

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 12 February 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Crockett, 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&MId=3695&Ver=4>

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MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 15 JANUARY 2015

1. The Committee had before it the minute of its previous meeting of 15 January 2015.

The Committee resolved:-

- (i) to approve the minute; and
- (ii) in relation to the Old Aberdeen Conservation Area draft character appraisal (Article 4), to agree that all submissions to the July 2014 stakeholder consultation and the ongoing stakeholder consultation be reproduced in full and circulated to all members of the Committee with the agenda when the revised draft is resubmitted.

1 GOWANBRAE ROAD, BIELDSIDE - 141543

2. 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 the existing property and the construction of a replacement dwelling, 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 thereafter the development shall be carried out in accordance with the details so agreed;
- (2) 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;
- (3) That no part of the

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development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (4) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks; (5) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme of boundaries enclosures for the site, the said scheme comprising 1.8 metre high enclosures along both side boundaries adjacent to the location of the house hereby granted planning permission. Thereafter the house shall not be occupied unless the said scheme has been implemented in full; and (6) 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.

Councillor Boulton proposed that a site visit be undertaken to enable members to get a better perspective of the site and the surrounding area.

The Committee resolved:-

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

80 WESTERN ROAD - 141404

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 a change of use from medical practice to form 19 serviced apartments, but to withhold the issue of the consent document until the applicant has entered into a legal obligation with the Council to ensure that the serviced apartments remain as a single planning unit, in the ownership of the current applicant to ensure that they are not sold off separately or disposed of for any alternative use; and in order to restrict the length of occupancy of any apartment to a maximum period of 90 days, and subject to the following conditions:-

(1) That none of the serviced apartments hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing L(00)001 have been provided; (2) That none of the serviced apartments hereby

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granted planning permission shall be occupied unless full details for the proposed bin storage area, including boundary enclosures, as shown on drawing L(00)001 have been submitted to, and approved in writing by the planning authority, and that such approved storage area is constructed and available for use; (3) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan (GTP), which outlines sustainable measures to deter the use of the private car. Such GTP shall be made available within all apartments at all times; (4) That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the planning authority an assessment of the noise levels likely within the 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 recommend any measures necessary to ensure satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full; and (5) That the serviced apartments hereby granted planning permission shall not be occupied unless a servicing plan for the proposal has been submitted to, and approved in writing, by the planning authority.

INFORMATIVES

1. It should be noted that the serviced apartments hereby approved shall form a single planning unit and shall not be disposed of independently one from the other without the prior consent in writing of the planning authority. Furthermore the serviced apartments hereby approved shall be used solely for that purpose for a maximum of 90 days by the same occupants. These aspects are covered through the associated s75 legal agreement.
2. That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place:
 - (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays;
 - (b) outwith the hours of 9.00am to 4.00pm Saturdays; or
 - (c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery].

3. The applicant should discuss the content of the required Green Travel Plan with Richard Bailie in the Roads Projects Team.
4. The applicant should discuss the content of the required Noise Assessment with Andrew Gilchrist in the Council's Environmental Health Service.

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Councillor Jennifer Stewart expressed concern at the possibility of the serviced apartments being used inappropriately, as had been alleged at serviced apartments in the west end of the city, and that a minimum period of occupancy could not be enforced as she felt this would help combat the issue. Councillor Jennifer Stewart requested that her concerns be recorded in the minute and this was accepted.

The Committee resolved:-

to approve the recommendation.

1 UNION BRIDGE - 131829

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 listed building consent for proposed works to the bridge to provide a safety barrier with associated lighting and works, subject to the following conditions and referral to Historic Scotland:-

(1) That development shall not take place unless further details, including large scale detailed plans showing the lampposts, safety barrier and joints, have been submitted to, and approved in writing by, the planning authority; and (2) That no development shall take place unless a scheme detailing all external finishing materials to 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.

The Convener moved, seconded by Councillor Boulton:-

That the application be refused on the grounds that the design and nature of the safety barrier and lighting would be out of keeping with and detrimental to the character and setting of the Category B listed Union Bridge, and therefore would be contrary to Scottish Historic Environment Policy, the 'Managing Change in the Historic Environment - External Fixings' guidance notes and Policy D5 'Built Heritage' in the Aberdeen Local Development Plan 2012.

Councillor Cormie moved as an amendment:-

That Historic Scotland be approached with a view to persuading them that the other option originally reported to members be approved, and not the preferred option which was subject of the planning application for listed building consent.

The Convener ruled Councillor Cormie's amendment incompetent in terms of Standing Order 18(1)(iii) but noted that it would be recorded in the minute in terms of Standing Order 12(6).

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The Committee resolved:-

to refuse the application on the grounds that the design and nature of the safety barrier and lighting would be out of keeping with and detrimental to the character and setting of the Category B listed Union Bridge, and therefore would be contrary to Scottish Historic Environment Policy, the 'Managing Change in the Historic Environment - External Fixings' guidance notes and Policy D5 'Built Heritage' in the Aberdeen Local Development Plan 2012.

ORDER OF AGENDA

5. The Convener proposed that agenda item 7 (Confirmation of Tree Preservation Orders) be considered at this juncture, and this was accepted.

CONFIRMATION OF TREE PRESERVATION ORDERS - CHI/14/082

6. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought confirmation of 17 provisional Tree Preservation Orders, made under delegated powers, to provide long term protection for the relevant trees.

The report recommended:-

that the Committee confirm the making of Tree Preservation Orders 124, 159, 202, 204, 206, 162, 178, 184, 188, 211, 107, 115, 139, 152, 153, 158 and 226 without modifications, and instruct the Head of Legal and Democratic Services to attend to the requisite procedures.

The Committee resolved:-

to approve the recommendation.

DECLARATIONS OF INTERESTS

The Convener declared an interest in the following item of business by virtue of having been involved in the property transaction while he was employed by NHS Grampian, and withdrew from the meeting. Thereupon, the Vice Convener took the Chair.

Councillor Crockett advised that he was a member of the Board of NHS Grampian, but explained that he was declaring an interest due to the fact that he was not expecting to be at the meeting and had commented on the application on social media, and therefore withdrew from the meeting.

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REDEVELOPMENT OF CORNHILL HOSPITAL - 130381

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

That the Committee express a willingness to approve the application for the demolition of the former hospital buildings and the construction of a residential development of 323 units comprising 89 new build houses, 198 new build flats and the conversion of the former hospital building to form 36 flats, with associated car parking, open space and infrastructure, subject to the conclusion of a legal agreement to secure (a) 25% affordable housing provision, including 15% on-site; (b) developer contributions in relation to primary education, community facilities, sports and recreation and library facilities, in line with the assessment carried out by the Council's Developer Obligations team; (c) participation in a car club in order to mitigate the identified shortfall in car parking by providing membership for residents; and (d) contributions towards mitigation works at junctions in the local road network in the event that the development is implemented prior to Berryden Corridor road widening, and subject to the following conditions:-

(1) That no development shall be undertaken until such time as a phasing scheme, detailing the phased delivery of internal roads, footpaths and open spaces to serve respective phases of development, has been submitted to and agreed in writing by the planning authority. Thereafter, unless otherwise agreed in writing by the planning authority, the development shall be implemented in accordance with the agreed phasing scheme; (2) That no development shall take place unless a scheme detailing the proposed site and plot boundary enclosures for the development site, including extensive reuse of granite downtakings in boundary walls and appropriate proposals for the gating of paths to the rear of terraced properties, has been submitted to the planning authority and subsequently approved in writing. Thereafter no unit within a phase shall be occupied unless the boundaries for that phase have been provided in accordance with the agreed scheme, or such other drawing as may subsequently be submitted and approved in writing by the planning authority; (3) 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; (4) That no development shall be undertaken until such time as a Phase II intrusive site investigation to assess the potential risks from any contamination on-site has been submitted and approved in writing by the planning authority, in consultation with the Council's Environmental Health service, and that (if found to be necessary) supplementary investigations are carried out thereafter. Unless otherwise agreed in writing, no building within the development shall be occupied until any agreed remediation measures have been carried out to the satisfaction of the planning authority. Note: this investigation should be carried out in advance of demolition in order to ensure that the process of demolition itself does not result in the mobilisation of contaminants, increase risk and complicate

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any necessary remediation; (5) That no development shall be undertaken until such time as a site specific environmental management plan (EMP), incorporating detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter all work shall be carried out in accordance with the approved plan; (6) That none of the buildings hereby approved shall 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 for that building, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full; (7) That no development shall be commenced until such time as the mitigation measures set out in the submitted bat surveys (Countrywise, July - Sept 2013 and Astell Associates ref RCH-1411-BS, 9 Nov 2014), or any other mitigation scheme agreed in writing by the planning authority, have been implemented; (8) That no buildings within a particular phase shall be occupied unless there has been submitted to, and approved in writing by, the planning authority, a comprehensive Residential Travel Pack for that phase, setting out proposals for reducing dependency on the private car. This should also include information on external connectivity to key facilities, and, in consultation with local schools and the planning authority, information on safer routes to schools; (9) That no development shall be undertaken until such time as a construction programme, including information about construction access arrangements and typical daily construction vehicle movements, has been submitted and agreed in writing by the planning authority, in consultation with colleagues in the Council's Roads Projects Team; (10) That prior to the occupation of any of the flatted properties within the development, the developer shall provide the 2 car club spaces as shown on drawing L(--)-002-rev AH, or such other drawing as may be approved in writing by the planning authority for this purpose, and thereafter such spaces shall be retained in complete accordance with the details as so agreed; (11) That no building within the development hereby approved shall be occupied unless the car, motorcycle (including a secure fixed point) and bicycle parking areas serving those buildings have been constructed, drained, laid-out and demarcated in accordance with drawing L(--)-002-rev H 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 vehicles ancillary to the development hereby granted approval; (12) That no development shall take place unless a further detailed scheme of hard and soft landscaping for the site (which includes a full Arboricultural Impact Assessment and indications of all existing trees and landscaped areas on the land, details of any to be retained together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, all hard landscaping including proposed materials and street furniture) has been

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submitted to and approved in writing for the purpose by the planning authority;

(13) 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;

(14) 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;

(15) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation;

(16) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks;

(17) That no dwellings within a given phase of the development hereby granted planning permission shall be occupied unless the area/areas of public open space within that phase, as identified on Drawing No. L (--)-002-rev A of the plans hereby approved (or such other drawing as may be subsequently approved), have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the planning authority. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface;

(18) That no development shall take place unless a further detailed scheme of refuse and recycling storage has been submitted to and approved in writing by the planning authority. Thereafter no unit within a given phase shall be occupied unless the refuse and recycling storage for that phase has been provided in accordance with the said scheme;

(19) That unless otherwise agreed in writing, no part of the development hereby granted planning permission shall be occupied unless all drainage works detailed on Fairhurst drawing number 96600/2050-rev C 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;

(20) That no development shall take place unless a scheme for

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external lighting has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; and (21) That unless otherwise agreed in writing with the planning authority, no building within the development hereby approved shall be occupied until such time as a traffic light controlled junction has been introduced at the main access onto Berryden Road, in accordance with a detailed specification submitted to and agreed in writing by the planning authority, in consultation with the Council's Roads Projects Team.

INFORMATIVES

1. Construction hours - it is recommended that no construction or demolition work should take place: (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. Please note that separate statutory noise controls exist under environmental health legislation.

2. Separate licensing regime for works affecting bat roosts.

Please note that, separate from this grant of planning permission, it is likely that a licence from Scottish Natural Heritage will be required in relation to works affecting bat roosts - it is the applicants' responsibility to ensure that the appropriate licence has been obtained before such works affecting a European Protected Species (including demolition works) are undertaken.

The Vice Convener moved, seconded by Councillor Corall:-

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

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

That the application be refused on the grounds that the proposed development would create an adverse impact on the surrounding roads infrastructure, and that insufficient measures were contained within the application to provide mitigation in this area.

On a division, there voted:- for the motion (10) - the Vice Convener; and Councillors Boulton, Corall, Cormie, Jaffrey, Lawrence, Malik, Jean Morrison, Sandy Stuart and Thomson; for the amendment (2) - Councillors Greig and Jennifer Stewart; absent from the division (2) - the Convener; and Councillor Crockett.

The Committee resolved:-

to adopt the motion.

- **RAMSAY MILNE, Convener**; and **ANDREW FINLAYSON, Vice Convener**.