

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 18 August 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, Stuart, Thomson and Yuill (as substitute for Councillor Jennifer Stewart).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=3660&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.

VALEDICTORY

1. The Convener advised that this was Dr Maggie Bochel's last meeting of the Planning Development Management Committee before she left the Council and wished to express his sincere thanks for all of her hard work over the years.

The Committee resolved:-

to concur with the remarks of the Convener.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 16 JULY 2015

2. The Committee had before it the minute of its previous meeting of 16 July 2015.

In relation to article 7 of the minute, Jesmond Drive (150369), Dr Bochel advised that she had declared an interest on the item and as a result the report was written by the Development Management Manager.

Members had been circulated with updated conditions for article 7 of the minute. The Development Management Manager explained that since the original minute was issued, officers had looked again at the conditions and felt that they were too strict on the applicant. The updated conditions contained changes in relation to conditions 2 and 6.

The Committee resolved:-

to approve the minute subject to the necessary changes.

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CLOVERLEAF HOTEL - KEPPLEHILLS ROAD - 141837**3. 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 for planning permission for the demolition of a hotel and the erection of 68 affordable flats, subject to the following conditions but to withhold consent until a legal agreement is entered into by the applicant and the Council to ensure the development is restricted solely to affordable housing and to secure developer obligations towards primary and secondary education, the core path network, open space and the Strategic Transport Fund:-

(1) That no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall: (a) be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note, (b) identify the likely sources of noise; and (c) indicate the measures to reasonably protect the amenity of the occupants of the development from all such sources of noise that have been identified. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity. (2) Development shall not commence until a bird hazard management plan (BHMP) 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 be attractive to nesting, roosting and "loafing" birds, and measures in place to implement removal of birds/eggs/nests if deemed necessary. The BHMP must also provide a plan for the duration of earth works, outlining the developer's commitment to managing the risk of attracting birds to the site during excavation activities. Thereafter the agreed measures shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds. (3) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing no.5257-101 Rev K 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. (4) That the development hereby approved shall not be occupied unless a schedule of work relating to the upgrading of the existing bus shelter adjacent to the site on the eastbound side Kepplehills Road and the provision of a new bus shelter on the westbound side of Kepplehills Road has been submitted to and approved in writing by the planning authority. Thereafter, the new bus shelters shall be provided in accordance with the approved details prior to the occupation of the

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development – in the interests of sustainable travel and to encourage a reduction in the level of private car trips generated by the development. (5) That the development shall not be occupied unless the two path links to the north of the site into the adjacent playing field, as shown in drawing no. 5257-101 Rev K, have been completed and provided for use – in order to ensure that the development is served by suitable links to the adjacent amenity space, in the interests of the amenity of the occupants of the development hereby approved. (6) That notwithstanding the specification of white dry dash render on drawing nos. 5257-301 Rev C, 5257-302 Rev C, 5257-303 Rev C hereby approved is not approved and the development hereby approved shall be externally finished with a variety of different colours of dry dash renders to the external walls to be submitted to and approved by the Council as planning authority – in order to minimise visual intrusion of the development. (7) That all planting, seeding and turfing comprised in the scheme of landscaping as shown in drawing no.0959/01 hereby approved 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. (8) That no development shall take place unless schemes for external lighting for the completed development, as well as construction phase, have been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme. The external lighting shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is to be no light spill above the horizontal – in the interest of public safety and to ensure the lighting does not distract crew operating at Aberdeen International Airport. (9) That prior to first occupation of the units or completion of the development (whichever is the soonest), a travel plan shall be submitted to and approved by the Council (as planning authority) Thereafter the measures identified in the travel plan shall be implemented in accordance with the approved plan - in the interests of sustainable travel. (10) That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

INFORMATIVESRoads Construction Consent

The roads authority does not envisage adopting the internal access beyond the tangent point of the proposed bellmouth onto Kepplehills Road. It is suggested that the

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applicant confirms adoption arrangements whilst agreeing the extent of roadworks to be included in an RCC application to Colin Burnet (tel. 01224 522409).

SEPA

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of www.sepa.org.uk. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

- Inverdee House, Baxter Street, Torry, Aberdeen AB11 9QA Tel. 01224 266600

Aberdeen International Airport

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, scaffolding above the height of the proposed development, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager (safeguarding@aiairport.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 an 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.

Construction Works

In order to protect occupants of the neighbouring residences/offices/shops from any potential noise nuisance, demolition and building works should not occur:

- a) outwith the hours of 7am to 7pm on Monday to Friday
- b) outwith the hours of 9am to 4pm Saturdays
- c) at any time on Sundays, except for works inaudible outwith the application site boundary.

If piling operations are to be carried out, agreement should be reached with this Service regarding hours of operation.

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DECLARATION OF INTEREST

At this juncture, Councillor Lawrence spoke on behalf of one of his constituents who had objected to the proposal on the grounds of its massing directly opposite his house, which he felt would result in overshadowing. Accordingly, in terms of section 7.15 of the Councillors Code of Conduct, Councillor Lawrence declared an interest in the matter and withdrew from the meeting.

The Committee resolved:-

to approve the recommendation.

UNITS 1-3 UNION GLEN - 151052

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

That the Committee express a willingness to approve the application for planning permission for the demolition of existing industrial units and the erection of an apart-hotel comprising 71 room suites with associated parking and landscaping, subject to the following conditions but to withhold the issue of the consent document until the applicant has entered into an appropriately binding agreement with the Council to secure contribution towards works to the core paths/environmental and access improvements in the area and the Strategic Transport Fund :-

(1) That no development other than the works of demolition / site clearance 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 - in the interests of protecting items of historical importance as may exist within the application site. (2) That no development shall take place unless a scheme, including submission of material samples, detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to and approved in writing by the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity. (3) That the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 14641-00-13 Rev A, and as set out in the Drainage Assessment dated 17/12/2014 and submitted in support of this application by Fairhurst, 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 - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained. (4) That the proposed ground floor office / admin room window on the

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west elevation of the proposed development hereby approved shall not be fitted other than with obscure glass to a minimal level 2 obscuration unless the planning authority has given prior written approval for a variation - in the interests of protecting the privacy of neighbouring residential properties. (5) That the development hereby granted planning permission shall not be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health. (6) That no development shall take place, other than the works of demolition / site clearance, unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site, and such scheme has been 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 suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include: (a) an investigation to determine the nature and extent of contamination, (b) a site-specific risk assessment, (c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed. No building(s) on the development site shall be occupied unless: (a) 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 (b) a report specifically relating to the building(s) 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 on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation - in order to ensure that the site is fit for human occupation. (7) That the development 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. (8) That the development hereby approved shall not be occupied unless the parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing no. 14641-00-01 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 or motorcycles ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic. (9) That the staff changing rooms as shown on the approved plan Ref 14641-00-01 Rev D, or such other plan as may subsequently

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be approved in writing by the planning authority for the purpose, shall have been provided in accordance with the details hereby approved prior to first occupation of the building and retained thereafter at all times for such use - to ensure suitable facilities to support and promote sustainable modes of travel. (10) That the Traffic Regulation Order (TRO) required to deliver the proposed taxi drop off/pick up area, as per drawing no. 14641-00- 01 Rev D, is in place prior to occupation of the development hereby approved, or any other such timescale agreed by the planning authority, and the total cost of all works including the promotion of the TRO are met by the applicant - in the interests of public safety and the free flow of traffic. (11) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan and Travel Information Pack, which should be site specific and outline measures to deter the use of the private car and promote all kinds of sustainable travel and provide detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development. (12) 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 - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'. (13) 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 detailed scheme of landscaping for the site, to include 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.

INFORMATIVES

1. That no construction or demolition work shall take place: (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary in the interests of residential amenity.
2. That the applicant contact Aberdeen City Waste Aware section to ascertain further information regarding refuse storage/removal. Waste Team - Tel 08456 080919. E-mail - wasteaware@aberdeencity.gov.uk
3. That consideration be given to any potential noise related issues to surrounding residents due to plant installed on site.

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4. A TRO will be required for the proposed taxi drop off / pick up area as per drawing no. 14641-00-01 Rev D. It should be noted that the applicant has responsibility for applying for the TRO.

The Committee resolved:-

to approve the recommendation.

31 HILLSIDE ROAD, PETERCULTER - 150920

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 demolition of an existing house and redevelopment on the site to create two detached dwelling houses, subject to the following conditions:-

(1) That notwithstanding the provisions of Article 3 and Schedule 1, Part 1, Class 1A and Class 1B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) no extensions which materially affect the external appearance of the dwelling houses hereby approved shall be constructed without a further grant of planning permission from the planning authority - to preserve the residential amenity of 33 Hillside Road. (2) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity. (3) 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 - in order to preserve the amenity of the neighbourhood and in the interest of residential amenity. (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

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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 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. (7) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained and laid-out in accordance with drawing no. 003G 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.

The Convener moved, seconded by Councillor Dickson:-

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

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

That the application be refused on the grounds that the proposed development would have a detrimental impact in terms of road safety and pedestrian safety, as well as a negative impact on the residential amenity of neighbouring properties particularly in terms of the lack of screening and the visual impact.

On a division, there voted:- for the motion (6) – the Convener; and Councillors Crockett, Dickson, Lawrence, Jean Morrison MBE and Sandy Stuart; for the amendment (7) - the Vice Convener; and Councillors Boulton, Greig, Jaffrey, Malik, Thomson and Yuill.

The Committee resolved:-

to adopt the amendment, and therefore refuse the application.

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.

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UNIVERSITY OFFICE, REGENT WALK - 150525

6. 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 to erect four smoking shelters on the University Campus, subject to the following condition:-

that no development shall take place unless a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

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 then took the Chair.

Councillor Dickson moved, seconded by Councillor Sandy Stuart:-

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

Councillor Boulton moved as an amendment, seconded by Councillor Yuill,

That the application be refused on the grounds that the proposed smoking shelters would detract from the character and appearance of the surrounding conservation area, by reasoning of clutter and visual intrusion, and the proposal therefore fails to comply with Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 (Built Heritage) of the Aberdeen Local Development Plan.

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

The Committee resolved:-

to adopt the amendment and therefore refuse the application.

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

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59-63 QUEENS ROAD - 150765

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

That the Committee approve the application unconditionally for retrospective planning permission for the erection of a glass balustrade at the rear of the Chester Hotel.

The Convener moved, seconded by Councillor Jaffrey:-

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

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

That the application be refused on the grounds that the balustrade was insufficient in height to contain noise which was having a negative impact on residential amenity, and that the materials used were not suitable for the Conservation Area.

On a division, there voted:- for the motion (8) – the Convener; and Councillors Crockett, Dickson, Jaffrey, Lawrence, Malik, Jean Morrison MBE and Sandy Stuart; for the amendment (5) – the Vice Convener; and Councillors Boulton, Greig, Thomson and Yuill.

The Committee resolved:-

to adopt the motion and therefore approve the application.

WEST MIDDLEFIELD, SKENE ROAD - 150819

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

That the Committee **refuse** the application for planning permission for the erection of two houses and associated infrastructure, on the following grounds:-

(1) That the site lies within the Green Belt, which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP) 2012. If permitted, this application would create a precedent for more, similar developments, to the further detriment of the objectives of Green Belt policy. Sufficient land has been identified for new residential development through the Local Development Plan, and therefore approval would undermine the long-term strategy of the ALDP. (2) The

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proposal if approved would result in an increase in traffic using the junction with the A944 which is a road safety hazard due to the intensification of use of the access, in particular for traffic heading eastward bound.

Councillor Boulton moved as a procedural motion, seconded by Councillor Yuill, that a site visit be undertaken to ascertain the context of the site.

On a division, there voted:- for the procedural motion (8) – the Vice Convener; and Councillors Boulton, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Thomson and Yuill; against the procedural motion (5) – the Convener; and Councillors Crockett, Dickson, Greig and Sandy Stuart.

The Committee resolved:-

to adopt the procedural motion and therefore visit the site on a date and time to be confirmed.

BREACH OF PLANNING CONTROL AT 64 QUEEN'S ROAD

9. The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which advised of a breach of planning control regarding the formation of car parking to the front of the property at 64 Queen's Road and sought authorisation to commence enforcement action and redress in the courts as deemed appropriate.

The report recommended:-

that the Committee authorise the serving of an Enforcement Notice upon Mr Graham Wood as the owner of the application property to rectify the breach of planning control; and in the event that the specified works are not undertaken, or a revised scheme is not agreed with the planning authority, to seek redress in the courts.

The Committee resolved:-

to approve the recommendation.

- **RAMSAY MILNE, Convener**.