as the regional shopping focus.

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

to note the recommendation contained in the report and approve the amended conditions outlined at (6), (8) and (9) above.

### **ARDSHEILING, BAIRDS BRAE, CULTS - 150988**

**10.** 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 two and a half storey house in an L shape footprint with integral double garage, on the following grounds:-

(1) The proposed house fails to comply with policy H1 – Residential Areas of the Aberdeen Local Development Plan 2012 and associated Supplementary Guidance on the Sub-division and Redevelopment of Residential Curtilages whereby the proposals: constitute “backland” development, failing to have a public frontage to a street; result in a higher plot density than the plots to the north of the site; and would result in the loss of privacy to neighbouring properties, detrimental to their established residential amenity;

(2) The scale and design of the house, coupled with its siting would have an adverse impact on the setting of ‘Ardsheiling’ and the wider Pitfodels Conservation Area, contrary to the requirements of policy D1 – Architecture and Placemaking of the Aberdeen Local Development Plan 2012, as well as Scottish Planning Policy, Scottish Historic Environment Policy and subsequently policy D5 – Built Heritage of the Aberdeen Local Development Plan 2012; and

(3) The impact of the development on established trees within the garden that contribute to the character of the local area has not be demonstrated and subsequently fails to comply with the requirements of policy NE5 – Trees and Woodland of the Aberdeen Local Development Plan 2012 and Sub-division and Redevelopment of Residential Curtilages Supplementary Guidance.

In light of the above reasons, the proposals also fail to comply with the requirements of policies H1 – Residential Areas, D1 – Quality Placemaking by

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Design, D4 – Historic Environment and NE5 – Trees and Woodlands of the Proposed Aberdeen Local Development Plan 2015.

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

to approve the recommendation contained within the report.

### **HOME FARM (LAND AT) SCOTSTOWN ROAD (EAST WOODCROFT) BRIDGE OF DON - 151034**

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

That the Committee note that this application in respect planning permission for a proposed residential development comprising of 56 residential units, associated infrastructure and landscaping works relates to land currently owned by Aberdeen City Council, and has attracted a significant level of representation from within the local community, however the proposal does not represent a departure from the Development Plan, and the issues raised are primarily of local interest. It is not considered that a non-statutory public hearing would be warranted in this instance.

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

to approve the recommendation contained within the report.

### **TECHNICAL ADVICE NOTE - PLANNING AND ABERDEEN AIRPORT - CHI/15/267**

12. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which recommended that a new Technical Advice Note (TAN) on 'Planning and Aberdeen Airport' be adopted as a non-statutory planning guidance.

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

that the Committee –

- (a) note the results of the six-week public consultation period and the amendments made to the draft document as a result; and
- (b) adopt the Planning and Aberdeen Airport TAN document as non-statutory planning guidance, subject to the determination of the Strategic Environmental Assessment Screening.

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

to approve the recommendations.

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**TECHNICAL ADVICE NOTE - STUDENT ACCOMMODATION - CHI/15/268**

**12.1.** The Committee had before it a report by the Director of Communities, Housing and Infrastructure which recommended that a new Technical Advice Note (TAN) on 'Student Accommodation' be adopted as a non-statutory planning guidance.

**The report recommended:-**

that the Committee –

- (a) note the results of the six-week public consultation period and the amendments made to the draft document as a result; and
- (b) adopt the Student Accommodation TAN document as non-statutory planning guidance, subject to the determination of the Strategic Environmental Assessment Screening.

**The Committee resolved:-**

to approve the recommendations.

**- RAMSAY MILNE, Convener.**