

Public Document Pack



To: Councillor Milne, Convener; Councillor Finlayson; Vice Convener; and Councillors Boulton, Cooney, Cormie, Corall, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Stuart and Thomson .

Town House,
ABERDEEN 6 January 2016

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 14 JANUARY 2016 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION, INCLUDING THOSE NOT IN THE REPORT PACK, ARE AVAILABLE TO VIEW IN THE MEMBERS' LIBRARY

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Meeting of the Planning Development Management Committee of 10 December 2015 - for approval (Pages 3 - 56)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

2.1 Retrospective Upgrade to Core Path - North Deeside Road - 151493
(Pages 57 - 80)

NOTE: One of the Letters of Representation associated with his application contains graphs and photographs which are not viewable in electronic format. Please refer to hard copies in the Member's Library.

Planning Reference – 151493

The documents associated with this application can be found at:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151493>

Planning Officer – Andrew Miller

2.2 The Bungalow, Countesswells Road - 151756 (Pages 81 - 100)

Planning Reference – 151756

The documents associated with this application can be found at:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151756>

Planning Officer – Hannah Readman

2.3 Chester Hotel, 59-63 Queens Road - 151773 (Pages 101 - 120)

Planning Reference – 151773

The documents associated with this application can be found at:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151773>

Planning Officer – Hannah Readman

OTHER REPORTS

2.4 Confirmation of Tree Preservation Order numbers 109-2015, 179-2015, 231-2015 (Pages 121 - 128)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 10 December 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Allan (as substitute for Councillor Crockett for articles 4, 7 and 8 only) Boulton, Cooney, Copland (as substitute for Councilor Cormie, Crockett, Dickson (from articles 1 to 11 only), Dunbar (as substitute for Councillor Boulton from articles 1 to 6 only) articles Greig, Jaffrey (for articles 1 to 9 only), Lawrence, MacGregor (as substitute for Councillor Corall) Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Thomson and Townson (as substitute for Councillor Sandy Stuart).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MI d=3609&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.

ORDER OF AGENDA

1. The Convener proposed to take item 3.3 (AECC – Bridge of Don Site) and 3.4 (Home Farm (land at), Scotstown Road (East Woodcroft), Bridge of Don) earlier on the agenda (articles 4 and 5 of this minute refers).

The Committee resolved:-
to concur with the proposal.

MINUTE OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 29 OCTOBER 2015

2. The Committee had before it the minute of its previous meeting of 29 October 2015.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 11 NOVEMBER 2015

3. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 11 November 2015.

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The Committee resolved:-
to approve the minute.

DECLARATION OF INTEREST

Councillor Crockett declared an interest in the following item of business by virtue of him being a Board Member of Aberdeen Exhibition and Conference Centre. Councillor Crockett considered that the nature of his interest required him to leave the meeting.

AECC – BRIDGE OF DON SITE - 150824

4. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information relating to an application for planning permission in principle for a development of approximately 498 residential units, commercial and businesses uses, a household waste and recycling centre (HWRC), an enlarged 'Park and Choose' (c.999 spaces).

The report recommended:-

to approve the application conditionally, with permission to be withheld pending suitable arrangements being in place to facilitate the securing of: affordable housing; and developer obligations relating to primary education, community facilities, sports and recreation, transportation (including travel plan), Strategic Transport Fund, and open space.

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

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) No development in connection with each respective phase/block of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase/block of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details, or those

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subsequently approved. Depending on the phase/block, and unless otherwise agreed in writing with the planning authority, the MSC applications shall include:

- (a) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant phase/block of development;
 - (b) A detailed Drainage Plan for the relevant phase/block of development, including full details of the proposed means of disposal of surface water from the relevant phase/block of 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 SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
 - (c) Full details of the connection to the existing Scottish Water foul water drainage network for the relevant phase/block of development;
 - (d) Details of all cut and fill operations in the relevant phase/block of the development;
 - (e) The details of all roads, footpaths and cycleways throughout the relevant phase/block of the development;
 - (f) Details of any screen walls/fencing to be provided within the relevant phase/block of the development;
 - (g) Details of all landscaping, planting and screening associated with the relevant phase/block of the development;
 - (h) Full details of the layout, siting, design and finish of all residential properties, throughout the relevant phase/block of development;
 - (i) Full details of the layout, siting, design and finish of all non-residential properties throughout the relevant phase/block of development. This shall include but is not limited to: commercial premises, the Park and Choose, household waste and recycling centre (HWRC), local scale retail units; and,
 - (j) Full details of all waste/recycling collection points, for residential and non-residential properties.
- 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.

(3) The landscaping details to be submitted pursuant to Condition 2 above shall include:

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- (a) Existing and proposed finished ground levels relative to a fixed datum point;
- (b) Existing landscape features and vegetation to be retained. Tree survey, including layout plan showing proposed development together existing trees;
- (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;
- (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.

(4) That the development shall not be brought into use and no residential units shall be occupied unless there has been implemented on site the works detailed below, in accordance with details submitted to and approved in writing by, the planning authority, unless otherwise agreed in writing with the planning authority. The works are:

- (a) A shared use path alongside the frontage of the proposed site on Ellon Road;
- (b) The repositioning of existing pedestrian crossing facilities on Ellon Road and their upgrading to include toucan crossing facilities (to provide linkage to the northbound bus stop on Ellon Road).
- (c) Provision of dropped kerb crossing facility on Exploration Drive in the vicinity of the pedestrian access junction.
- (d) Upgrading of existing bus stop infrastructure and the provision of dedicated bus layby.
- (e) Provision of bus stops located at internal site on Exhibition Drive.
- (f) Relocating of existing bus stop outside AECC (on Ellon Road) to a layby close to the Park and Choose, timing of this shall coincide with the relocation of the pedestrian crossing;
- (g) Bus stops on the northern section of the upgraded Exhibition Avenue;
- (h) Layout of the footpaths within the site to provide linkage with the existing path leading through to King Roberts Way to the south west of the application site.

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- In the interest of road safety and connectivity.

(5) That no residential units shall be occupied unless there has been submitted, to and approved in writing by the planning authority, details identifying safe routes to schools within the proposed development. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school. No residential units shall be occupied unless the works have been implemented on site including the works detailed below, unless otherwise agreed in writing with the planning authority. The works are in relation to providing safer routes to school and include the following:

1. Drop Kerb facilities with tactile paving at North Donside Road/ Broadfold Drive Junction
2. Drop Kerb facilities with tactile paving at North Donside Road/ Gordon Road Junction
3. Tactile pavers should be installed on pedestrian crossing link to Fraserfield Gardens.
4. A crossing point on Scotstown Road to allow safe crossing point from Fraserfield Gardens.

-in the interests of road safety and encouraging walking.

(6) that the existing Park and Ride service shall be retained on site and operational during the construction period on the wider application site, unless otherwise agreed in writing with the planning authority – in the interests of continuity of public transport provision.

(7) No part of the development shall be occupied prior to the Aberdeen Western Peripheral Route being open to traffic, and the consequent removal of trunk road status for the A90 Parkway / Ellon Road. - 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.

(8) No part of the development shall be occupied until a comprehensive Travel Plan for that part of the development that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.- To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

(9) That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a Framework Travel Plan, setting out proposals for reducing dependency on the private car. – in the interests of reducing travel by private car.

(10) No more than 498 residential dwellings and 2400sq.m. of office space, or other such development combination of equivalent traffic generating uses as demonstrated to

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the satisfaction of the Planning Authority shall be occupied unless the mitigation scheme for the A90(T) Parkway/ Ellon Road roundabout, generally in accordance with AECOM drawing number SKE001 (November 2015) has been implemented unless otherwise agreed in writing with the planning authority- in the interests of road safety.

(11) That no dwellings shall be occupied until such time as a public transport strategy, including 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, have been submitted to and approved by the Planning Authority. Thereafter the agreed strategy shall be implemented in full in accordance with such a scheme, unless otherwise agreed in writing with the Planning Authority - in the interests of encouraging the use of public transport.

(12) That no development shall take place unless there has been submitted to and approved in writing by, the planning authority in consultation with SEPA prior to any works on site:

- The hydraulic model is re-run to incorporate an allowance for Climate Change as part of the sensitivity analysis;
- Consideration is made of the flood events which have been documented at the Park and Ride car park on the site, by Aberdeen City Council in their 4th and 5th Biennial Flood Reports;
- No development will be permissible within the 1 in 200 year flood plain outline. With the present information provided this is defined in Figure 11 of the Flood Risk Assessment for Planning Application in Principle, dated 12 October 2015, by Kaya Consulting Ltd for Goodson Associates;
- In regard to the proposed opening up of a culvert on the site - detailed modelling of the new channel is provided;

- to protect people and property from flood risk in accordance with Scottish Planning Policy.

(13) Prior to commencement of any work in any phase of 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 [and SNH or other agencies as appropriate]. This shall include:

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.

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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- to protect and improve the water environment.

(14) that no development in any individual phase/block shall take place unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

- to ensure adequate protection of the water environment from surface water run-off.

(15) No development shall take place on site in each independent phase/block pursuant to this planning permission unless a site specific Construction Environmental Method Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of necessary demolition and construction works on the environment.

(16) The details to be submitted pursuant to Condition 2 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System 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 development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been 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;
- (f) Details of the contact parties for future factoring/maintenance of the scheme;

- to protect the water environment and help reduce flooding.

(17) Prior to the commencement of any phase of development, as identified in the approved phasing plan required by condition 1, for each respective phase full details of the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, cycleway provision, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. The development shall be carried out in complete accordance with such a

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plan and buildings shall not be occupied unless the streets and parking areas for the respective block are complete and available for use - in the interests of road safety.

(18) No development shall take place until 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 3rd Don Crossing and Aberdeen Western Peripheral Route. Where the development is assessed as having an adverse impact on local air quality 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.

(19) Prior to the occupancy of each block, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy in accordance with the Council's Car Parking Standards, unless otherwise agreed in writing with the planning authority - in the interests of road safety.

(20) No development in any particular phase of 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. Thereafter no development shall take place within the relevant phase of 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 within the relevant phase 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.

(21) 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. The programme of archaeological work will include all necessary post-excavation and publications.

(22) that no development within any individual phase/block 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'.

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(23) that no development in any individual phase/block 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.

(24) 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) in any individual phase/block 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 - in order to preserve the character and visual amenity of the area.

(25) that there shall be no development involving hard surfaces or buildings within the area of the application site zoned as green belt under Policy NE2 of the adopted Local Development Plan 2012. No development or works shall take unless details have been submitted to and approved in writing by the planning authority – in the interests of the green belt and landscape areas setting of adjacent areas.

(26) That any overlap in operation of the existing AECC and the proposed facility at Rowett North (including event testing) shall be implemented only in accordance with an operational and transportation statement to be agreed in writing with the planning authority – in the interests of ensuring that there is no detrimental impact on the capacity of the road network

INFORMATIVE 1

For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

INFORMATIVE 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.

INFORMATIVE 3

It is advisable that the developer contact the Council's Waste Aware Team to discuss the appropriate waste storage and uplift arrangements for the residential developments.

INFORMATIVE 4

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The applicant is advised that should any contamination of the ground be discovered during development the Planning Authority should be notified. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority. This is in order to ensure that the site is suitable for use and fit for human occupation.

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) to amend condition 2(h) above to read:- “Full details of the layout, siting, design and finish of all residential properties, including the layout and type of affordable housing, throughout the relevant phase / block of development”;

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

5. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information relating to an application which sought Planning Permission in Principle (PPiP) for a residential development comprising 56 units, along with associated infrastructure and landscaping.

The report recommended:-

a willingness to approve the application subject to conditions and the conclusion of a legal agreement to secure the following;

- 25% affordable housing provision
- Developer contributions in relation to Sports and Recreation, Core Path Network and Open Space, in line with the assessment carried out by the Council’s Developer Obligations team and as specified in Open Space supplementary guidance

it is recommended that approval is granted subject to the following conditions:-

(1) DETAILED DESIGN

that no development pursuant to this grant of Planning Permission in Principle shall be commenced unless a details of the following matters have been submitted to and approved by the planning authority via a formal application for MSC -

- (a) details of existing and proposed site levels;
 - (b) details of layout, design and external appearance of buildings and ancillary structures;
 - (c) plot boundary enclosures; and
 - (d) exterior lighting;
- in order to ensure a satisfactory design and layout of the development, in accordance with policies D1 (Architecture and

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Placemaking) and D2 (Design and Amenity) of the ALDP.

(2) SURFACE WATER DRAINAGE

that no development pursuant to this grant of Planning Permission in Principle shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to the planning authority and subsequently approved via a formal application for MSC. 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, to ensure that the development can be adequately drained., and in order to ensure that the proposal complies with policy NE6 (Flooding and Drainage) of the Aberdeen Local Development Plan.

(3) CAR PARKING

that no development pursuant to this grant of Planning Permission in Principle shall take place unless a scheme demonstrating appropriate provision for car parking areas has been submitted to the planning authority and subsequently approved via a formal application for MSC. Thereafter no part of the development shall be occupied unless the such parking areas have been constructed, drained, laid-out and demarcated in accordance with the plans so approved. 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, and in order to ensure compliance with the Council's published 'Transport and Accessibility' supplementary guidance.

(4) LANDSCAPING

that all planting, seeding and turfing comprised in the approved scheme of landscaping (Astell Associates drawing ref. EWA-1506-LS), or any other such scheme as may be agreed in writing by the planning authority, 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.

(5) TREE PROTECTION MEASURES

that no development pursuant to this grant of Planning Permission in Principle shall take place unless the tree protection measures outlined in Astell Associates drawing ref. EWA-1506-TP, or any other such scheme as may be approved in writing by the planning authority, has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

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(6) FURTHER TREE WORKS

that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(7) ROOT PROTECTION AREAS

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 - in order to ensure adequate protection for the trees on site during the construction of the development.

(8) REFUSE STORAGE

that no development pursuant to this grant of Planning Permission in Principle shall take place unless a scheme demonstrating waste management proposals, including arrangements for the segregation, storage, collection and management of residential, commercial and business waste, has been submitted to, and approved in writing by, the planning authority by means of an application for the Approval of Matters Specified in Conditions, - in order to ensure compliance with policy R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan.

(9) CONSTRUCTION METHOD STATEMENT

that no development pursuant to this grant of Planning Permission in Principle shall take place unless a detailed and site specific construction method statement for the site has been submitted to and approved in writing by the planning authority (in consultation with SEPA) by means of an application for the Approval of Matters Specified in Conditions. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. The agreed measures shall be implemented in full for the duration of works on the site - In order to minimise the impacts of construction works on the environment.

(10) CARBON REDUCTION

that no development pursuant to this grant of Planning Permission in Principle shall take place unless details of a scheme demonstrating compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to the planning authority via a formal application for MSC and subsequently approved by that

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authority. Thereafter, no building shall be occupied unless 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'.

(11) RESIDENTIAL TRAVEL PACKS

that no buildings within the development hereby approved shall be occupied unless Residential Travel Packs, aimed at encouraging more sustainable means of travel and incorporating the details specified in Grontmij Transport Statement 115764/RP/150323 Revision 0 (or any other such scheme as has been agreed in writing by the planning authority) have been provided to initial owners or occupiers.- in order to encourage sustainable means of travel and to ensure compliance with policy D3 (Sustainable and Active Travel) of the ALDP.

(12) NOISE ASSESSMENT

that no development pursuant to this grant of Planning Permission in Principle shall take place unless a detailed assessment of noise levels within the application site has been submitted to and approved in writing by the planning authority, by means of an application for the Approval of Matters Specified in Conditions. Thereafter, no buildings within the development hereby approved shall be occupied unless any agreed mitigation measures have been implemented in full - in order to ensure that noise levels are appropriately mitigated to provide satisfactory residential amenity.

(13) JUNCTION IMPLEMENTATION

That, unless otherwise agreed in writing by the planning authority, no building shall be occupied unless both the main access junction from Ashwood Circle and the secondary Emergency Vehicle Access from the B997 (as shown on drawing ref. PR-010-revB or any other such drawing as has been agreed in writing by the planning authority) have been constructed in full and made available for use - in order to ensure that the site can be adequately accessed, in accordance with policy T2 (Managing the Transport Impact of Development).

(14) FOOTPATH/CYCLE ROUTES

That, unless otherwise agreed in writing by the planning authority, no building shall be occupied footpath/cycleway routes (as shown on drawing ref. PR-010-revB or any other such drawing as has been agreed in writing by the planning authority) have been constructed to adoptable standard and made available for use - in order to ensure that the site can be accessible to pedestrians and cyclists, and to encourage sustainable modes of travel, in accordance with policy D3 (Sustainable and Active Travel) of the ALDP.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) that details of the supplementary guidance on affordable housing be issued to Councillor Jennifer Stewart.

ABERDEEN HARBOUR EXPANSION PROJECT, NIGG BAY (CONSULTATION ON HRO AND MARINE LICENCE

6. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information on an application which proposed a development to expand and diversify the capabilities of the existing harbour at Aberdeen increasing capacity for larger vessels from a more diverse market than is currently possible whilst maintaining its current operations.

The report recommended:-

That Members are requested to remit the Head of Planning & Sustainable Development to:-

1. Submit a detailed response to Scottish Ministers on the Harbour Revision Order and Marine Licence, confirming support for the proposals subject to the resolution of outstanding issues as detailed in this report in relation to:-
 - *Draft Harbour Revision Order*
 - *Economic Development*
 - *Roads & Transportation*
 - *Historic Environment*
 - *Environmental & Landscape Impact*
2. Engage directly in subsequent negotiation with the Scottish Ministers, the applicant and any other relevant party to achieve such resolution, and in consultation with the Convenors of the Communities Housing and Infrastructure (CHI), Planning Development Management Committees and the Director of CHI, to object if resolution cannot be reached.

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) that officers clarify the impact additional traffic would have on the rare breed animals/livestock at Doonies Farm and to take appropriate action as necessary, the outcome of which to be included within the response to Scottish Ministers.

DECLARATION OF INTEREST

Councillor Crockett declared an interest in the following item of business by virtue of him being a Board Member of Aberdeen Exhibition and Conference Centre. Councillor Crockett considered that the nature of his interest required him to leave the meeting.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

AECC – ROWETT RESEARCH INSTITUTE, GREENBURN ROAD, BUCKSBURN – PLANNING PERMISSION IN PRINCIPLE - 150826

7. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information in relation to an application which sought planning permission in principle for the demolition of all buildings on the site and the construction of an exhibition and conference centre, with supporting uses.

The report recommended:-

A willingness to approve, subject to conditions and the registering of a section 75 legal agreement to secure financial contributions towards (i) local road network improvements and (ii) the Strategic Transport Fund.

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

(1) FLOOR SPACE RESTRICTION

That unless otherwise agreed in writing by the planning the land uses (where relevant as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997 and any subsequent amending legislation) within the development shall not exceed the following values:-

- Exhibition, conference & concert venue space including ancillary uses – 45,000sqm;
- Class 4 (Business) – 61,515sqm;
- Class 7 (Hotels and Hostels) – 500 guest bed rooms; and
- Class 11 (Assembly and Leisure) – 6,000sqm.

– in order to ensure that the scale of development does not exceed that assessed by the submitted transport assessment and to ensure that the scale of development is commensurate with the transport infrastructure required to mitigate the impact of the development.

(2) WATERCOURSES AND FLOOD RISK

No development shall take place unless matters specified in conditions application comprising a detailing 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. The scheme shall include full design details of (i) the diversion and realignment of watercourses within the site; (ii) engineering activities in the water environment, including the location and type of any proposed watercourse crossings and culverts; and (iii) hydraulic modelling to support the design details.

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No development shall take place within the 1 in 200 year plus climate change functional flood plain.

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.

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

(3) 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; (iii) shall be developed in accordance with the technical guidance contained in the SUDS Manual (C753); and (iv) shall provide details of bird deterrent measures. Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – in order (i) to ensure adequate protection of the water environment from surface water run-off and (ii) avoid endangering the safe operation of aircraft through the attraction of birds.

(4) 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.

(5) CONTAMINATED LAND

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination (biological, chemical or radiological) on or within the land forming that particular phase or block has been submitted to and approved in writing by the planning authority. The

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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.

In relation to radioactive contamination, it must be ensured that any doses from residual contamination are as low as reasonably achievable and in any case, prior the commencement of development on site, be below a level of 0.3 mSv as specified in the Radioactive Substances (Basic Safety Standards) (Scotland) Direction 2000.

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 buildings within the particular phase or block 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 – to ensure that issues relating to the presence of radioactive wastes have been addressed, that the site is suitable for its proposed use and to protect human health and the environment during necessary construction works.

(6) SUBMISSION OF SITE LEVEL DETAILS

That no development (including site stripping, service provision or establishment of site compounds) shall take place unless a matters specified in conditions application showing details (including cross sections) of the existing and finished site levels throughout the site and any proposed retaining structures have been submitted to and approved in writing by the planning authority – in order to ensure that the development is satisfactorily integrated into the surrounding area.

(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 the implementation of a programme of archaeological works in accordance with a written scheme of investigation has been

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submitted to and agreed by the Aberdeenshire Council Archaeology Service, and approved in writing by the Planning Authority.

Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason – in order to safeguard and record the archaeological and historic features of the area.

(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 architectural or 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) OTTER PROTECTION PLAN

No development within any particular phase or block (including site stripping, service provision or establishment of site compounds) shall take place unless a matters specified in conditions application comprising an otter protection plan has been submitted to and approved in writing by the planning authority. The protection plan must include the measures required to mitigate, compensate and avoiding impacts on otters during development in accordance with Scottish Natural Heritage best practice guidance. Thereafter development shall be undertaken in accordance with the approved plan.

Reason – in order to mitigate any potential impact on European protected species.

(10) BAT PROTECTION PLAN

No development within any particular phase or block (including site stripping, service provision or establishment of site compounds) shall take place unless a matters specified in conditions application comprising a bat protection plan has been submitted to and approved in writing by the planning authority. The protection plan must include the measures required to mitigate, compensate and avoiding impacts on bats during development in accordance with Scottish Natural

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Heritage best practice guidance. Thereafter development shall be undertaken in accordance with the approved plan.

Reason – in order to mitigate any potential impact on European protected species.

(11) 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) watercourse engineering; and (iii) pollution prevention. Thereafter development shall be undertaken in accordance with the approved CEMP.

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

(12) SITE WASTE 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 matters specified in conditions application comprising a site specific site waste management plan (SWMP) for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA. The SWMP must set out how demolition and construction waste associated with the application site shall be minimised, stored, reused and disposed of. Thereafter development shall be undertaken in accordance with the approved SWMP.

Reason: In order to improve materials resource efficiency and ensure the appropriate management and disposal of waste form development sites.

(13) 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 a 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.

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(14) 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 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 in consultation with Aberdeen International Airport.

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

(15) 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.

(16) GREEN TRAVEL PLAN

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a green travel for that particular phase or block has been submitted to and approved in writing by the planning authority. 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.

(17) 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,

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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 (walls, fences, gates);

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.

(18) NOISE MITIGATION SCHEME FOR NEW BUILDINGS

No development within any particular phase or block which includes hotel or office use shall take place unless a matters specified in conditions application comprising a scheme of measures for the protection of hotel and office occupants from road traffic and aircraft noise for that particular phase or block, has been submitted to and approved in writing by the planning authority. Thereafter no hotel or office building shall be occupied unless the mitigation measures relevant to that particular building have been implemented in accordance with the agreed scheme.

Reason – in order to ensure that occupants of buildings with a noise sensitive use are adequately protected from excessive noise levels.

(19) NOISE MITIGATION SCHEME TO PROTECT EXISTING RESIDENTS

No development within any particular phase or block shall take place unless a detailed noise impact assessment (NIA) examining the likely noise impact on residential properties in the vicinity of the development has been submitted to and approved in writing by the planning authority. The NIA shall be carried out by a suitably qualified independent noise consultant and be undertaken in accordance with Planning Advice Note 1/2011 (Planning and Noise). The scope of the NIA should be agreed with the Council's Environmental Health service prior to it being carried.

Thereafter any uses identified as requiring noise mitigation shall not be brought into use unless any noise attenuation measures identified by the NIA which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area have been installed.

Reason – in order to ensure that any noise from the premises is adequately mitigated and the amenity of residents and businesses in the area is maintained.

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(20) LOW AND ZERO CARBON BUILDINGS

No development within any particular phase or block shall take place unless a 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 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 –

- (a) Existing and proposed finished ground levels;
- (b) Existing and proposed services and utilities including cables, pipelines and substations;
- (c) Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
- (d) location, design and materials of walls, fences, gates and street furniture;
- (e) arrangements for the management and maintenance of existing and proposed open space, woodland and landscaped areas including watercourse buffer strips;
- (f) proposed hard surface finishing materials; and
- (g) street furniture

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.

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 ART STRATEGY

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That no phase or block shall be brought into use unless (i) a matters specified in conditions application comprising a scheme of public art for that particular phase or block shall be submitted to and approved in writing by the planning authority; and (ii) the approved scheme of public art has been implemented.

The strategy shall include details of where stone and any features of architectural or historic interest existing within the site are to be used within the finished development.

Reason – in ensure a high quality public realm for the development.

(23) BUS STOP IMPROVEMENTS / PEDESTRIAN CROSSING

No phase or block shall be occupied unless a matters specified in conditions application comprising a scheme for the improvement of the existing bus stops at the following locations has been submitted to and approved by the planning authority and thereafter the bus stops have been upgraded in accordance with the approved details.

- (a) on the north side of the A96, 80m east of the junction with Greenburn Road;
- (b) on the south side of the A96, opposite the junction with Greenburn Road;
- (c) on the north side of the A96, 100m east of the junction with Dyce Drive; and
- (d) on the west side of Dyce Drive, 145m north of the junction with the A96.

The said scheme should consider the provision of bus shelters, real-time information displays, timetables, lighting, boarding kerbs, and road markings at each bus stop, taking into account the locational characteristics of each stop. A signalised pedestrian crossing must be provided on Dyce Drive to allow pedestrians to cross from bus stop 'd' (identified above) to the application site.

Reason – in order to encourage the use of public transport to the site and ensure the safety of pedestrians.

(24) EXTERNAL LIGHTING

No development within any particular phase or block shall take place unless a 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 the trunk roads authority. Thereafter the external lighting shall be implemented in accordance with the approved details.

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

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(25) VEHICULAR ACCESS AND PARKING MANAGEMENT PLAN

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a vehicular access and parking management plan has been submitted to and approved in writing by the planning authority. The plan shall include details how different modes of transport will access, move through and leave the site, specifically in relation to –

- (a) Access, egress and drop-off points for Gig and Go buses;
- (b) Access, egress and drop-off points for service buses;
- (c) Access, egress and drop-off points for private coaches;
- (d) Access, egress and drop-off points for taxis;
- (e) Access, egress and parking for private cars;
- (f) Bus gates and any other restrictive measures controlling access to the site;
- (g) The sharing of parking facilities between different uses at different times, to ensure maximisation of use of each space and that a 'whole site' managed approach is taken; and
- (h) The routes which different types of traffic would take at different times.

Parking associated with hotel use shall be at a rate of 0.6 spaces per bedroom.

Reason – in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(26) 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

(27) PROVISION OF VEHICULAR ACCESS (DYCE DRIVE)

No development shall take unless a matters specified in conditions application comprising detailed design for the proposed access road junction at Dyce Drive, has been submitted to and approved in writing by the planning authority.

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The designs must be supported by traffic modelling, a written rationale for the design options chosen and make reference to the vehicular access and parking management plan. The Dyce Drive junction shall be subject of testing using a TRANSYT model which has been produced for junctions affecting the AWPR. The results of such testing shall be submitted as part of this condition for review.

Thereafter no building shall be occupied unless each of the junctions has been constructed in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

Reason – in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(28) PROVISION OF VEHICULAR ACCESS (WELLHEADS DRIVE)

No development shall take unless matters specified in conditions application comprising detailed design for the proposed access road junction at Dyce Drive, has been submitted to and approved in writing by the planning authority.

The designs must be supported by traffic modelling, a written rationale for the design options chosen and make reference to the vehicular access and parking management plan.

Thereafter no building shall be occupied unless each of the junctions has been constructed in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

Reason – in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(29) PROVISION OF VEHICULAR ACCESS (A96)

No development shall take place unless a matters specified in conditions application comprising detailed design for the proposed A96 access road junctions has been submitted to and approved in writing by the planning authority in consultation with either the ACC acting as roads authority or in the case of the A96 junction still being designated as a trunk road at that time, Transport Scotland. Thereafter no building shall be occupied unless the junctions have been constructed in accordance with the approved details.

Reason – To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

(30) TRUNK ROAD BOUNDARY TREATMENT

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Prior to commencement of development a barrier / fence of a type to be agreed by the planning authority in consultation with Transport Scotland shall be erected along the boundary of the application site with the A96.

Reason – To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

(31) OUTDOOR CATERING RESTRICTION & BINS

(i) No outdoor catering facilities (such as hot food vans, street food vendors or BBQ's) shall be permitted to operate within the site boundary.

(ii) All waste generated by the site shall either be stored internally within buildings or within containers fitted with lids which prevent birds from accessing waste.

Reason – in order to avoid endangering the safe operation of aircraft through the attraction of birds.

(32) DYCE DRIVE CORIDOOOR MITIGATION SCHEME

Unless otherwise agreed with the Planning Authority, in consultation with Transport Scotland, no development beyond the AECC building and attached hotels (350 beds maximum), energy centre and anaerobic digestion plant shall be occupied until such time as the mechanism and programme for the delivery of Aberdeen City Councils Dyce Corridor mitigation package has been agreed by the Planning Authority in consultation with Transport Scotland. Where phased delivery of the infrastructure package is proposed, the programme shall also identify phases of development that shall be permitted to proceed in advance of each stage of the infrastructure package. Unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland, development shall only be permitted to proceed in accordance with the agreed phasing plan.

Reason – To ensure that the scale of development is commensurate to the proposed infrastructure improvements and does not adversely affect the safe and efficient operation of the trunk road network.

(33) AD PLANT – ODOUR CONTROL

No development associated with the anaerobic digestion plant shall take place unless a matters specified in conditions application comprising a scheme for the control of any odours generated by the operation of the plant has been submitted to and approved in writing by the planning authority. Thereafter the plant shall not become operational unless the scheme has been implemented.

Reason – In order to protect residential properties from odour.

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(34) OPERATION OF EXISTING AND PROPOSED AECC

That any overlap in operation of the existing AECC and the proposed facility at Rowett North (including event testing) shall be implemented only in accordance with an operational and transportation statement to be agreed in writing with the planning authority.

Reason – In the interests of ensuring that there is no detrimental impact on the capacity of the road network.

INFORMATIVE NOTES

DURATION OF PLANNING PERMISSION

That 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.

SAFEGUARDING OF NATS PERWINNES RADAR

Developers and applicants are advised that the application site is within the safeguarding zone of Perwinnes Radar Installation, operated by NATS En-Route Ltd. 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 NATS 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 NATS 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.

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT

Developers and applicants are advised that the application site is located underneath the safety surface of Aberdeen International Airport. These surfaces are designed to protect the safe operation of aircraft during take-off and final approach stage of flight and therefore strict height restrictions are in place.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The planning authority strongly suggests early dialogue with the airport safeguarding team in order to determine the maximum permitted height of development.

Further information can be obtained from Aberdeen International Airport Safeguarding Manager (safeguarding@aiairport.com / 01224 725756).

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT (CRANES)

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 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.

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT (LIGHTING)

Developers and applicants are advised to ensure that all permanent lighting, construction lighting, or illuminated signage, within the development site must be of a type which does not cause spillage of light above the horizontal, or include strobe, laser or flashing light.

Failure to do so may result in any responsible person being guilty of an offence under Article 135 (Dangerous Lights) of the Air Navigation Order (CAP 393) which states that a person must not exhibit any light which (i) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome or (ii) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

Further information can be obtained from Aberdeen International Airport Safeguarding Manager (safeguarding@aiairport.com / 01224 725756).

HOTEL PARKING

Notwithstanding any submitted supporting information indicating otherwise, in order to ensure that overprovision of car parking does not occur, the planning authority expect a rate of 0.6 car parking spaces per bedroom to be applied to all hotels within the development. The rate of 0.6 spaces per bedroom has been demonstrated to be adequate for the parking demand experienced by hotels in Dyce.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

OVERALL LEVELS OF PARKING ACROSS THE SITE AND MAXIMISATION OF USE OF EACH SPACE PROVIDED

It is expected that parking provision shall be guided by the principle of maximum utilisation of each space, through shared use by various operations. An example of which could be the sharing of car parking areas between hotels and offices, given that the peak use periods of each dovetail well. Submissions relative to Condition 26 shall demonstrate this approach and each proposal for parking is expected not to reflect a maximum parking level approach for each use/ element.

The Convener, seconded by Councillor Cooney moved:-
To approve the application.

The Vice-Convener, seconded by Councillor MacGregor moved as an amendment:-
To refuse the application on the grounds that sufficient work had not been undertaken to relocate Strathcona house within the proposed development and the Council should look again at this issue.

On a division, there voted:- for the motion (13) – the Convener and Councillors Allan, Boulton, Cooney, Copeland, Dickson, Jaffrey, Lawrence, Malik, Jean Morrison, Nicoll Thomson and Townson; for the amendment (4) – the Vice-Convener and Councillors Greig, MacGregor and Jennifer Stewart.

The Committee resolved:-
to adopt the motion to approve the application.

DECLARATION OF INTEREST

Councillor Crockett declared an interest in the following item of business by virtue of him being a Board Member of Aberdeen Exhibition and Conference Centre. Councillor Crockett considered that the nature of his interest required him to leave the meeting.

AECC – ROWETT RESEARCH INSTITUTE, GREENBURN ROAD, BUCKSBURN – PLANNING PERMISSION IN PRINCIPLE - 151390

8. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information in relation to an application which sought detailed planning permission in principle for the demolition of all buildings on the site and the construction of an exhibition and conference centre with supporting uses. The project is part of the Council's wider Strategic Infrastructure Plan (SIP) programme to relocate the new Aberdeen Exhibition and Conference Centre (AECC) from the current Bridge of Don site at Ellon Road.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The report recommended:-
approval subject to conditions.

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

(1) WATERCOURSES AND FLOOD RISK

No development shall take place unless a detailing 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. The scheme shall include full design details of (i) the diversion and realignment of watercourses within the site; (ii) engineering activities in the water environment, including the location and type of any proposed watercourse crossings and culverts; and (iii) hydraulic modelling to support the design details.

No development shall take place within the 1 in 200 year plus climate change functional flood plain.

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.

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

(2) SURFACE WATER DRAINAGE

No development shall take place 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; (iii) shall be developed in accordance with the technical guidance contained in the SUDS Manual (C753); and (iv) shall provide details of bird deterrent measures. Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – in order (i) to ensure adequate protection of the water environment from surface water run-off and (ii) avoid endangering the safe operation of aircraft through the attraction of birds.

(3) WASTE WATER CONNECTIONS

No development shall take place unless a scheme for the connection of buildings to the public waste water system has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that

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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.

(4) CONTAMINATED LAND

No development shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination (biological, chemical or radiological) 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.

In relation to radioactive contamination, it must be ensured that any doses from residual contamination are as low as reasonably achievable and in any case, prior the commencement of development on site, be below a level of 0.3 mSv as specified in the Radioactive Substances (Basic Safety Standards) (Scotland) Direction 2000.

Thereafter no building 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 buildings within the particular phase or block 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 – to ensure that issues relating to the presence of radioactive wastes have been addressed, that the site is suitable for its proposed use and to protect human health and the environment during necessary construction works.

(5) ARCHAEOLOGICAL WORK SCHEME

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No development (including site stripping, service provision or establishment of site compounds) shall take place unless a scheme comprising the implementation of a programme of archaeological works in accordance with a written scheme of investigation has been submitted to and agreed by the Aberdeenshire Council Archaeology Service, and approved in writing by the Planning Authority.

Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason – in order to safeguard and record the archaeological and historic features of the area.

(6) RECORDING OF BUILDINGS

No development within any particular phase or block shall take place unless a 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 architectural or 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.

(7) OTTER PROTECTION PLAN

No development within any particular phase or block shall take place unless a detailed otter protection plan has been submitted to and approved in writing by the planning authority. The protection plan must include the measures required to mitigate, compensate and avoiding impacts on otters during development in accordance with Scottish Natural Heritage best practice guidance. Thereafter development shall be undertaken in accordance with the approved plan.

Reason – in order to mitigate any potential impact on European protected species.

(8) BAT PROTECTION PLAN

No development within any particular phase or block shall take place unless a detailed bat protection plan has been submitted to and approved in writing by the planning authority. The protection plan must include the measures required to mitigate, compensate and avoiding impacts on bats during development in accordance with Scottish Natural Heritage best practice guidance. Thereafter development shall be undertaken in accordance with the approved plan.

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Reason – in order to mitigate any potential impact on European protected species.

(9) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) 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) watercourse engineering; and (iii) pollution prevention. Thereafter development shall be undertaken in accordance with the approved CEMP.

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

(10) SITE WASTE MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall take place unless a site specific site waste management plan (SWMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The SWMP must set out how demolition and construction waste associated with the application site shall be minimised, stored, reused and disposed of. Thereafter development shall be undertaken in accordance with the approved SWMP.

Reason: In order to improve materials resource efficiency and ensure the appropriate management and disposal of waste form development sites.

(11) DUST MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall take place unless a Dust Management Plan 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) BIRD HAZARD MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall take place unless a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall

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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 in consultation with Aberdeen International Airport.

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

(13) PERWINNES RADAR SAFEGUARDING

No development of any buildings 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) (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.

(14) EXTERNAL FINISHING MATERIALS

No development related to the construction of buildings shall take place unless a finalised scheme of all external finishing materials (including colour) to the roof and walls of the development hereby approved has been submitted to and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason – in the interests of the visual amenity of the area.

(15) GREEN TRAVEL PLAN

No building shall be occupied or brought into use unless a green travel for that building has been submitted to and approved in writing by the planning authority. 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.

(16) NOISE MITIGATION SCHEME FOR NEW BUILDINGS

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No development related to the construction of the AECC or hotel shall take place unless a matters specified in conditions application comprising a scheme of measures for the protection of hotel occupants from road traffic and aircraft noise has been submitted to and approved in writing by the planning authority. Thereafter the hotel shall not be occupied unless the mitigation measures have been implemented in accordance with the agreed scheme.

Reason – in order to ensure that occupants of buildings with a noise sensitive use are adequately protected from excessive noise levels.

(17) NOISE MITIGATION SCHEME TO PROTECT EXISTING RESIDENTS

No development related to the construction of any building shall take place unless a detailed noise impact assessment (NIA) examining the likely noise impact on residential properties in the vicinity of the development has been submitted to and approved in writing by the planning authority. The NIA shall be carried out by a suitably qualified independent noise consultant and be undertaken in accordance with Planning Advice Note 1/2011 (Planning and Noise). The scope of the NIA should be agreed with the Council's Environmental Health service prior to it being carried.

Thereafter any uses identified as requiring noise mitigation shall not be brought into use unless any noise attenuation measures identified by the NIA which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area have been installed.

Reason – in order to ensure that any noise from the premises is adequately mitigated and the amenity of residents and businesses in the area is maintained.

(18) LOW AND ZERO CARBON BUILDINGS

No development of any buildings shall take place unless a 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 building 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.

(19) SOFT LANDSCAPING IMPLEMENTATION

That all planting, seeding and turfing comprised in the approved scheme of landscaping (Brindley Associates drawings 0817/MP/25 to 0817/MP/37A and Landscape Specification & Management Plan - Job No. 0817 dated 19th August 2015) shall be carried out in the first planting season following the completion of the development and

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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.

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.

(20) HARD LANDSCAPING IMPLEMENTATION

No building shall be occupied unless the hard landscape scheme has been implemented in accordance with the approved scheme of landscaping (Brindley Associates drawings 0817/MP/25 to 0817/MP/37A and Landscape Specification & Management Plan - Job No. 0817 dated 19th August 2015) unless otherwise agreed in writing with the planning authority.

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.

(21) PUBLIC ART STRATEGY

No building shall be occupied unless (i) scheme of public art for the site has been submitted to and approved in writing by the planning authority; and (ii) the approved scheme of public art has been implemented.

The strategy shall include details of where stone and any features of architectural or historic interest existing within the site are to be used within the finished development.

Reason – in ensure a high quality public realm for the development.

(22) CULVERT AND BRIDGE DETAILS

No development shall take place unless detailed design of the proposed culvert and 'bridge' over it have been submitted to and approved in writing by the planning authority. Thereafter unless otherwise agreed in writing by the planning authority, no building shall be occupied unless the culvert and bridge have been constructed in accordance with the approved details.

Reason – in ensure a high quality public realm for the development.

(23) ENERGY CENTRE DETAILS

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No development shall take place unless detailed design of the proposed energy centre located to the south of the main AECC building has been submitted to and approved in writing by the planning authority. Thereafter the energy centre shall be constructed in accordance with the approved details.

Reason – in ensure a high quality public realm for the development.

(24) BUS STOP IMPROVEMENTS / PEDESTRIAN CROSSING

No building shall be occupied unless (i) a scheme for the improvement of the existing bus stops at the following locations has been submitted to and approved in writing by the planning authority and (ii) thereafter the bus stops have been upgraded in accordance with the approved details.

- a) on the north side of the A96, 80m east of the junction with Greenburn Road;
- b) on the south side of the A96, opposite the junction with Greenburn Road;
- c) on the north side of the A96, 100m east of the junction with Dyce Drive; and
- d) on the west side of Dyce Drive, 145m north of the junction with the A96.

The said scheme should consider the provision of bus shelters, real-time information displays, timetables, lighting, boarding kerbs, and road markings at each bus stop, taking into account the locational characteristics of each stop. A signalised pedestrian crossing must be provided on Dyce Drive to allow pedestrians to cross from bus stop 'd' (identified above) to the application site.

Reason – in order to encourage the use of public transport to the site and ensure the safety of pedestrians.

(25) EXTERNAL LIGHTING

No development shall take place unless a scheme comprising details of external lighting (including building lighting) within the site has been submitted to and approved in writing by the planning authority after consultation with Transport Scotland, as the trunk roads authority. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – in order to (i) ensure that there will be no distraction or dazzle on the trunk road and that the safety of traffic on the trunk road will not be diminished and to ensure the safeguarding of Aberdeen International Airport and (ii) mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

(26) OUTDOOR CATERING RESTRICTION & BINS

(i) No outdoor catering facilities (such as hot food vans, street food vendors or BBQ's) shall be permitted to operate within the site boundary.

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(ii) All waste generated by the site shall either be stored internally within buildings or within containers fitted with lids which prevent birds from accessing waste.

Reason – in order to avoid endangering the safe operation of aircraft through the attraction of birds.

(27) VEHICULAR ACCESS AND PARKING MANAGEMENT PLAN

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a vehicular access and parking management plan has been submitted to and approved in writing by the planning authority. The plan shall include details how different modes of transport will access, move through and leave the site, specifically in relation to –

- a) Access, egress and drop-off points for Gig and Go buses;
- b) Access, egress and drop-off points for service buses;
- c) Access, egress and drop-off points for private coaches;
- d) Access, egress and drop-off points for taxis;
- e) Access, egress and parking for private cars;
- f) Bus gates and any other restrictive measures controlling access to the site;
- g) The sharing of parking facilities between different uses at different times, to ensure maximisation of use of each space and that a 'whole site' managed approach is taken; and
- h) The routes which different types of traffic would take at different times.

Parking associated with hotel use shall not exceed a rate of 0.6 spaces per bedroom.

Reason – in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(28) PUBLIC TRANSPORT STRATEGY

No building shall be occupied unless 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

(29) PROVISION OF VEHICULAR ACCESS (A96)

No development shall take place unless a matters specified in conditions application comprising detailed design for the proposed A96 access road junctions has been

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submitted to and approved in writing by the planning authority in consultation with either the ACC acting as roads authority or in the case of the A96 junction still being designated as a trunk road at that time, Transport Scotland. Thereafter no building shall be occupied unless the junctions has been constructed in accordance with the approved details.

Reason – To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

(30) PROVISION OF VEHICULAR ACCESS (DYCE DRIVE)

No development shall take unless a matters specified in conditions application comprising detailed design for the proposed access road junction at Dyce Drive, has been submitted to and approved in writing by the planning authority.

The designs must be supported by traffic modelling, a written rationale for the design options chosen and make reference to the vehicular access and parking management plan. The Dyce Drive junction shall be subject of testing using a TRANSYT model which has been produced for junctions affecting the AWPR. The results of such testing shall be submitted as part of this condition for review.

Thereafter no building shall be occupied unless each of the junctions has been constructed in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

Reason – in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(31) PROVISION OF VEHICULAR ACCESS (WELLHEADS DRIVE)

No development shall take unless a matters specified in conditions application comprising detailed design for the proposed access road junction at Dyce Drive, has been submitted to and approved in writing by the planning authority.

The designs must be supported by traffic modelling, a written rationale for the design options chosen and make reference to the vehicular access and parking management plan.

Thereafter no building shall be occupied unless each of the junctions has been constructed in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

Reason – in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

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(32) TRUNK ROAD BOUNDARY TREATMENT

Prior to commencement of development a barrier / fence of a type to be agreed by the planning authority in consultation with Transport Scotland shall be erected along the boundary of the application site with the A96.

Reason – To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

(33) CYCLE AND MOTORCYCLE PARKING

No building shall be occupied unless (i) details of the proposed locations and types of cycle and motorcycle parking has been submitted to and approved in writing by the planning authority (ii) and has been implemented in accordance with the approved plans.

Reason – in the interests of encouraging the use of more sustainable modes of transport.

(34) AD PLANT – ODOUR CONTROL

That no development associated with the anaerobic digestion plant shall take place unless a scheme for the control of any odours generated by the operation of the anaerobic digestion plant has been submitted to and approved in writing by the planning authority. Thereafter the plant shall not become operational unless the scheme has been implemented.

Reason – In order to protect residential properties from odour.

(35) AD PLANT – LAYOUT

That notwithstanding the details shown on Keppie drawings KD-T(00)AXXX-001 and KD-T(00)AXXX-002, no development associated with the anaerobic digestion plant shall take place unless a further revised layout with cross sections has been submitted to and approved in writing by the planning authority. The revised layout shall provide a satisfactory relationship with the adjacent residential properties and ensure that any buildings, equipment or tanks are not overly dominant.

Reason – in order to maintain a suitable level of amenity for residents and the visual appearance of the area.

(36) OPERATION OF EXISTING AND PROPOSED AECC

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That any overlap in operation of the existing AECC and the proposed facility at Rowett North (including event testing) shall be implemented only in accordance with an operational and transportation statement to be agreed in writing with the planning authority.

Reason – In the interests of ensuring that there is no detrimental impact on the capacity of the road network.

INFORMATIVE NOTES

DURATION OF PLANNING PERMISSION

That 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.

SAFEGUARDING OF NATS PERWINNES RADAR

Developers and applicants are advised that the application site is within the safeguarding zone of Perwinnes Radar Installation, operated by NATS En-Route Ltd. 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 NATS 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 NATS 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.

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT

Developers and applicants are advised that the application site is located underneath the safety surface of Aberdeen International Airport. These surfaces are designed to protect the safe operation of aircraft during take-off and final approach stage of flight and therefore strict height restrictions are in place.

The planning authority strongly suggests early dialogue with the airport safeguarding team in order to determine the maximum permitted height of development.

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Further information can be obtained from Aberdeen International Airport Safeguarding Manager (safeguarding@aiairport.com / 01224 725756).

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT (CRANES)

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 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.

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT (LIGHTING)

Developers and applicants are advised to ensure that all permanent lighting, construction lighting, or illuminated signage, within the development site must be of a type which does not cause spillage of light above the horizontal, or include strobe, laser or flashing light.

Failure to do so may result in any responsible person being guilty of an offence under Article 135 (Dangerous Lights) of the Air Navigation Order (CAP 393) which states that a person must not exhibit any light which (i) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome or (ii) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

Further information can be obtained from Aberdeen International Airport Safeguarding Manager (safeguarding@aiairport.com / 01224 725756).

HOTEL PARKING

Notwithstanding any submitted supporting information indicating otherwise, in order to ensure that overprovision of car parking does not occur, the planning authority expect a rate of 0.6 car parking spaces per bedroom to be applied to all hotels within the development. The rate of 0.6 spaces per bedroom has been demonstrated to be adequate for the parking demand experienced by hotels in Dyce.

The Committee resolved:-

to approve the recommendation.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**TILLYOCH, CULTER HOUSE ROAD, ABERDEEN - 141813**

9. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information on an application which sought detailed planning permission for the change of use of part of the stable building to form 14 dog kennels (and its extension to form an external "safety corridor").

The report recommended:-
approval subject to conditions.

it was recommended that approval is granted 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 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

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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.

(5) That none of the resident dogs within the building hereby approved for use as kennels shall be taken or allowed outside their kennels between the hours of 1900 hrs and 0800 hrs – in the interests of the amenity of neighbouring properties.

The Convener, seconded by Councillor Cooney moved:-
To approve the application subject to conditions.

Councillor Boulton, seconded by Councillor Greig moved as an amendment:-
To refuse the application on the grounds (1) that noise levels will have a detrimental impact on residents in the area; and (2) to protect the amenity of the existing residents

On a division, there voted:- for the motion (7) – the Convener and Councillors Cooney, Copland, Dickson, Lawrence, MacGregor and Townson; for the amendment (10) the Vice-Convener and Councillors Boulton, Crockett, Greig, Jaffrey, Malik, Jean Morrison, Nicoll, Jennifer Stewart and Thomson.

The Committee resolved:-
to adopt the amendment to refuse the application.

STUDENT ACCOMMODATION, CONSTITUTION STREET - 150911

10. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information on an application for the erection of buildings to accommodate student accommodation, following the demolition of the Matalan building.

The report recommended:-
To approve conditionally, consent to be withheld pending: securing of developer contributions towards core paths.

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

(1) that no external finishing materials to the roofs, walls and hard surfaces of the development hereby approved shall be used unless in accordance with a scheme, including samples of external finishing materials 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.

(2) that the development shall not be occupied unless there has been submitted to, and approved in writing by, the planning authority a residential travel plan promoting sustainable modes of transport, together with details of how this will be promoted with occupiers.

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The travel plan shall include measures to ensure that students do not park cars in the streets surrounding the development. The development shall not be occupied unless the measures as so agreed are implemented in full, unless otherwise agreed in writing with the planning authority – in the interests of sustainable travel.

(3) No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that 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 a suitably qualified person in accordance with best practice as detailed in “BS10175 Investigation of Potentially Contaminated Sites - Code of Practice” and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination
2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

No building(s) on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken
and
2. 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 the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

- reason: to ensure that the site is suitable for use and fit for human occupation

(6) that no landscape scheme in connection with 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

(7) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(8) That the development hereby approved shall not be occupied unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and implemented in full accordance with said scheme - in the interest of public safety and wildlife

(9) That no development shall take place unless full details are provided of the surface water drainage system to the satisfaction of the Planning Authority in consultation with SEPA. The development shall not be occupied unless the agreed details have been implemented and are available for use – in the interests of the water environment and flood prevention.

(10) At least two (2) months prior to the commencement of any works, a site specific construction method statement must be submitted for the written approval of the planning authority [in consultation with SEPA] [and other agencies such as SNH as appropriate] and all work shall be carried out in accordance with the approved plan. Reason: to control pollution of air, land and water.

(11) that the accommodation hereby approved shall be for the use of students only. In this case students shall be defined as those attending the further education institutions within the city – as the development is not suitable in planning terms for use as permanent residential accommodation due to shortfall in the provision of car parking, amenity space and affordable housing

(12) That notwithstanding the refuse storage indicated on the plans, no development shall take place unless there has been submitted to and approved in writing by the planning authority details of the siting, design and materials of the refuse storage. The development shall not be occupied unless the refuse storage as so approved has been implemented on site and is ready for use – in the interests of public safety and visual amenity.

(13) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, details of motorcycle and cycle storage. A minimum of two motorcycle spaces are required. The development shall not be occupied unless the motorcycle and cycle storage as so approved has been provided and is available for use – in the interests of encouraging the use of sustainable modes of transport and visual amenity.

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(14) That the development hereby approved shall not be occupied unless the car parking areas and hardsurfaced amenity areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with the approved plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. - in the interests of public safety and amenity.

(15) The roof terraces on the east elevation of the new build blocks hereby approved facing the rear of flats on Bothwell Road shall not be used unless details of screening measures in order to prevent unacceptable levels of overlooking of adjacent residential property have been submitted to and approved in writing by the planning authority and have been implemented in full - in the interest of protection of residential amenity.

(16) The development shall be implemented fully in accordance with the layout plans hereby approved, unless otherwise approved in writing by the planning authority. There shall be no increase in the number of bedspaces hereby approved and no reduction in the extent of communal facilities or amenity space to be provided on site - in order to ensure provision of adequate amenity for occupants of the development.

INFORMATIVES

1. The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

- Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Issues often arise where sensitive development types are sited in close proximity to the rail line.

- The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

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Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4087
E-mail - AssetProtectionScotland@networkrail.co.uk

2. That no construction or demolition work shall take place:

- outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- outwith the hours of 9.00 am to 4.00 pm Saturdays; or
- at any time on Sundays,

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

The Committee resolved:-

- to approve the recommendation; and
- to agree the amendment to condition 2 of the report to read:- "That the development shall not be occupied unless there has been submitted to, and approved in writing by, the planning a residential travel plan promoting sustainable modes of transport, together with details of how this will be promoted with occupiers. The travel plan shall include measures to ensure that students do not park cars in the streets surrounding the development, including monitoring of parking in the surrounding streets, timing of such monitoring and promotion of car club use by students.

MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency to enable the item to be considered in a timely manner.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

WASTE RECYCLING PLAN ON LAND TO THE SOUTH WEST OF DOONIES FARM, ALTENS - 150432

11. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information on an application which sought planning permission for a combined waste collection vehicle depot and recycling facility

The report recommended:-
approval with conditions

Planning conditions:-

1. Notwithstanding the approved drawings, development shall not commence until details, including the construction programme, for the access turning area has been submitted to and approved in writing by the local planning authority.

Reason - in the interest of road safety

2. No part of the development shall be brought into operation until a Travel Plan, including details on the subsidised bus service has been submitted to and approved in writing by the local planning authority. The development shall not subsequently be operated unless the travel plan is being complied with.

Reason – in the interest of promoting sustainable transport options and to comply with policies T2 and D3 of the Aberdeen Local Development Plan 2012

3. Prior to development commencing, details of wheel washing facilities for the cleaning of wheels and underside of construction delivery vehicles before they exit the site to prevent mud and deposits being transferred from the site and being deposited on the road network. The development shall not subsequently be operated unless the details thereby approved are being complied with.

Reason – in the interests of road safety

4. Before work on the superstructure of the recycling building is commenced details of the proposed quick closed doors, together with detailed drawings for the noise bund have been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented prior to the occupation of any part of the approved development and shall be retained thereafter.

Reason – in the interest of protecting the amenities of the area

5. Notwithstanding the approved drawings prior to the commencement of the internal road network details of the swept path analysis for the bus entering,

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

manoeuvring to the bus pick up/drop off area and exiting the development in a forward gear shall be submitted to and agreed in writing by the local planning authority and the agreed details shall be implemented prior to any part of the development being occupied.

Reason – in the interests of the safety of pedestrians and other users of the car park and internal road network

6. Notwithstanding the approved drawings no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason - To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy D6 of the Aberdeen Local Development Plan 2012

7. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; 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 similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before any part of the development is occupied.

Reason - To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy D6 of the Aberdeen Local Development Plan 2012

8. Before work on the superstructure of the recycling building is commenced details for the proposed lighting of the all the buildings, car parking areas, boundary areas and internal road network is submitted to and approved in writing by the local planning authority. The agreed details shall be implemented prior to any part of the development becoming occupied and the agreed details shall be retained thereafter.

Reason – in the interest of the visual appearance of the area.

9. Notwithstanding the approved drawings no work on the superstructure of the proposed recycling building shall commence until details of the proposed exterior

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cladding including pantones and disposition of the cladding elements has been submitted to and approved in writing by the local planning authority.

Reason – in the interests of the appearance of the building

10. No part of the development hereby approved shall be brought into use until the measurements for surface water drainage on site have been carried out in accordance with the proposals outlined in the Drainage Strategy, dated September 2015, and on Drawing No A7766-D101.

Reason – in the interest of environmental protection and to comply with policy NE6 of the Aberdeen Local Development Plan 2012

11. The development hereby approved shall follow the following hours of operation;
- Depot facility between 06:00 and 16:00 hrs Monday to Friday with weekend work limited to between 07:00 and 12:00 hrs;
 - MRF plant between 05:00 and 23:00 hrs Monday to Friday for twin shift system and between 07:00 and 17:00 hrs at the weekend.
 - RDF plant between 06:30 and 18:00 hrs Monday to Friday and between 07:00 hrs and 17:00 hrs at the weekend; and
 - Office between 08:00 and 18:00 hrs Monday to Friday only.

Reason – in the interest of the protecting the amenity of the area

Officers provided details of amended conditions at 1, 3 and 6 as follows:-

1. Notwithstanding the approved drawings, construction shall not commence (excepting site preparation works and platforming operations) until details, including the construction programme, for the access turning area has been submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing.

Reason - in the interest of road safety

3. Prior to the commencement of development actions to prevent mud and deposits being transferred from the site and thereafter deposited on the road network, shall be submitted to and approved in writing by the Local Planning Authority.

Reason – in the interests of road safety

6. Notwithstanding the approved drawings, prior to commencement of the superstructure of the hereby approved building, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the

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development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason - To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy D6 of the Aberdeen Local Development Plan 2012

The Convener, seconded by Councillor Cooney moved:-

To approve the application subject to amended conditions.

The Vice-Convener, seconded by Councillor Boulton moved as an amendment:-

To refuse the application on the grounds that the site for the proposed development was too small, there was a loss of greenbelt and the additional traffic impact which would affect Doonies Farm.

On a division, there voted:- for the motion (11) – the Convener and Councillors Cooney, Copland, Crockett, Dickson, Lawrence, MacGregor, Malik, Jean Morrison, Nicoll and Townson; for the amendment (5) – The Vice Convener and Councillors Boulton, Greig, Jennifer Stewart and Thomson.

The Committee resolved:-

to adopt the motion to approve the recommendation subject to the amended conditions at 1, 3 and 6 as outlined above.

MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency to enable the item to be considered in a timely manner.

TRIPLE KIRKS – STUDENT ACCOMMODATION - 151239

12. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information on an application which sought planning permission for the erection of a series of 3 linked rectangular tall buildings, the southern aspect of which partly envelopes the listed steeple to provide 342 units of student accommodation.

The report recommended:-

A willingness to approve, subject to a legal agreement with regard to developer contributions towards sport and recreation, and to delegate to officers to appropriately word planning conditions and informatives, the former as generally headlined below.

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CONDITION HEADLINES

- Materials confirmed prior to use;
- Limitation of use of building to students only, save coffee shop;
- Details and provision of amenity areas prior to occupation;
- Landscaping details (hard and soft) and implementation thereof prior to occupation;
- Details of and provision of Public Art prior to occupation;
- Provision of Construction Management Plan prior to development commencing;
- Provision of Servicing and Management Strategy for building prior to occupation;
- Lightening strategy for the steeple and implementation thereof, prior to occupation;
- Noise and odour suppression details for the development, and associated implementation in development phase, with full operation in place prior to first occupation;
- Full details of café operational area and hours of opening, prior to first use;
- No occupation till all works completed, unless agreed in writing by ACC;
- Travel Plan and Residential Travel Pack monitoring and implementation to be agreed;
- Lease agreement to be viewed and agreed

INFORMATIVES

Various informatives will also be required, to appropriately direct the applicant to appropriate contacts.

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) that officers liaise with the Developers Obligations Team to determine whether the developer contribution could be directed to support the construction of a 3G pitch with floodlighting at Gilcomstoun School within appropriate timescales.

DRAFT RESPONSES TO SCOTTISH GOVERNMENT PLANNING REFORM CONSULTATION PLANNING REFORM

13. The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which provided information on the Council's consultation response to the Scottish Government's current Review of the Planning System and requested any further comments for late submission.

The report recommended:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

that the Committee endorses the consultation submission from the Head of Planning and Sustainable Development and agree any further late comments that the Council would wish to lodge in relation to the consultation.

The Committee resolved:-

to endorse the consultation submission from the Head of Planning and Sustainable Development subject to (1) the removal of the section within the response relating to the Notice in Newspapers; and (2) the inclusion of details of the role of the Scottish Government Reporters Unit within the Community Engagement section of the response.

OLD ABERDEEN AND FOOTDEE CONSERVATION AREA CHARACTER APPRAISALS

14. The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which outlined the results of consultation exercises undertaken on the draft character appraisals for Old Aberdeen and Footdee Conservation Areas.

The report recommended:-

that the Committee -

- (a) note the representations received on the draft Old Aberdeen and Footdee Conservation Area Character Appraisal documents;
- (b) approve Appendix 1, which includes officers' responses to representations received and any necessary actions;
- (c) approve Old Aberdeen and Footdee Conservation Area Character Appraisals, amended as per Appendix 1, for inclusion in the Conservation Area Character Appraisals and Management Plan; and
- (d) approve the extensions to the boundary of Footdee Conservation Area as shown in Appendix 3 and instruct officers to comply with the statutory notifications required.

The Committee resolved:-

- (i) to approve the recommendations; and
 - (ii) to thank officers for the work undertaken in relation to the report.
- **Councillor Ramsay Milne, Convener.**

Planning Development Management Committee

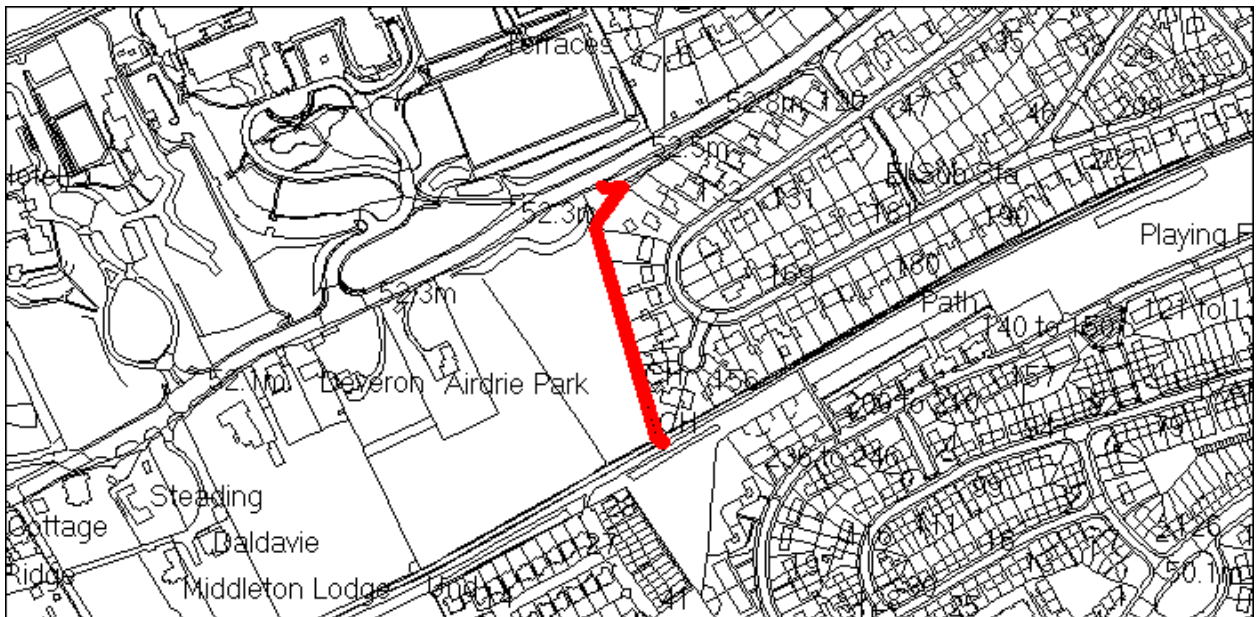
NORTH DEESIDE ROAD & THE OLD DEESIDE LINE, (CORE PATH 65 BETWEEN)

RETROSPECTIVE UPGRADE OF CORE PATH AND ASSOCIATED ENGINEERING AND LANDSCAPING WORKS (AMENDMENT TO PATH GRANTED UNDER P141260).

For: Dr George Stevenson

Application Type: Detailed Planning Permission
Application Ref.: P151493
Application Date: 14/09/2015
Officer: Andrew Miller
Ward: Lower Deeside (M Boulton/A Malone/M Malik)

Advert: Can't notify neighbour(s)
Advertised on: 23/09/2015
Committee Date: 14/01/2016
Community Council : No response received



RECOMMENDATION: Approve subject to Conditions

DESCRIPTION

The site comprises a strip of land running from North Deeside Road south towards the Deeside Way at Airyhall. It has recently been developed as a footpath linking North Deeside Road and 'the Deeside Way'. It is located within the Pitfodels Conservation Area.

RELEVANT HISTORY

P141260 – Erection of three houses with landscaping and creation of new path granted Detailed Planning Permission by the Planning Development Management Committee on 4 February 2015.

PROPOSAL

Retrospective Detailed Planning Permission is sought for the formation of the footpath that has recently been installed. The footpath runs from North Deeside Road and takes access from the pavement to the rear of houses in the north western corner of Deeside Gardens. It follows a route adjacent to the rear of the houses to the west of Deeside Gardens, running parallel with their rear boundaries. The straight path follows the gradient of the land sloping down towards 'the Deeside Way', where the two paths meet. Finished in bounded whin dust, the path is 1.8 metres wide and is held together with treated edge boarding driven into the ground with wooden pegs. At either end of the path, chicane gates are in place to slow down cyclists.

The path has been installed as part of the requirements of a development of three houses on land to the west of the site. That application (P141260) was granted subject to a condition requiring the provision of a path meandering through the site which was shown on the approved site plan.

The path was subsequently installed as described above and is not considered to warrant a non-material variation to consent P141260, hence the requirement of this application.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151493>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than 5 in time letters of objection have been received (9 letters). Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – Following provision of rest points and drainage, no objections.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) – Following provision of surface water soakaways, no objections.

Community Council – No response received.

REPRESENTATIONS

18 letters of representation have been received – 9 objections and 9 letters of support.

The objections raised relate to the following matters –

1. The path has not been constructed in accordance with details granted by Elected Members in the original application. This showed a meandering path through a landscaped area.
2. Neighbours did not object originally to the original application for the three houses and path on the basis that the plans showed a well-designed path with landscaping either side and it appeared not too intrusive to the residents of Deeside Gardens who overlook the site.
3. The path is extremely steep.
4. Cyclists using the path cycle down it at excessive speed
5. The gradient of the path means some elderly people find it difficult to walk on and when walking down the path, cannot see or hear cyclists coming at speed.
6. The construction of the path has elevated the ground level, with the path sloping down to the eastern side. This has resulted in surface water run off during heavy rain into gardens along Deeside Gardens. The water is clay coloured and from the surfacing of the path.
7. Surface water also runs off down the path like a stream to the Deeside Way, which subsequently floods in heavy rain.
8. There have been flooding instances due to heavy rain running from North Deeside Road to Morrison Drive in the past. The provision of the path in this location may result in this happening again.
9. The surfacing of the path is not suitable for the weather in the area and has already been significantly eroded by the rain.
10. The path as built has not resulted in any viewpoint as proposed as part of the original plan.

11. It is not easy to understand why a developer can think it is acceptable to ignore approved plans without gaining appropriate consent or giving any explanation.
12. Why has the developer been allowed to build it without consent then months later apply for consent – this is not right.
13. Path does not look good and is an eyesore.
14. Loss of privacy of houses to rear of houses at Deeside Gardens adjacent to path.

The supporting comments raised relate to the following matters –

1. The path has been built in a logical place given the topography of the site, on the site of a well trodden path through the field.
2. Ideal link between North Deeside Road and Deeside Way, with the previous closest link being Pitfodels Station Road, which itself has steep steps and no pavement at the top of the steps.
3. Why has the applicant had to apply for permission again?
4. It would be a travesty if this new path was lost.
5. Path is an excellent addition to the network of walking paths.
6. Path is safer than the current access at Station Road
7. It is a pity that a pedestrian crossing is not proposed as part of this application.
8. There are few access points from North Deeside Road and the Deeside Way between Cults and Duthie Park and this is a great addition.
9. Route of path follows that shown in the Aberdeen City Core Path Plan 2009.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Development should pay regard to the layout, design, materials, scale, siting and use of listed buildings, as well as their surrounding area's character and appearance. It also states development should either enhance or preserve the character or appearance of a conservation area.

Aberdeen Local Development Plan

NE2 – Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

NE1 – Green Space Network

Proposals for development that are likely to destroy or erode the character or function of the Green Space network will not be permitted.

NE9 – Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way.

NE6 – Flooding and Drainage

Development will not be permitted if:

1. It would increase the risk of flooding:-
 - a. By reducing the ability of the functional flood plain to store and convey water;
 - b. Through the discharge of additional surface water; or
 - c. By harming flood defences.

D5 – Built Heritage

Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy

Proposed Aberdeen Local Development Plan

NE2 – Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

NE1 – Green Space Network

Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.

NE9 – Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way.

NE6 – Flooding, Drainage and Water Quality

Development will not be permitted if:

1. It would increase the risk of flooding:-
 - a. By reducing the ability of the functional flood plain to store and convey water;
 - b. Through the discharge of additional surface water; or
 - c. By harming flood defences.

D4 – Historic Environment

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan.

Other Relevant Material Considerations

None

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

The main considerations in this instance relate to the principle of the path and its general suitability (surfacing, gradient and drainage).

Principle

The path is located in the Green Belt, as designated in the ALDP. Associated policy NE2 creates a presumption against development, though exceptions apply. In this instance and as described under the proposals section, the path in question has been installed as a requirement of part of a development of three houses within the land to the west of the site. Notwithstanding the acceptability of the path in terms of its general suitability and impact on the surrounding area (including neighbours), the principle of a path in this area is considered acceptable in this instance and would not conflict with the requirements of policy NE2.

Relating to the designation of the wider area as Green Space Network, associated policy NE1 seeks to protect, promote and enhance the access value of the Green Space Network. Policy NE9 of the ALDP states that new

development should not compromise the integrity of existing core paths. As the development involves the upgrade of an existing core path, the proposal is considered to accord with both NE1 and NE9.

Surfacing

In ensuring paths are accessible for as many people as possible, consideration must be given on the suitability of the path in terms of its surfacing, gradient and drainage. Relating to its surfacing, smoother paths with hard surfacing are more likely to be attractive to the disabled (in particular wheelchair users) and those with prams/buggies. The use of whin dust allows for a smoother surface that is more accessible for those users.

Gradient

In respect of the paths gradient, ideally all pathways should be no greater than a 1:12 gradient. In this instance, there are parts of the path that exceed this. In order to mitigate against the gradient, two rest areas on a flat level are proposed at points on the path. Whilst ideally all paths should be no more than 1:12, there are instances where this is not practical. It should be noted that the path as consented under P141260 also fails to meet this gradient and it would be difficult for any path in this area to meet the necessary gradient. Subject to a condition requiring the rest areas to be implemented, it is considered the provision of these to mitigate against the unsuitable gradient is acceptable in this instance.

Drainage

Relating to drainage, policy NE6 of the ALDP states that development will not be permitted where it increased the risk of flooding through the discharge of additional surface water. The path as constructed has resulted in run off leaching into the gardens of adjacent houses in Deeside Gardens, as is noted in the representations. No suitable drainage has been constructed in the path, though this application proposes two soakaways for surface water drainage. Subject to a condition requiring this to be implemented, the surface water drainage is considered to be acceptable in this instance and would comply with NE6.

Impact on Conservation Area

Scottish Planning Policy (SPP) seeks to ensure that development within Conservation Areas either protects or enhances their character. Policy D5 of the ALDP seeks to ensure development accords with SPP. In this instance, the path is of standard design, typical of core paths around the city. Landscaping around the path would lessen the impact of the path on the surrounding area and conditions requiring this is recommended. Accordingly the proposals would have a neutral impact on the appearance of the Conservation Area and is considered to satisfy the requirements of SPP and subsequently policy D5 of the ALDP.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and is regarded as an unresolved issue to be determined at the Examination; and
- the relevance of these matters to the application under consideration .

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In this instance the relevant policies contained within the Proposed ALDP substantively reiterate those in the adopted ALDP. As such no further evaluation is considered necessary in respect of the Proposed ALDP.

Matters Raised in Representations

In respect of the matters raised by objectors to the development, a response to each point is provided below:

1. The path has not been constructed in accordance with details granted by Elected Members in the original application. This showed a meandering path through a landscaped area.
(This application has been submitted due to the path not being installed in accordance with the approved plan.)
2. Neighbours did not object originally to the original application for the three houses and path on the basis that the plans showed a well-designed path with landscaping either side and it appeared not too intrusive to the residents of Deeside Gardens who overlook the site.
(This application has been submitted as it is a material change to the path. The specifics of this application have therefore been considered on their own merits above.)
3. The path is extremely steep.
(It is noted that the path is steep – consideration is given to this above under Gradient)
4. Cyclists using the path cycle down it at excessive speed
(It is noted that cyclists are able to use the path at speed due to the gradient, though staggered gates at the bottom of the path do act as some deterrent to slow cyclists down.)

5. The gradient of the path means some elderly people find it difficult to walk on and when walking down the path, cannot see or hear cyclists coming at speed.
(This application proposes rest areas in order to mitigate against the gradient of the path – further information under Gradient).
6. The construction of the path has elevated the ground level, with the path sloping down to the eastern side. This has resulted in surface water run off during heavy rain into gardens along Deeside Gardens. The water is clay coloured and from the surfacing of the path.
7. Surface water also runs off down the path like a stream to the Deeside Way, which subsequently floods in heavy rain.
8. There have been flooding instances due to heavy rain running from North Deeside Road to Morrison Drive in the past. The provision of the path in this location may result in this happening again.
9. The surfacing of the path is not suitable for the weather in the area and has already been significantly eroded by the rain.
(Surface water drainage has been proposed as part of this application – see Drainage above).
10. The path as built has not resulted in any viewpoint as proposed as part of the original plan.
(The viewpoint as shown on the plans subject to P141260 indicates a part of the path where there would be views from the path.)
11. It is not easy to understand why a developer can think it is acceptable to ignore approved plans without gaining appropriate consent or giving any explanation.
12. Why has the developer been allowed to build it without consent then months later apply for consent – this is not right.
(All retrospective applications are given no less scrutiny than applications on a normal pre-emptive basis).
13. Path does not look good and is an eyesore.
(Noted – the site is under redevelopment for housing and will be subject to further landscaping)
14. Loss of privacy of houses to rear of houses at Deeside Gardens adjacent to path.
(The loss of privacy is not a significant concern – the path is not highly trafficked and those using the path are not there for a significant period of time, rather they are travelling past.)

Comments of support received for the application are also noted.

RECOMMENDATION

Approve subject to conditions.

REASONS FOR RECOMMENDATION

Notwithstanding its retrospective nature, subject to conditions as recommended, the path is considered acceptable in this instance. The principle of a path through

the area is established under P141260 and as such would not conflict with policies NE2 – Green Belt of the Aberdeen Local Development Plan (ALDP) 2012. In addition, its upgrade would comply with the requirements of policies NE1 – Green Space Network and NE9 – Access and Informal Recreation. Its siting and finish would preserve the character of the surrounding Pitfodels Conservation Area, in line with Scottish Planning Policy and policy D5 – Built Heritage of the ALDP 2012. Sufficient surface water drainage is proposed that satisfies the requirements of policy NE6 – Flooding and Drainage.

Insofar as they are relevant, the proposals accord with policies contained within the Proposed ALDP 2015.

CONDITIONS

1. That within two months of the date of this decision notice, the rest areas and drainage measures as detailed in drawing number 104591/0006 Rev D hereby approved (or such other drawing subsequently approved by the Council) shall be implemented and completed. Thereafter these measures shall be retained for the lifetime of the development – in order to ensure the path provides sufficient drainage and accessibility in line with the details submitted with the retrospective application.
2. That within 2 months of the date of decision a further detailed scheme of landscaping for the site and adjacent areas, which scheme includes 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 planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.
3. 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 (including the measures detailed in condition 1) 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.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 01 October 2015 12:45
To: PI
Subject: Planning Comment for 151493

Comment for Planning Application 151493

Name : Stuart McPherson
Address : 83 Carnie Avenue
Elrick
Aberdeenshire
AB32 6HS

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to object to this application as this amendment has been submitted after the event.

I regularly frequent the surrounding area and walk along the railway line with my Children often. I noticed the builders moving in a while back so looked up the plans and initially thought they were ok and the original path route which was meandering down from N.Deeside seemed ok. When I went back a short while later I noticed that the path was an asphalt path that went straight down right next to the line of houses from Deeside Gardens to the railway line, this was not what on the plan but was built anyway. It does not look good.

This path is an eyesore and not being tarred or concrete leads to the path being very rutted with running water channels. As the path is now straight the water is running straight down onto the railway and most likely into the houses next to the path as well - many a time i have seen the railway line flooded. The original plan was for the path to connect to the railway line away from the houses but it now connects next to the last house using a small existing foot bridge instead of making a new one as planned with suitable drainage.

The path is also quite dangerous when walking down as cyclist speed down the path and is a H&S issue especially if they can't stop in time for people or the barriers.

Why was this path allowed to be built like this against what the original plan stated then months later an amendment goes in after it has already been built to try and get it official - this is not right.

I object to this application being granted.

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George Milne

From: webmaster@aberdeencity.gov.uk
Sent: 22 September 2015 16:44
To: PI
Subject: Planning Comment for 151493

Comment for Planning Application 151493

Name : Dr Mhairi C Beaton
Address : 144 Deeside Gardens
Aberdeen
AB15 &PX

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to object to the change of plan relating to the placement/retrospective upgrade of the core path outlined in this proposal. The previously approved placement of the path was significantly further from the rear of our property and was to be landscaped with trees. However, the building company have already placed the path directly next to our property meaning we have lost privacy. The nature of the core path illegally built by that company has already been eroded by rain and degraded significantly. I wish the builders to move the path to the original location as outlined in the original proposal and build it in a manner which is appropriate to the weather in the area.

Please do not hesitate to contact me should you wish further clarification of this objection.

With kind regards
Dr Mhairi Beaton

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PI

S

From: webmaster@aberdeencity.gov.uk
Sent: 06 October 2015 13:36
To: PI
Subject: Planning Comment for 151493

Comment for Planning Application 151493

Name : Wai-Man Shek Robertson
Address: 268 North Deeside Road
Cults
Aberdeen
AB15 9PB

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : As regular users of the Old Railway Line, my family and I are fully supportive of the proposed new path. Many of the access points to the railway line are located further into Cults and onwards towards Milltimber. Between Cults and Duthie Park, there are actually not many areas from which the railway line can be accessed from the North Deeside Road side. It is great that the new residents are making the path available to the public.

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PI

S

From: webmaster@aberdeencity.gov.uk
Sent: 05 October 2015 16:51
To: PI
Subject: Planning Comment for 151493

Comment for Planning Application 151493

Name : Mrs. L. M. Duncan
Address : 18 Arnhall Crescent
Westhill
Aberdeenshire.

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I support this application. As a parent of two children at the International School, I was pleased to see a new pathway connecting North Deeside Road with the Deeside pathway. The current access via Station Road is positively dangerous. I don't know why this now needs Planning Permission but I hope it is approved and can remain. The new hard surface which replaces the old trodden path is a great improvement. It's a pity a pedestrian crossing is not also being proposed. We have been campaigning for one for a long time.

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PI

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From: webmaster@aberdeencity.gov.uk
Sent: 06 October 2015 15:53
To: PI
Subject: Planning Comment for 151493

Comment for Planning Application 151493
Name : A Ramsay
Address : 70 Ashgrove Road West Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment :

I fully support the above planning permission being sought for the path linking the railway line and North Deeside Road beside Pitfodells. I am a regular user of this new path, as are other members of my family, the new path would be a welcome addition.

I had thought that this path received planning permission previously as part of the application for the three houses. While this previous application shows a slight curve to the path, I can confirm that the straight nature of the path as built follows the route that was previously informally taken by myself and many others.

Please note this comment as being supportive for this application.

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PI

S

From: webmaster@aberdeencity.gov.uk
Sent: 05 October 2015 16:27
To: PI
Subject: Planning Comment for 151493

Comment for Planning Application 151493

Name : Colin Ballantyne
Address : 44 Whitehall Road
Aberdeen
AB25 2PR

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : I am writing to offer my support to the planning application number 151493 for the retrospective planning permission being sought for the core path link between North Deeside Road and the old Deeside Railway Line. I regularly use this new path while enjoying walks along the Deeside Railway line and know it well.

I am confused as to why this application is even needed given the path was granted consent as part of the application for three houses (App 141260) and subsequently built. The fact it has been built along the line of the informal route that the vast majority of people (including myself) took through that land must mean that it is the most sensible route.

I hope that Aberdeen City Council will support this new planning application as it would be a travesty if this new path was lost.

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S

PI

From: webmaster@aberdeencity.gov.uk
Sent: 06 October 2015 14:58
To: PI
Subject: Planning Comment for 151493

Comment for Planning Application 151493

Name : Stephanie Eadie
Address : 44 Whitehall Road
Aberdeen
AB25 2PR

Telephone :

Email : [REDACTED]

type :

Comment : To whom it may concern,

I am writing to offer my support to the planning application number 151493 for the retrospective planning permission being sought for the core path link between North Deeside Road and the old Deeside Railway Line. I regularly use this new path while enjoying walks along the Deeside Railway line and know it well.

I am confused as to why this application is even needed given the path was granted consent as part of the application for three houses (App 141260) and subsequently built. The fact it has been built along the line of the informal route that the vast majority of people (including myself) took through that land must mean that it is the most sensible route.

I hope that Aberdeen City Council will support this new planning application as it would be a travesty if this new path was lost.

Regards
Stephanie

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S

PI

From: webmaster@aberdeencity.gov.uk
Sent: 06 October 2015 09:40
To: PI
Subject: Planning Comment for 151493

Comment for Planning Application 151493

Name : Ross Gardner
Address : 14 Rubislaw Park Crescent
Aberdeen

Telephone :

Email :

type :

Comment : I write to offer my support for the approval of planning application 151493 for the retrospective upgrade of the core path leading from North Deeside Road to the old railway line at Pitfodels. I am in favour of this application as a member of the public with young family who supports this particular route of access to the railway line. In addition, I understand that this path has already been granted planning permission as part of application number 141260 so I would hope that the approval of application 151493 is only a formality.

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PI

S

From: webmaster@aberdeencity.gov.uk
Sent: 06 October 2015 11:55
To: PI
Subject: Planning Comment for 151493

Comment for Planning Application 151493

Name : Mr Murphy
Address : 10 Dunbar Street
Aberdeen

Telephone :

Email :

type :

Comment : With regard to the above retrospective planning application I am contacting you to note my support. This addition to the core path network has created a safe and fit for purpose path that I use with my family on walks. The route of the path accords with the Aberdeen City Council Core Path Plan of April 2009, as per the documents on your planning website, other than the very steep section beside North Deeside Road where it meanders to reduce the slope.

While I am perplexed as to why another planning application is required for something that has planning and has been built, I would be very disappointed if this application refused and the path removed.

I therefore offer the application my full support.

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150 Deeside Gardens
ABERDEEN
AB15 7PX

30th September 2015

Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Dear Sir/Madam

Planning Application Number 151493 (Retrospective upgrade of core path amendment - P141260) :-

Amendment Objections

I wish to raise a formal objection to this amendment to the original Plan P141260. My objections are listed below:-

1. The path, as presently constructed, is not in line with the aspirations of the Elected Members who granted permission at the planning committee.
2. The approved plan shown on the planning website in November 2014 shows, very clearly, a meandering path with trees and shrubs and a distinctive view point at the top. *Please see attachment 1.*
3. Myself and various neighbours did not place an objection to the original planning application in 2014 because the plan as shown on the website, appeared to be visually well designed and the landscaping on either side of the path and surrounding area was reasonable in keeping with the whole site layout. It also showed a View Point near the top of the path. The design appeared not too intrusive to the residents of Deeside Gardens who overlook the area.
4. One of the first things to be constructed by the builder was "the core path" in February 2015. This path was not as shown in the plans. It was built as one straight path from North Deeside Road to the Deeside Railway line directly adjacent to the fences of the gardens of the residents of Deeside Gardens. *See attachment 2.*
5. The council and counsellors were immediately notified by myself and neighbours of the path construction and the complete disregard of the original plan. I believe the council have been trying to work with the applicant to resolve this issue since March 2015.
6. The problems with the path as it is are as follows:-
 1. The path is extremely steep
 2. Cyclists are using the path but some are cycling at speed down the path. I have not seen one cyclist get off his/her bike to get onto the railway line.
 3. It is very difficult for some elderly people to walk up the path and when walking down the path some don't hear or see the cyclists coming down
 4. The construction of the path has elevated the ground which has now created a slope down to the houses and gardens of Deeside Gardens.
 5. During periods of heavy rain (and maybe melting snow in the winter) the water (as water does) is running where it can. Recently it has run to the areas left of the path (the area near the fences) and flowed into the land of the residents. The water coming in is clay coloured which is from the path itself. *See attachment 3.*
 6. During bouts of heavy rain, the railway line is also flooded. The water is running off the path like a stream. *See attachment 4*

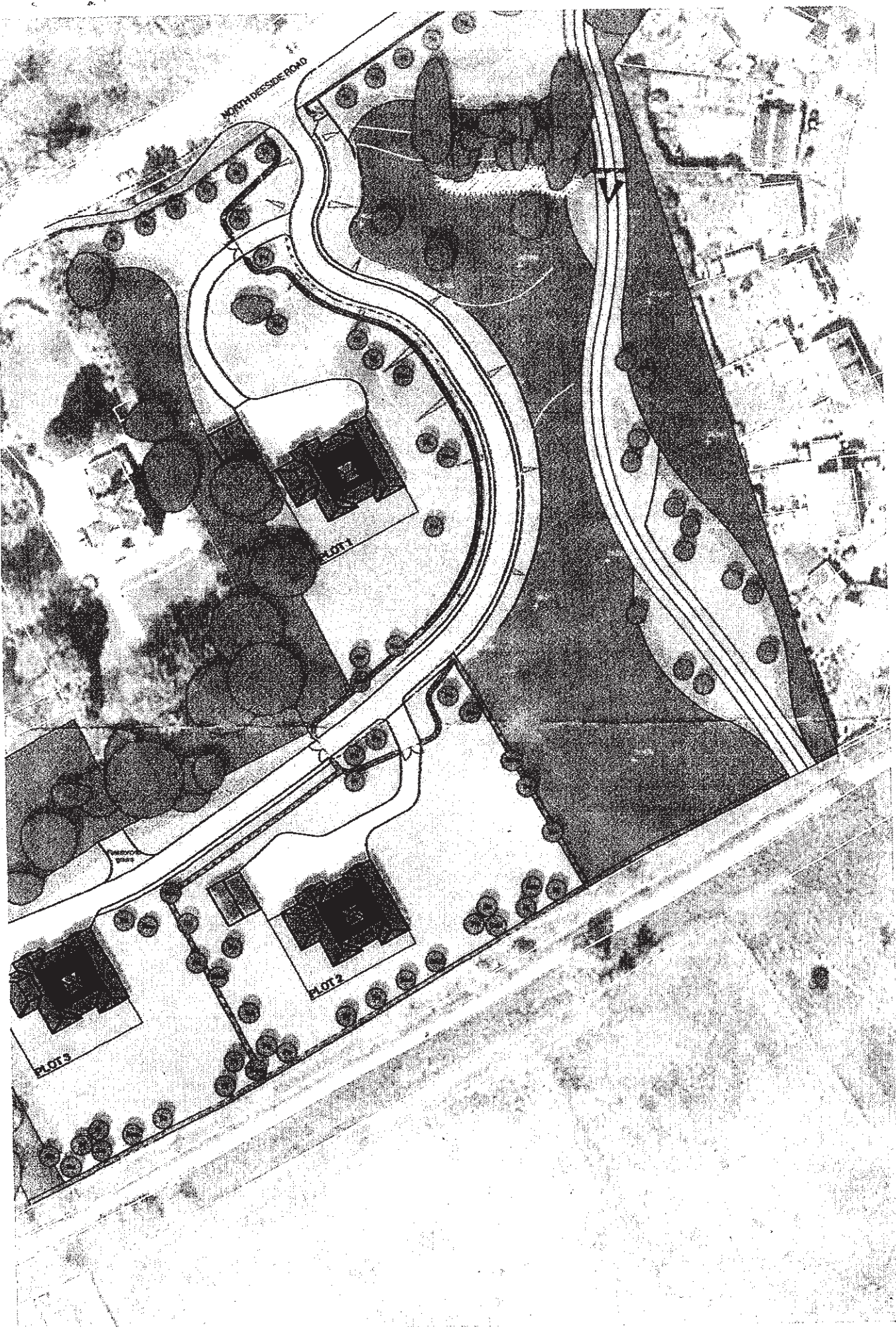
7. Over 10 years ago there was serious flooding from water running down from North Deeside Road to the railway line. The houses and gardens, the railway line and the basement of the flats on Morrison Drive (the ones situated on the corner) all had water problems. The council spent a lot of time, cost and effort to resolve this issue and the matter was completely resolved.
8. I don't believe it is necessary to allow this to happen again by accepting this amendment to the original plan for this path.

In conclusion, this is not a minor amendment to an approved plan. The two visual drawings are very different in many ways not just the core path. There is no View Point anymore, the house nearest North Deeside Road appears to have a different road and landscaping layout. By looking at Attachments 1 and 5 by placing them side by side, it is easy to see the differences. **(See attachment 1 and 5)** I cannot understand why a builder/applicant would think it acceptable to change a plan practically immediately after it has been approved and believe that it is not necessary to give any form of explanation or gain any form of approval before the building commences. I would like to see the original plan adhered to unless there are stated legal and safety reasons to allow this change which I am presently unaware of.


Should you require any further information, please do not hesitate to contact me.

Yours faithfully





- excavated
backfilled
cultivated
approved
mats, pit
plants plus
slow roller
weed free
- 55% Crab
25% Pyra
15% Ligo
5% Hex a
- 
 Parkland
2.40 x 2.4
rippled to
150L, groc
slow roller
heavy size
rootball
available
with Break
down, in
subsoil pa
100mm of
stem plus
noted P&E
approved
- 
 Species:
25% Fag.
E90.00/yr
25% Oxa
E90.00/yr
25% Oxa
E145.00/yr
15% Pop
E90.00/yr
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 Species
Excavate
matted with
60mm pe
plus Tree
and Flaty

Tree to 7
E = 110a
- 
 Trees in c
E = Belli
S = Sort
S = Sor
P = Pr
- 
 Bulb plus
Plant Hys
woodland
drills at
pave sub
- 
 Woodl
Apply for
transplant
plants to 2
- 
 30% Oxa
15% Fag
15% Pua
15% Cory
10% Hex
only
10% Pira
thick coll
5% Taxus
thick coll
- 
 Asphalt
E
Kaching
E to E
for all h
- 
 Cellular
1800 x 12
stabilizer
manhole
sand bed
overlap
bandage
gravel or
conceal o
- 
 Private P
400 x 400
square ec
40mm 4/4
mix beds
with 37 s
penoiled
-
 Kerbs & I
50 x 150m
foundatio
landscape
Kerbs to t
-
 1180mm
75 x 75 x
150mm di
angled pit
maximum
radius
preservat
-
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8mm-dot
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ATTACHMENT 2



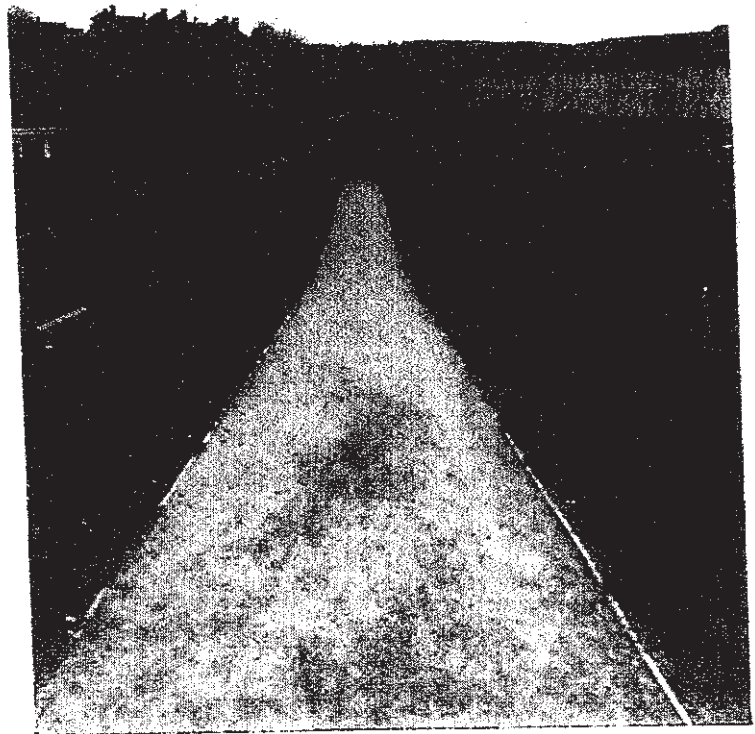
MARCH 2015



SEPT 2015



SEPT 2015

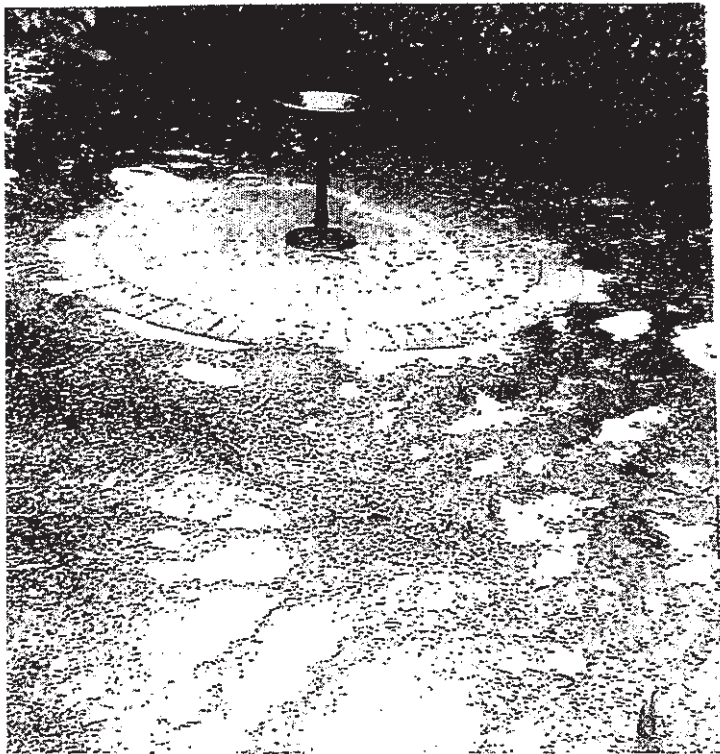


SEPT 2015

ATTACHMENT 2



CLAY COLOURED WATER
FROM PATH.



ATTACHMENT 3

Planning Development Management Committee

COUNTESSWELLS ROAD, ABERDEEN

REPLACEMENT DWELLING

For: Macaulay Development Trust Ltd.

Application Type : Planning Permission in Principle

Application Ref. : P151756

Application Date: 05/11/2015

Officer: Hannah Readman

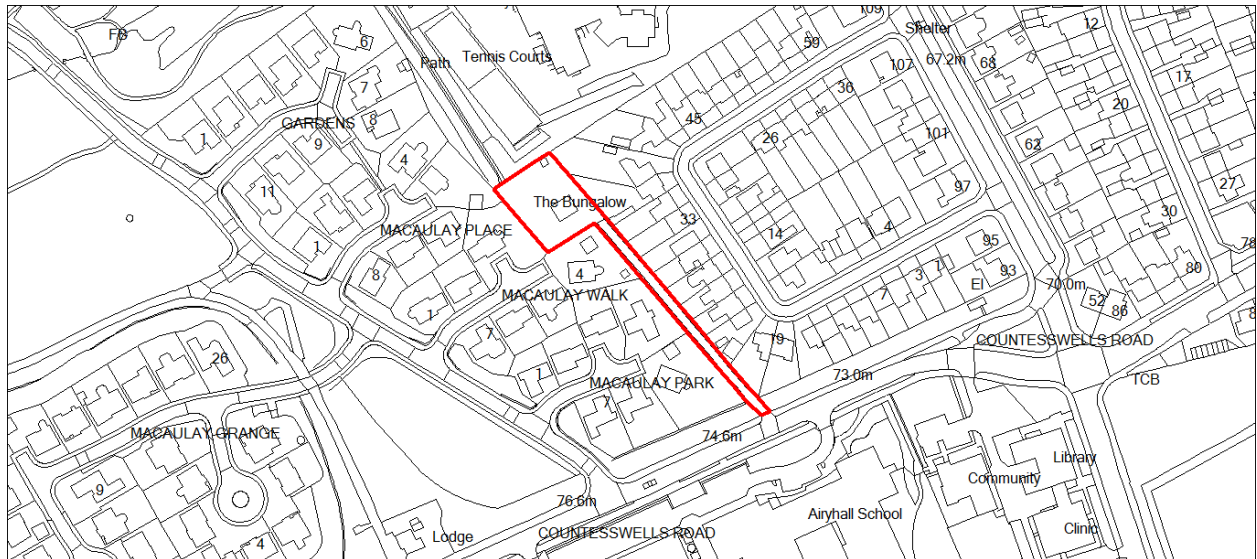
Ward : Hazlehead/Ashley/Queens Cross(M Greig/J Stewart/R Thomson/J Corall)

Advert :

Advertised on:

Committee Date: 14/01/2016

Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

This application relates to a 0.25hectare site bound by properties on Macaulay Walk to the west and Springfield Gardens to the east. To the north is the Hilton Tree Tops hotel and grounds. Accessed is via a 113m long private lane, off of the north side of Countesswells Road. A large, detached dormer bungalow of traditional granite and slate construction currently occupies a position towards the centre of the southern part. There is an area of hard standing to the front of this dwelling, with space for four vehicles and spacious garden ground to the sides and rear. It is within a wider residential area allocated within the Local Development Plan, which sees a mix of housing styles, but surrounded primarily by late 20th century dwellings of between 1 and 1.75 storey's.

RELEVANT HISTORY

P151031 – An application for detailed planning permission for the demolition of the existing dwelling and erection of a replacement dwelling was withdrawn by the applicant on the 8th October 2015. This was following design concerns that would have resulted in a recommendation for refusal, should the application have proceeded.

PROPOSAL

Planning permission in principle is sought for the demolition of an existing dwelling and subsequent erection of a single dwelling, associated car parking and landscaping on the site. No details in relation to design or layout are sought to be approved.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at:

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151756>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

- Bat Survey Report (July 2015)
- Supporting Statement (November 2015)
- Drainage Statement

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because 5 letters of objection have been received and the Community Council have also objected. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations;

Environmental Health - No observations;

Flooding – No response received.

Community Council – Object to the application of the basis that the submitted indicative drawings present a house that is out of character in terms of massing

and architectural design with neighbouring properties. The submitted drawings are not considered to accurately reflect the topography of the area and a new dwelling would have a big visual impact on Macaulay Walk. There would be a loss of privacy to the garden of the bungalow at the end of Macaulay Walk.

REPRESENTATIONS

Five letters of objection have been received. The objections raised relate to the following matters:

1. The garage is too big and too close to the boundary;
2. The submitted drawings are inaccurate;
3. The massing and height of the indicative building is inappropriate/excessive;
4. There would be a loss of privacy to Macaulay Walk;
5. It would de-value neighbouring properties.

PLANNING POLICY

Aberdeen Local Development Plan

H1 - Residential Areas

Within existing residential area, proposals for new residential development will be approved in principle if it:

1. Does not constitute over development;
2. Does not have an adverse impact on the character or amenity of the surrounding area;
3. Does not result in the loss of valuable and valued areas of open space.

Policy D1 - Architecture and Placemaking

Ensures that new development is designed with due consideration for its context. Factors considered include design, massing, orientation and materials to ensure that the proposed development is acceptable.

Policy D4 – Aberdeen’s Granite Heritage

Where a locally significant granite building that is not listed or in a conservation area is demolished, the City Council will expect the original granite to be used on the principal elevations of the replacement building.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

Policy D1 – Quality Placemaking by Design (D1 – Architecture and Placemaking in ALDP)

Policy H1 – Residential Areas (H1 – Residential Areas in ALDP)

Policy D5 – Our Granite Heritage (D4 – Aberdeen’s Granite Heritage in ADLP)

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

The indicative drawings submitted for consideration alongside this application suggest that the plot could sufficiently accommodate a four bedroomed dwelling. However, the details of the design and layout of the replacement dwelling would be considered as part of a matters specified in conditions (MSC) application and therefore are not assessed as part of this application. Discussion, guidance and conditions are provided to indicate the parameters of an acceptable replacement dwelling.

Principle of Development

The site is located within a residential area and has been in long term residential use, with one dwelling present. Its demolition and subsequent replacement with another single dwelling is therefore considered appropriate, as it would not greatly intensify the established use, which would continue to be compatible with adjacent land uses, in compliance with policy H1. A replacement dwelling is considered acceptable in principle, subject to a high quality design that demonstrates due consideration for its context.

Design Considerations

As the application is for Planning Permission in Principle (PPiP), acceptable details of the design and siting of the proposed dwelling are not necessary, as these can be dealt with by way of planning condition(s). Policy D1 of the Local Development Plan requires new development to be designed with due consideration for its context and to make a positive contribution to its setting. Critical to this should be the careful consideration for the reuse of the granite from the existing structure. This material should form an integral part of the proposed design, in order to comply with policy D4. Taking account of the sites location, encompassed by 1.5 storey properties to the east, a bungalow to the south and a 1.75 storey property to the west, as well as its existing unique character and setting, it would be appropriate to restrict the ridge height of any new dwelling to 6.5m so as not to appear unduly prominent or out of context when viewed from surrounding plots. This provides flexibility for any forthcoming detailed design to either take the form of a modern, flat roofed dwelling or a more traditional 1.5 storey dwelling where dormers are contained entirely within the roof space, as per the existing dwelling and those to the east. This height restriction would also assist in neighbouring gardens not being overlooked; windows of habitable rooms should be sensitively integrated into the design to provide a high standard of privacy to the occupiers and neighbours. As such, it is recommended that a condition be placed restricting the ridge height of any replacement dwelling to 6.5m, in the interests of retaining the character of the site, the residential amenity of neighbours and to ensure an appropriate, high quality design which demonstrates due consideration for its context.

Servicing (Access and Drainage)

Currently and proposed to be accessed by private lane leading up from Countesswells Road, an arrangement deemed satisfactory. There is ample space for car parking and cycle storage to be designed in. A turning area should be included in any future layout so that the site can be entered and exited in a forward gear. Roads Development Management officers have not put forward any comments in relation to this application, indicating that they are satisfied that

any reasonable scenario associated with the erection of a single dwelling can be accommodated on site.

As the application is for PPIP, the details of drainage provided will require to be updated to address the design which comes forward and conditions can require this be provided via an MSC application.

Matters raised in letters of representation

As the layout and design of the dwelling is reserved, no further comment can be given on the concerns raised. Matters relating to loss of privacy, overlooking, access and safety will be assessed at MSC stage and neighbours will have the opportunity to comment at that time. However, the value of neighbouring properties is not a material planning consideration.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies in the Proposed ALDP substantively reiterate those in the adopted local development plan and the proposal is acceptable in terms of both plans for the reasons already previously given.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

Subject to the recommended conditions, the site is considered suitable for the development of a single dwelling of up to 6.5m in height, in compliance with Adopted Local Development Plan Policies D1: Architecture and Placemaking, D4: Aberdeen's Granite Heritage, H1: Residential Areas and Proposed Local Development Plan Policies D1: Quality Placemaking by Design, D5: Our Granite Heritage and H1: Residential Areas.

CONDITIONS

It is recommended that approval is given subject to the following conditions:-

1. No development shall take place unless a matters specified in conditions application has been submitted to and approved by the planning authority comprising –
 - a. details of layout, bespoke design and external appearance of –
 - i. buildings and any ancillary structures;
 - ii. plot boundary enclosures;
 - iii. storage areas for waste and recyclables
 - iv. vehiclular/cycle/pedestrian access;
 - v. vehicle parking;

- in order to ensure a satisfactory bespoke design and a layout of the plot that respects the character and built form of the area.
2. That the ridge height of the dwelling subject to a matters specified in conditions application shall not exceed 6.5m – to ensure that the new dwelling does not dominate the site or have have adverse impact on the residential amenity afforded to neighbouring sites.
3. that no development pursuant to the planning permission hereby approved shall be carried out unless a matters specified in conditions application has been submitted comprising a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

INFORMATIVE

The planning authority would encourage the applicant of the future detailed planning consent to engage in pre-application discussions prior to submission.

CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Ms Hannah Readman

Email Address: [REDACTED]

Planning officer

26th November 2015

Development Management

Aberdeen City Council

Business Hub 4

Marischal College

Broad Street

Aberdeen AB10 1AB

Dear Ms. Readman,

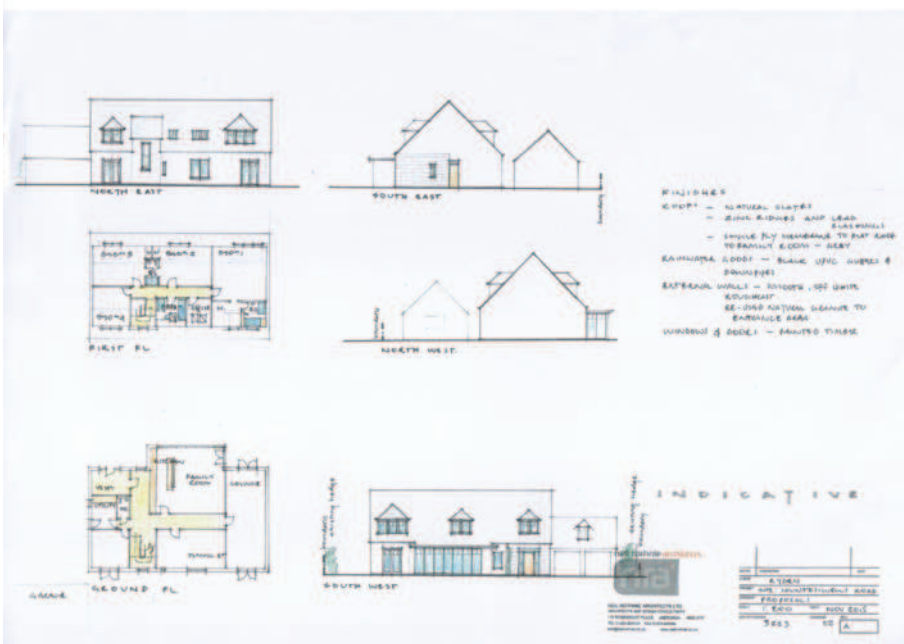
Application Number: P151756 Site Location: The Bungalow, Countesswells Road, Aberdeen

Applicant: The Macaulay Development Trust. Craigiebuckler, Aberdeen, AB15 8HQ.

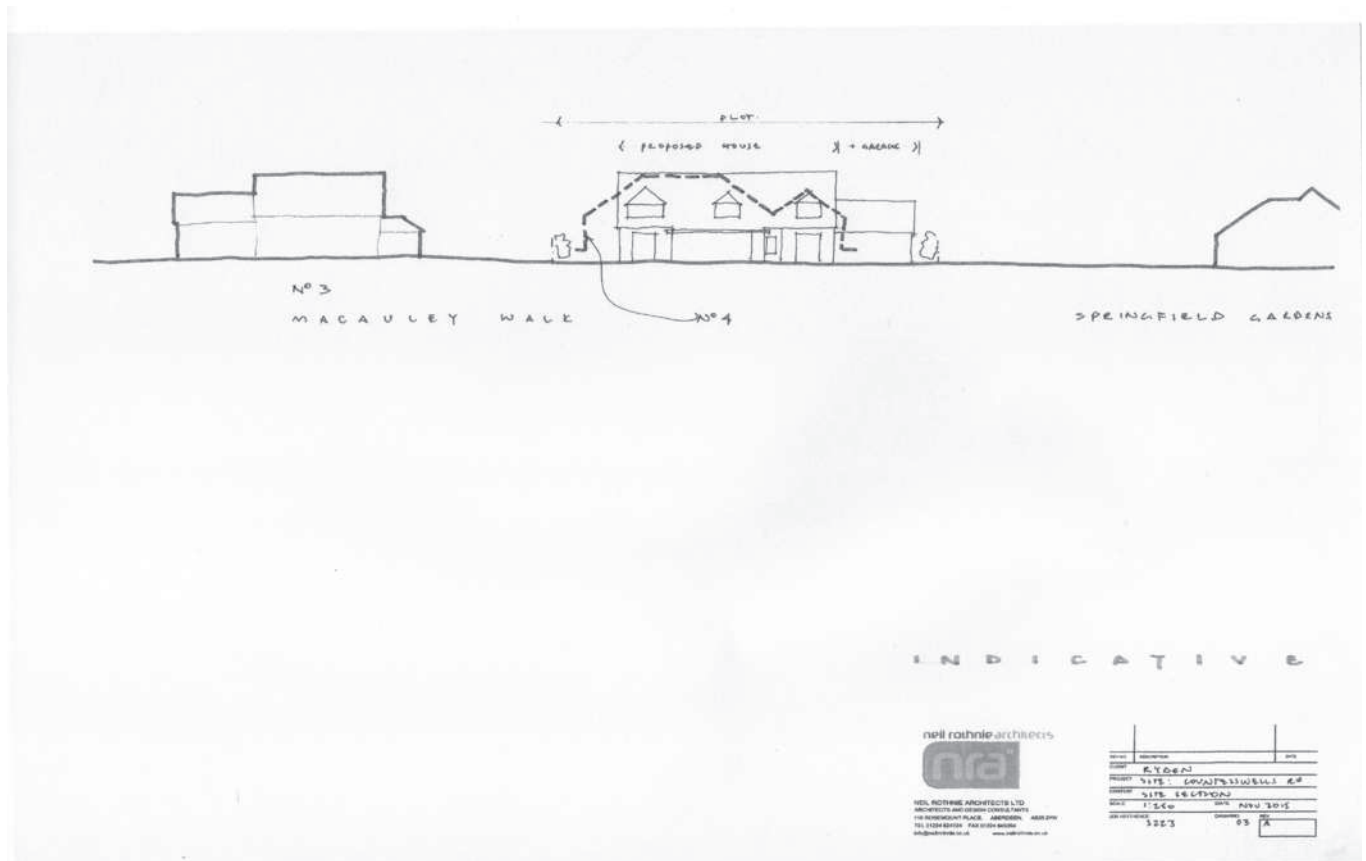
Proposed: Replacement of existing dwelling with single dwelling house, access, landscaping and I infrastructure.

We object to the above referenced planning application for the following reasons:-

The proposed building, in our opinion, is out of character, in both mass and architectural design, with the neighbouring properties in Macaulay Walk and Springfield Gardens, as illustrated from the elevations below.



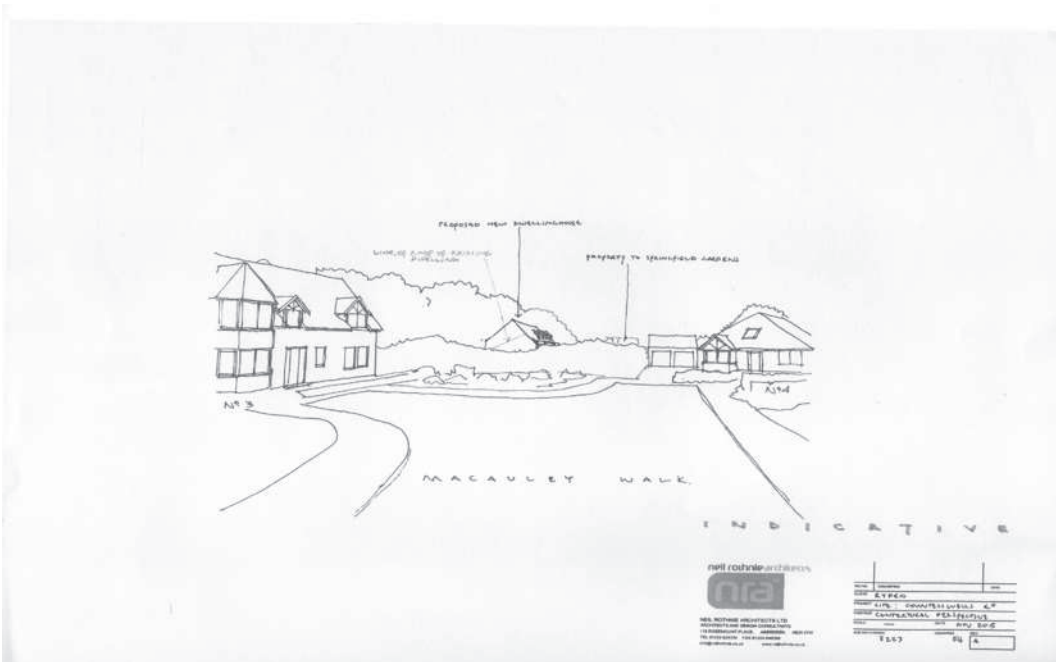
This drawing is an attempt to present the proposed development as being of a similar height to the houses on Macaulay Walk. No 3 is to the left of the drawing. Springfield gardens is represented by the illustration to the right of the proposed development. In our opinion, the drawing is a crude representation which tends to give the impression that the height of the roof line of the proposed development is favourably correlative to the roof lines of No 3 Macaulay Walk and the adjacent properties on Springfield Gardens. Such a representation fails to convince us that the visual impact of the proposed replacement dwelling will not dominate the outlook from those neighbouring established properties.



In reality, the planned development, if allowed to be constructed in accordance with the plans submitted in support of this application, will be of a mass and height which are disproportionate to the neighbouring properties in both Springfield Gardens and Macaulay Walk..

We have sympathetically viewed the revised plan for this proposed building, but remain convinced that it is 1.75 storey, which exceeds the heights of all neighbouring properties.

It is also apparent that the height of this proposed building will exceed the height of the existing house and therefore it will overshadow several of the properties in Macaulay Walk. Furthermore the boundary hedges are in the ownership of the Macaulay Trust and consequently could be cut down by them, thus increasing the visual impact of the proposed large building. The photograph below, taken from the site of the proposed development illustrates the susceptibility of number 3 Macaulay Drive, the gable of which can be seen on the other side of the hedge, to being overshadowed by the planned new building.



This sketch provided by the Applicant fails, in our opinion, to adequately illustrate the dominant visual impact of the proposed development on No 3 Macaulay Walk.

We further submit that, if this development is permitted, it will have an adverse visual impact on the view of Macaulay Walk from its junction with Macaulay Drive because of its height, its bulk and its design.



The bungalow, the roof of which can be seen above the boundary hedge, will be replaced by a building which we contend will have a domineering visual impact and be out of character with the the houses of that attractive estate. Part of No 3 Macaulay Walk can be seen on the far left, just before the boundary hedge.

The photograph below, taken from the garden of No 3 Macaulay Drive, further emphasises how that property will be overlooked if this development is permitted at its apparent height.



We conclude by contending that this planning application, in its revised form, fails to demonstrate that the applicant has taken into account the character of the area surrounding the site. The scale and quality of the drawings do not, in our view, show a willingness to aspire to produce a building of a modern, but vernacular design which will complement the built and natural environments of the residential areas in which it is sited. Therefore we ask you to refuse this planning application in its present form.

Yours sincerely,

William Sell

Secretary,

Pp Aileen Brown,

Chair

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From: Hannah Readman
Sent: 12 November 2015 09:03
To: PI
Subject: FW: application 151756

Please register the below as a formal objection. Thank you.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk | Web: www.aberdeencity.gov.uk

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From: D CORDINER
Sent: 11 November 2015 19:32
To: Hannah Readman
Subject: application 151756

Hello Ms Readman

Following the withdrawal of the previous application with regard to the proposed house I hoped that, in particular, my comments on the overly large double garage and its proximity to my property at 39Springfield Gardens would have meant that any future application would have seen either the physical size of the garage reduced or more appropriately moved to an area which the planning committee had already noted to the south west corner of the site to be near cluster garages with those on the Macauley Walk/Road.

I again would raise my objection to the current proposal for the reason above, I would like to make clear my hope that the site is developed into a single house however that said there is no need to build a double garage of such size and location within the site.

I do hope that further consideration of this point is made.

yours sincerely

Donald & Heather Cordiner

20 November 2015

Aberdeen City Council
Planning Reception
Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sirs

NOTICE OF OBJECTION

Application No: 151756

Applicant: Macaulay Development Trust Ltd

Address of Proposed Development: Countesswells Road Aberdeen

We are in receipt of the neighbourhood notification notice issued by you on 8 November 2015.

This most recent application is for Planning Permission in Principle. The description of the proposal read *"Proposed replacement of existing redundant dwelling with 1 No. single house, associated access, landscaping and infrastructure."*

We understand the difference between this procedure to that followed under application number IP151031, being an application for a detailed consent described as *"Replacement of existing dwelling with single dwelling house, access, landscaping and infrastructure."*

We should reiterate we have no objection to "development" on the site; however massing and height remains a serious concern for us.

OUR CONTENTIONS

- a) The site section drawing attached to application of reference IP151031 shows level topography along the full length of Macaulay Walk all the way to the eastern boundary of the subject site. The sketch drawing attached to the subject application replicates this. It will be evident from a visit to the general location, especially viewed from the junction of Macaulay Drive and Macaulay Walk, that this is simply wrong. There is, in fact, a significant fall in levels from west to east.
- b) As a consequence, to claim that to maintain the same ridge height as Nos. 1, 2, & 3 Macaulay Walk is justifiable in design terms, having regard to the profile of the existing dwelling, the general setting, the design and form of Springfield Den, is incapable of substantiation.
- c) We estimate that the indicative dwelling would have a ground floor area of 185 sq.m (2,000 sq.ft) and the first floor 130 sq.m (1,400 sq.ft) making a total

of 315 sq.m (3,400 sq.ft). This massing, coupled with a proposed ridge height of 8 m from ground level, is in our view grossly excessive.

- d) Notwithstanding that in terms of the existing application the indicative drawings are simply that, we have a concern that unless we highlight our concerns, we may be deemed to concede a point upon which we feel most strongly. We are not conceding any point, especially when it comes to massing and ridge height.
- e) Item 4.14 in the Planning Support Statement by Ryden on behalf of the applicant states, in the second and third sentences *"These discussions confirmed that proposed positioning of the dwelling upon the plot and the proposed ridge height are compatible when considered in the context of the pattern of surrounding residential development which comprise a mix of 1.5 and 1.75 storey dwellings at Springfield Gardens and Macaulay Walk respectively. The accompanying street scape and cross section drawings show the proposed dwelling as a good fit within the established residential area."*

We believe this statement is fundamentally flawed. The levels shown are wrong. There is a token acknowledgment of the affected houses in Springfield Gardens. Houses in Macaulay Park and Macaulay Place will also be affected, admittedly less so, but affected none the less.

OUR PROPOSITION

On the basis it has been accepted the site is suitable for one dwelling, and given the size of the plot, our proposition is that the shell, and thus the profile of the existing dwelling could be retained and extended at ground floor level to the rear to provide generous family accommodation with formal lounge, relaxed family space, generous kitchen/dining/informal sitting area etc, appropriate offices and generous bedroom space at first floor level with family bathrooms, en suites as deemed necessary. There are many laudable examples of such developments in Aberdeen.

POLICY

- The scale of the development is such that the application is contrary to the requirements of both the local development plan and the relevant supplementary guidance. Policy D1 Architecture and Placemaking from the former document states that new development should be designed with due consideration for its context, confirming that factors such as scale and massing should be carefully assessed when determining the application.
- Examination of the neighbouring housing to the east confirms that the proposal bears no resemblance to the adjoining properties in terms of scale and massing. The housing on Springfield Gardens is one and a half storeys in height, with hipped roofs. The proposed dwellinghouse incorporates gables and is higher and wider than the neighbouring properties. This combination of characteristics confirms that the development does not respect the character of the adjoining area to the east, and therefore does not reflect the requirements of the policy D1.
- The relevant supplementary guidance against which the proposal will require to be assessed is *"The sub-division and redevelopment of residential curtilages."* This states in paragraph 5.6 that in all circumstances the scale and massing of any new dwellinghouse should complement the scale of the surrounding properties, and that *"it will not be acceptable for the ridges and wallheads of any new dwellings to rise above the height of the ridges or wallheads of adjoining dwellings"*. The cross section which has been submitted with the application confirms that the ridge and wallhead of the

proposed house would be at a much higher level than the neighbouring housing on Springfield Gardens. The proposal clearly contravenes this aspect of the supplementary guidance.

- Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that development which is contrary to planning policy should be refused, unless other material considerations indicate otherwise. The foregoing has shown that the proposal is clearly contrary to policy, and given that there are no material considerations which warrant approval, the application in its current form should be refused.

To summarise, our objection is in respect of the scale and massing of the proposed development. In our view, the height of any redeveloped building should not exceed the height of the existing house.

Please acknowledge safe receipt of this letter which should be construed as a formal objection.

Yours faithfully



Angus MacCuish BSc FRICS ACI Arb
Chartered Surveyor

Valerie MacCuish LLB DipLP NP
Solicitor & Notary Public

Aberdeen City Council
Planning Reception
Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

NOTICE OF OBJECTION

Application No: 151756
Applicant: Macaulay Development Trust Ltd
Address of Proposed Development: Countesswells Road Aberdeen

Dears Sir/Madam

As a resident of Macaulay which overlooks the proposed development, we would like to raise an objection to the planned massing of the property. As previously highlighted, we have no objection to a replacement property, however massing which is not in keeping with neighbouring properties is not acceptable. The proposed property will have a far greater height than any of the properties within Macaulay Walk and as such will have a detrimental effect on eastward view and light. The existing dwellings on Macaulay Walk and the surrounding area are restricted to 1.5 height and so should any proposed new property in the immediate vicinity.

Yours faithfully



Philip Crighton

Saskia Crighton

23rd Nov. 2015

Aberdeen City Council
Planning & Sustainable Development
Marischal College
Aberdeen
AB10 1AB

Ref.P151756

Dear Sir/Madam,

The Bungalow, Countesswells Road, Aberdeen
Proposed New Development
Objection to planning Application

My wife and I have viewed the above plans on the screen at Marischal College. Despite the lack of detail available we have some reservations.

(a) Loss of privacy. Any upstairs windows will look straight into our kitchen and lounge. The use of Velux windows upstairs would be better as they give excellent light but don't overlook anyone.

(b) Size. The impression given from the plan is that the new building will be bigger and taller than the existing house. It will dominate our home and just change the ambience of the whole cul de sac. It will not only affect the adjoining houses 3 and 4 but all 7 houses in the street. It will be seen as soon as you turn into the Walk from Macaulay Drive obscuring the beautiful old trees.

(c) The value. We are pretty sure that our house will be devalued being completely overlooked and being dwarfed by the neighbouring new build.

Yours faithfully,

PRIVATE & CONFIDENTIAL
Aberdeen City Council
Planning Reception
Planning & Sustainable Development
Marischal College
Broad Street
ABERDEEN
AB10 1AB



Our Ref:
Your Ref:

20th November 2015

Dear Sir/Madam,

Notice of Objection

Application Reference: 151756 for Planning Application in Principle
Address: Replacement Dwelling at Countesswells Road, Aberdeen

Firstly, I am writing this letter of objection not as a notifiable neighbour but as a resident of Macaulay Walk which is a cul de sac immediately adjacent to and overlooking the proposed development site.

I understand this is a Planning Application in Principle as opposed to the previously submitted Planning Application number 151031 seeking detailed consent which was withdrawn.

I also confirm that I have no objection to redevelopment of the site but I do have some concerns in respect of the overall size of the property from the information seen to date.

Having studied the various submissions on the web site, I wish to comment as follows in respect of the application:

- Indicative sketch/drawing No. 2 suggests a dwelling house substantially greater in mass than the existing property being replaced. As this application is for "an application in principle" at this stage, I accept the "indicative" sketch drawings are merely a suggestion at this point. However, by not raising the matter of

massing and ridge height at this time, my concern would be that any lack of comment/objection might be construed as acceptance of such a sizeable dwelling on the development site.

- Indicative sketch/drawing No. 3 is inaccurate to the extent it appears to show a level site when clearly it is not. The topography of Macaulay Walk declines west to east towards the proposed development site. To highlight a similar ridge level to No. 3 Macaulay Walk is clearly wrong and would result in a property which would be totally disproportionate to other properties in the immediate vicinity.
- Indicative sketch/drawing No. 4 is also inaccurate as it represents the proposed new property as further away from property No. 3 than the dwelling house at No. 4. The reality is the proposed new dwelling will be closer to No. 3 and of greater visual impact from Macaulay Walk.
- Within the Planning Supporting Statement – "Pre Application Enquiry Responses", the applicant's planning consultant has previously sought to justify a 1.75 storey property on the site similar to other properties on the north side of Macaulay Walk. In my view such an evaluation is wrong. I believe any evaluation of the proposed property on the development site should ensure the property is proportionate with the existing most easterly properties in both Macaulay Place and Macaulay Walk which are immediately adjacent to the properties in Springfield Gardens. Indeed the proposed property should probably have a ridge height restricted to the same height as the existing dwelling house at No. 4 Macaulay Walk. The proposed development site falls into that buffer zone and such a restriction would continue to safeguard the present vista between Springfield Gardens and the Macaulay properties.

While the Application in Principle at this time is only for a 1.5 storey property on the site my immediate concern remains the footprint of such a property and more importantly the ridge height albeit these concerns may not be a matter for consideration by the Planning Committee at this point in time.

An acknowledgement to this letter of objection would be welcome.

Yours faithfully,



Ian Nethercott

Agenda Item 2.3

Planning Development Management Committee

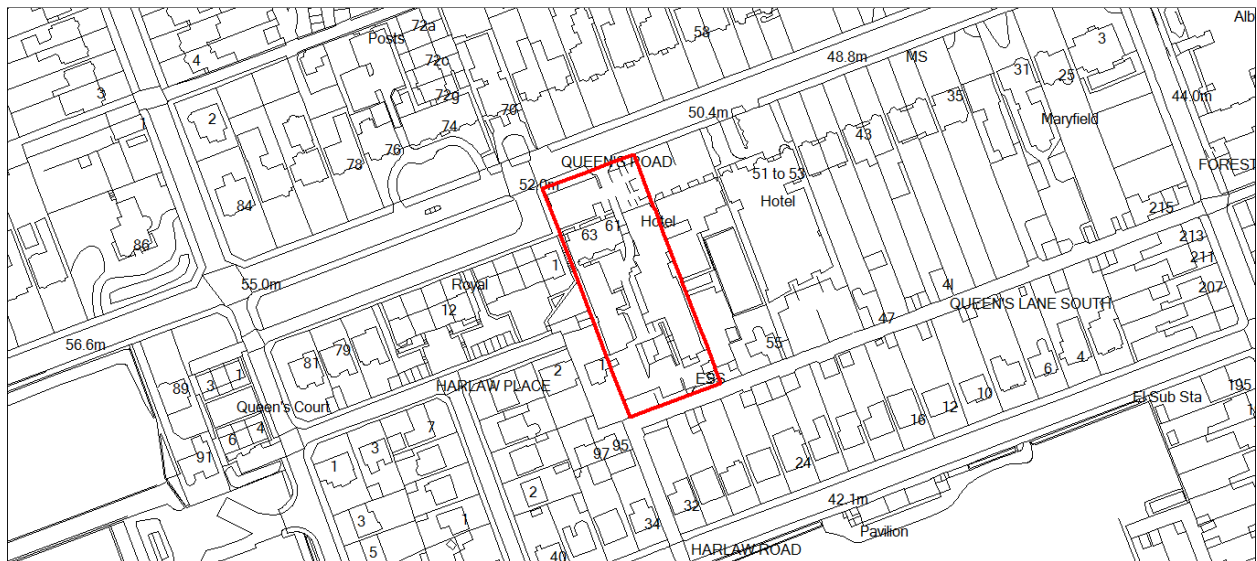
CHESTER HOTEL, 59-63 QUEEN'S ROAD,
ABERDEEN

ERECTION OF A GLASS BALUSTRADE AT
THE WEST SIDE ROOF, FIRST FLOOR, REAR
OF CHESTER HOTEL (RETROSPECTIVE).

For: The Chester Hotel Ltd

Application Type : Detailed Planning Permission
Application Ref. : P151773
Application Date: 10/11/2015
Officer: Hannah Readman
Ward : Hazlehead/Ashley/Queens Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 02/12/2015
Committee Date: 14/01/2016
Community Council : No response
received



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The site is at the 'Chester Hotel' (formerly 'Simpsons Hotel Bar and Restaurant') which is located on the south side of Queen's Road, between its junctions with Bayview Road and Queen's Gate.

It comprises three separate 19th century granite villas which date from 1896 and were designed by A. Marshall McKenzie. Due to the difference in levels on the site, these buildings are two storey on the Queen's Road elevation and three storeys to the rear. The front elevations are rough-faced coursed granite ashlar with finely finished dressings.

There are modern 20th century extensions to the rear which have recently been refurbished. A further extension has also recently been completed and the hotel now provides 54 bedrooms, a restaurant, private dining rooms, lounge bar and conference & function facilities for up to 300 guests.

59 Queen's Road is category C listed (1984) and 61 and 63 Queen's are category B listed (1992). The site is within Conservation Area 4 (Albyn Place/Rubislaw).

The surrounding area contains a mix of uses. To the immediate west are two storey residential properties at Royal Court, Queen's Road and the house at 1 Harlaw Place. To the north, across Queen's Road is 64 – 70 Queen's Road which are granite villas currently used as offices. To the south across Queen's Lane South are the rear of residential properties on Harlaw Road and to the immediate east is the now vacant former Hamilton School.

The specific area which this application relates to is the first floor flat roof at the west side of the restaurant and function suite block. Heavy planters and a 3.8m long glass balustrade currently separate the area subject of the application from the consented, smaller area which has permitted use as a roof terrace to the south east.

RELEVANT HISTORY

- Detailed planning permission (P121555) for a new block featuring 20 bedrooms and restaurant extension was approved by delegated powers in February 2013.
- Detailed planning permission (P130773) for the raising of the existing restaurant roof, external alterations and a new stairwell were approved in September 2013.
- A non-material variation was granted under section 64 of the 1997 act in March 2014. The variation allowed the infilling of the gap between the new block and original building and makes mention of the roof being surfaced with a material for an 'external balcony'.

- A retrospective application for detailed planning permission (P140990) was submitted in July 2014 for formation of an external terrace area. It was due to go to Planning Committee in March 2015 with a recommendation for refusal. However, the application was withdrawn prior to the committee meeting and therefore no decision was made.
- An application for certificate of lawfulness (P150763) was issued under delegated powers on 1st July 2015. The certificate confirms that the use of the external terrace to the south of the private dining room can be used as part of the ancillary use of the hotel. It should be noted that the certificate does not apply to the wider area of terrace on the west side of the first floor dining area, which remains unauthorised.
- Most recently, unconditional planning permission (P150765) was approved retrospectively at the Planning Development Management Committee on the 18th August 2015 for the retention of a glass balustrade around the area considered lawful under certificate of lawfulness P150763.

PROPOSAL

Detailed planning permission is sought retrospectively for a 1.1m high, fully glazed balustrade. The balustrade has been constructed around the perimeter of the west and south sides of the flat roof of the first floor extension to 59 Queen's Road (The Chester Hotel). The balustrades extend to approximately 39m around the perimeter with additional balustrades around the six rooflights.

For the avoidance of doubt, this application is for a glass balustrade only. It does not include any change in the use of the roof.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at:

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151773>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

- Report on Design Safety 1.10.15
- Supporting Statement November 2015

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because 7 letters of objection have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations;

Environmental Health - No observations;

Flooding - No observations;

Community Council – No response received.

REPRESENTATIONS

Seven letters of objection have been received. The objections raised relate to the following matters:

1. The ultimate intention of the applicant is to use the roof as a terrace for hotel guests;
2. The balustrade is not essential, there is no need for it to be there;
3. If approved, a condition should be attached controlling the use of the roof;
4. There is a lot of noise and general disturbance from functions;
5. There would be a loss of privacy to neighbouring residential properties.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

States development should have a neutral effect on the character or appearance of a Conservation Area. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.

Scottish Historic Environment Policy (SHEP)

SHEP states that the planning authority must pay special attention to proposals involving listed buildings in order to ensure that its character is retained. Development should not adversely affect the special interest and character of Conservation Areas which are defined as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.

Aberdeen Local Development Plan

Policy D1 (Architecture and Place Making) – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D5 (Built Heritage) – Proposals affecting conservation areas or listed buildings will only be permitted if they comply with Scottish Planning Policy (SPP).

Policy BI3 (West End Office Area) – In this area (shown on the Proposals Map), applications for change of use for office purposes will be given favourable consideration. Applications for change of use of properties to residential use will also be encouraged, subject to a satisfactory residential environment being established and that the continued operation of existing uses is not prejudiced

Proposed Aberdeen Local Development Plan

Policy D1 (Quality Placemaking by Design) – All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Policy D4 (Historic Environment) – The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.

Policy B3 – West End Office Area – In the West End Office Area (as shown on the Proposals Map) proposals for change of use to office use or the expansion of existing office use will only be acceptable provided;

- a) the size, scale and design of development proposals respect the special historic and architectural character of the area and;
- b) the design meets all of the relevant criteria set out in the Historic Environment TAN, with regards to relationship to the existing building, context and modifications to existing extensions (see also the Design Policies).

New development proposals that do not protect existing residential amenity will be refused. Proposals for change of use to residential use, or any new residential development, will be considered on their merits.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Principle of Development

A hotel has existed at 59 Queen's Road since at least the 1960's. In the 1990s the hotel expanded into 61 and 63 Queen's Road and it became 'Simpsons Hotel, Bar and Restaurant'. The site is located within the West End office area (Policy BI3 – West End Office Area) as zoned by the Aberdeen Local Development Plan, where offices and business uses are generally supported. Other commercial uses are not explicitly mentioned in Policy BI3 but given that the hotel use has been established at the site for many years and the original buildings have already been extensively extended, it is considered that small

scale development associated with improving or expanding facilities at the hotel is acceptable in principle.

The balustrade, being part of an otherwise approved modern extension, is deemed acceptable in principle as its physicality would not affect the use or development of the West End Office Area, in compliance with policy BI3 and providing it is of a suitable design.

Design

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

The balustrade is fully glazed and of a modern and unobtrusive design. Its visual impact is minimal, with it being barely visible from outwith the site. Its siting, around the edge of a flat roof which forms part of a modern extension, does not obstruct any part of the listed structures on site or detract from their special historic interest. The character of the wider conservation area is maintained and is unaffected by the presence of the balustrade. Its height and length are appropriate and proportionate to the scale and massing of the building to which it relates. Overall, the design is considered to be of an acceptable quality which is fully complementary with the modern extension to which it is attached and makes a neutral contribution to its setting, in compliance with SPP, SHEP, policies D1 and D5.

Matters Raised in Representations

It should be noted that, of the seven letters received, three contained the same text. Points 1, 4 and 5 related to the use of the roof as a terrace and associated issues that could arise. This application is not for a change of use to the roof for use as a terrace and relates to the retention of the balustrade only. Therefore these points are not relevant to the consideration of this application

Turning to point 2 “the balustrade is not essential, there is no need for it to be there”. It should be noted in this regard that the applicant has submitted a detailed supporting statement explaining that the balustrade is required for the health and safety of maintenance staff which may need to access the roof. This is included in the agenda papers for information. Notwithstanding the foregoing, it should be emphasised that the reasons for requiring, or not requiring the balustrade are not material planning considerations that can be taken into account in assessing this application. The application has to be assessed purely in terms of the design of the balustrades and the visual impact that they have on the appearance of the extension to which they would be attached and the setting of the adjoining listed buildings.

In relation to point 3 “if approved, a condition should be attached controlling the use of the roof” – A condition cannot be attached controlling a matter that does not form part of the application. To reiterate – the application is for the erection of balustrades not for the use of the roof as a roof terrace. If the roof were to be

used as a roof terrace it is considered that this would constitute an unauthorised use and would be a breach of planning control. However, for clarity, it is proposed that an informative note be added to any consent making it clear that any consent for the erection of the balustrades does not grant or imply that a grant of planning permission would be forthcoming for any particular use of the area on the roof enclosed by the balustrades.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In relation to this particular application the proposed policies reiterate the current policies.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The glass balustrade has been designed with due consideration to its context and is complementary in design to the modern extension to which it would be attached. The simple, transparent design is appropriate for the sites setting within the conservation area and the grounds of three listed buildings; the character and special historic interest of which is unharmed by the presence of the balustrade, in compliance with Scottish Planning Policy, Scottish Historic Environment Policy, Adopted Local Development Plan Policies D1: Architecture and Placemaking, D5: Built Heritage and BI1: West End Office Areas and Proposed Local Development Plan Policies D1: Quality Placemaking by Design, D4: Historic Environment and B3: West End Office Areas.

INFORMATIVE

For the avoidance of doubt the planning consent hereby granted does not give or imply the granting of consent for any use of the area of the roof enclosed by the balustrades hereby approved for any purpose other than as a roof. It does not permit any form of use whatsoever of, or access to, the roof area by patrons of

the hotel. This includes but is not exclusive to; the use of the roof as a terrace for eating, drinking, smoking or any form of entertainment or other use by hotel patrons. Should the applicant wish any such alternative use to be considered, a separate application for change of use would require be submitted.

From: Mark Vorenkamp [REDACTED]
Sent: 04 December 2015 17:12
To: PI
Subject: Objection to Planning Application 151773

Dear Planning Department

We wish to submit our objection to the above referenced Retrospective application submitted by the Chester Hotel for a Glass balustrade.

The Chester Hotel has abused planning policy on several previous occasions. This is yet another incremental attempt to achieve their ultimate goal of creating an entertainment venue on their roof.

We sincerely believe that the Planning Department as well as ourselves can see clearly where this is going in terms of another legal challenge for their right to use this space once the balustrade gains approval.

This will lead to further degradation of the amenities of our neighbourhood amenities.

A previous planning application to make use of this flat roof space was withdrawn at the last minute. This was after the Planning Department had recommended rejection. The reasons for this rejection were succinctly outlined by the Planning Department in their recommendation statement.

We hope that the Planning Department will refuse this retrospective application or attach such conditions to it so that the eventuality of this space ever being used for entertainment will be prevented.

The Chester Hotel continues to create sporadic instances of disturbance during their functions. They have proven to be both unable and unwilling to control their noise disturbance in the neighbourhood

Residents are powerless to stop this noise even into the early hours of the morning. When requested, the Chester refuses to make any effort to reduce the noise and profanity of their guests.

We rely on your continued support over this seemingly never ending issue.

Thank you,

Regards

Mark and Isobel Vorenkamp

From: Jennifer West <
Sent: 09 December 2015 00:54
To: PI
Subject: Fwd: Planning Application 151773 - Erection of (A) glass balustrade at the West side terrace, first floor, rear of Chester Hotel (retrospective)

Dear Sirs

I object to the above planning application for the following reasons :

1. It cannot be considered 'essential' as claimed by the applicant as this would mean that all flat roofs would be required to have a balustrade.
2. There is a history to this terrace/balustrade application and it is evident that a stealth process is being used in an attempt to obtain planning permission for a balcony that will allow the hotel to use it for patrons. Planning permission for this balcony was already recommended for refusal in a previous planning application that was withdrawn by the applicant on the day that it was to be considered by the planning committee. If the current application is granted there will be a de facto terrace in existence with permission for its flooring, boundaries and even a door giving access to it. No doubt the next step will be to use it as a terrace and claim that the Planning Department actually gave permission for a terrace. A similar process was followed by the applicant in relation to another part of the balcony leading to an application for a Certificate of Lawfulness which was granted by the council planning department. In this case neighbour notification was neatly sidestepped because permission for the structure beneath this part of the balcony was granted as a non-material variation. This is clearly not in the spirit of the planning legislation.
3. It is a retrospective planning application - see further comments below regarding retrospective applications.
4. this is the third attempt at obtaining planning permission - the other two being withdrawn by the applicant.

Earlier this year a retrospective application was refused by the council planning committee for modifications to the Crombie Halls at Aberdeen University with Councillors determining that a 'precedent' for such work would not be set due to the retrospective nature of the application (reference P&J 21st September 2015). If this application is granted then it would set the same type of 'precedent' that was not accepted by Councillors for the University's retrospective application. Surely this would be inconsistent. Furthermore the applicant has now submitted a series of retrospective applications and as a simple matter of principle it should be refused. It is a waste of scarce public resources and unfair on applicants who submit planning applications in the proper manner and wait for approval before commencing their building work. .

In the supporting statement accompanying the application the applicant is equivocal about the future use of the side terrace. On the one hand in paragraph 2.2. it is stated that the applicant has no "**current plans**" for use other than use by hotel staff and contractors undertaking cleaning and maintenance activities. On the other hand in the same paragraph the possibility of an alternative use is specifically alluded to. The applicant undertakes to "**discuss**" any such alternative use with the Council. However I am also aware that that the Council previously stated formally in the certificate issued on 1 July 2015 in respect of Application P150763 (relating to outdoor dining and hospitality use) that the certificate issued does not apply to the area of terrace to the west side of the first floor dining area use of which remains "**unauthorised**". In its report on that particular application the Council stated that it did not accept that a blanket right exists to use the roof of the hotel for trading or operational purposes. I would agree with that position and would accordingly submit that, given the Council's previously stated position, the use of the west (side) terrace for outdoor dining and hospitality would require the submission and granting of a further planning permission authorising such use. The applicant's statement in paragraph 2.2 conveys the impression that the applicant might not be inclined to accept that proposition.

In this particular case therefore - given the background above narrated - I would suggest that, if the current application is to be granted, it would be appropriate for the Council to impose a condition prohibiting any trading or operational use of the west (side) balcony (other than to permit its cleaning and maintenance). Such a condition could be imposed under the powers available to the Council in terms of Section 41(1)(a) of the Town and Country Planning (Scotland) Act 1997 which permits the planning authority to impose conditions on the grant of planning permission "**for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made)....so far as appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission.**" In my submission there is a sufficient connection in this case. It would be expedient for the Council to impose such a condition to safeguard against the possible mischief of any noise nuisance or any other diminution of amenity to neighbouring properties by reason of any intensification or alteration in the pattern of use of the west (side) terrace which might be associated with any retrospective approval of the installation of the balustrade. Such a condition would also, in my submission, pass the six tests imposed by Circular 4/1998 - namely it would be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Health and safety of staff and contractors are cited by the applicant as rendering it "essential" that the planning permission be granted. I would however submit that it can readily be inferred from the recent planning history of this property (and in particular from the sequence of retrospective applications and the previous enforcement action relating to the above property) that the applicant's ultimate intention is for the west (side) terrace to be used by hotel guests. This particular application appears to me to be the latest in a series of applications aimed at securing that ultimate end result.

I am not convinced that the balustrade is essential. It is noted that the current use of the west side terrace is for use by hotel staff and contractors undertaking cleaning and maintenance activities. It is of course accepted that this is a flat roof and that health and safety considerations therefore undoubtedly arise in relation to its cleaning and maintenance. However - is the applicant seriously asking the Council to accept that the construction of a balustrade is the only solution in such circumstances and that there aren't any alternative means of securing the safety of employees and contractors? If the applicant's arguments were to be followed to their logical conclusion they could be taken to justify, on health and safety grounds, the erection of a balustrade on the perimeter of any flat roof.

My principal contention is therefore that it is not essential that the application should be granted.

Best regards,

Jennifer West

From: gordon west
Sent: 08 December 2015 23:46
To: PI
Subject: Planning Application 151773 - Erection of (A) glass balustrade at the West side terrace, first floor, rear of Chester Hotel (retrospective)

Dear Sirs,

I wish to object to the planning application: Planning Application 151773 - Erection of (A) glass balustrade at the West side terrace, first floor, rear of Chester Hotel (retrospective), and have included below my father's objection, the sentiment and points in which I agree with.

Yours faithfully,

Gordon West

Dear Sirs

We object to the above planning application for the following reasons

1. It cannot be considered 'essential' as claimed by the applicant as this would mean all flat roofs would be required to have a balustrade.
2. There is a history to this terrace and this is a stealth process to obtain planning permission for a balcony that will allow the hotel to use it for patrons. This balcony was already recommended for refusal in a previous planning application that was withdrawn by the applicant on the day that it was being put in front of the planning committee. A similar process was followed by the applicant for another part of the balcony under an application for a certificate of lawfulness which was granted by the council planning department.
3. It is a retrospective planning application - see further comments below regarding retrospective applications.
4. this is the third attempt at obtaining planning permission - the other two being withdrawn by the applicant.

Earlier this year a retrospective application was refused by the council planning committee for modifications to the Crombie Halls at Aberdeen University with Councillors determining a 'precedent' for such work will not be set due to the retrospective nature of the application (reference P&J 21st September 2015). If this application is granted then it will set the same 'precedent' that was not accepted by Councillors for another retrospective application. Furthermore the applicant has now submitted a series of retrospective applications and as a simple matter of principle it should be refused. It is a waste of scarce public resources resources and unfair on applicants that submit planning applications in the proper manner and wait for approval before commencing their building work.

In the supporting statement accompanying the application the applicant is equivocal about the future use of the side terrace. On the one hand in paragraph 2.2. it is stated that the applicant has no "current plans" for use other then use by hotel staff and contractors undertaking cleaning and maintenance activities. On the other hand in the same paragraph the possibility of an alternative use is specifically alluded to. The applicant undertakes to "discuss" any such alternative use with the Council. However I am also aware that that the Council previously stated formally in the certificate issued on 1 July 2015 in respect of Application P150763 (relating to outdoor dining and hospitality

use) that the certificate issued does not apply to the area of terrace to the west side of the first floor dining area use of which remains "unauthorised". In its report on that particular application the Council stated that it did not accept that a blanket right exists to use the roof of the hotel for trading or operational purposes. I would agree with that position and would accordingly submit that, given the Council's previously stated position, the use of the west (side) terrace for outdoor dining and hospitality would require the submission and granting of a further planning permission authorising such use. The applicant's statement in paragraph 2.2 conveys the impression that the applicant might not be inclined to accept that proposition.

In this particular case therefore - given the background above narrated - I would suggest that, if the current application is to be granted, it would be appropriate for the Council to impose a condition prohibiting any trading or operational use of the west (side) balcony (other than to permit its cleaning and maintenance). Such a condition could be imposed under the powers available to the Council in terms of Section 41(1)(a) of the Town and Country Planning (Scotland) Act 1997 which permits the planning authority to impose conditions on the grant of planning permission "**for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made)....so far as appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission.**" In my submission there is a sufficient connection in this case. It would be expedient for the Council to impose such a condition to safeguard against the possible mischief of any noise nuisance or any other diminution of amenity to neighbouring properties by reason of any intensification or alteration in the pattern of use of the west (side) terrace which might be associated with any retrospective approval of the installation of the balustrade. Such a condition would also, in my submission, pass the six tests imposed by Circular 4/1998 - namely it would be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Health and safety of staff and contractors are cited by the applicant as rendering it "essential" that the planning permission be granted. I would however submit that it can readily be inferred from the recent planning history of this property (and in particular from the sequence of retrospective applications and the previous enforcement action relating to the above property) that the applicant's ultimate intention is for the west (side) terrace to be used by hotel guests. This particular application appears to me to be the latest in a series of applications aimed at securing that ultimate end result.

I am not convinced that the balustrade is essential. It is noted that the current use of the west side terrace is for use by hotel staff and contractors undertaking cleaning and maintenance activities. It is of course accepted that this is a flat roof and that health and safety considerations therefore undoubtedly arise in relation to its cleaning and maintenance. However - is the applicant seriously asking the Council to accept that the construction of a balustrade is the only solution in such circumstances and that there aren't any alternative means of securing the safety of employees and contractors? If the applicant's arguments were to be followed to their logical conclusion they could be taken to justify, on health and safety grounds, the erection of a balustrade on the perimeter of any flat roof.

My principal contention is therefore that it is not essential that the application should be granted.

Best regards

Alan West

From: NICOL BRADFORD <
Sent: 08 December 2015 21:39
To: PI
Subject: Objection to Planning Application 151773 (Chester Hotel, Balustrade West - Retrospective)

Dear Sir / Madam,

Objection to Planning Application 151773 (Chester Hotel, Balustrade West – Retrospective)

I wish to submit an object to the subject planning application 151773 by the Chester Hotel for retrospective approval of the Balustrade on the external west side. Although the application attempts to propose a safety requirement and concentrates on the balustrade itself, the planning application cannot be separated from the potential end use of the enclosed external area or from the way in which the construction and planning process has been carried out by the applicant.

The external terrace and this surrounding balustrade have been subject of a number of previous licensing and planning (retrospective) applications, to which myself and neighbours have strongly objected due to the resulting unacceptable disturbance and noise, and reduction in amenity in the residential area. Various applications were lodged in Apr 14, Aug 14, Sep/Nov 14, Feb 15 and Jun 15 (some retrospective, some rejected, some withdrawn) - each trying a different approach. This serves to highlight the applicant's attitude and behaviour towards the development and regulatory process, and towards the neighbouring residents and families – in the past, present and future.

There are inconsistencies between the current and previous applications. What is described as a flat roof and a conference/meeting facility was previously described as an external terrace/balcony and a wedding/function suite – these are significant differences. The previous application cited makes no mention of outdoor use of the flat roof or terrace for any purpose. Although the applicant states they do not wish to use the terrace (save for maintenance) they do not rule out future applications, and previously sought to use it as an extension to the internal facilities. However, interestingly, the applicant also states that the flat roof was not designed for use by guests, which clearly contradicts previous applications. The applicant also contends that the balustrade is not an afterthought but it was not on previous applications.

It is a concern that approval of the balustrade will eventually result in full permission for the related balcony/terrace due to further applications or by virtue of its existence (e.g. common use) or it will be mistakenly used by the hotel staff and guests. In fact the applicant contrives such a scenario to justify the balustrade. In reality there should not be such an access door for the guests to use – the access should be somewhere safe or the door should be locked.

As explained in previous objections the use of the external terrace will result in excessive noise and disturbance in a residential area. The large elevated balcony overlooking, and in full view of, the surrounding houses with young children will result in a significant reduction in privacy. The hotel will not always be able to satisfactorily control the behaviour of guests and noise will be unavoidable, potentially all day and every day. There is no practical or effective recourse open to neighbours in such an event, and if use is approved or becomes normal there is no realistic guarantee of the future use by the hotel. Given the history this is a real threat to the neighbours.

Thank you for considering this objection.

Regards, Nicol.

Mr Nicol Bradford

From: webmaster@aberdeencity.gov.uk
Sent: 08 December 2015 22:21
To: PI
Subject: Planning Comment for 151773

Comment for Planning Application 151773

Name : Mrs Wendy Bradford
[REDACTED]

Telephone : [REDACTED]

Email :

type :

Comment : I wish to raise my objection to the Planning Application submitted by The Chester Hotel relating to a balustrade to the West of the property. However may I highlight that this is not just a simple balustrade but this retrospective application is truly a gateway to an outside roof terrace and restaurant area which the Licence Board and City Council have already refused and there have been several circuitous routes round this decision by the hotel owner.

I hold no qualifications in law or planning but am highly concerned that by granting permission for this balustrade it will automatically allow the hotel to use this space as they should wish. We, local residents, have been subjected to and have had to deal with the consequences of multiple retrospective planning applications and their outcomes. The facilities and amenities have switched significantly with no consideration for the local families nor regard for due process.

There has been much discussion with acoustic reports and impacts should this area be used for entertaining and would ask that the decision with regard to a balustrade should be thoughtfully considered. There is limited recompense should this be granted and could potentially allow use daily and into the small hours of the morning.

Already there appears to be storage on this roof area which is visible from Harlaw Place. Naturally a flat roof, as I understand, does not require a full balustrade for safety purposes so am perplexed at the requirement. The door out I believe is not a fire escape so unclear why this was a requirement and why allowed in the first instance.

I thank you all in advance for your time and consideration of this application and its consequences.

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From: Euan Fraser West
Sent: 09 December 2015 00:10
To: PI
Subject: Planning Application 151773-Erection of (A) glass balustrade at the West side terrace, first floor, rear of Chester Hotel (Retrospective)

Dear Sirs,

I object to the above planning application for the following reasons

1. It cannot be considered 'essential' as claimed by the applicant as this would mean all flat roofs would be required to have a balustrade.
2. There is a history to this terrace and this is a stealth process to obtain planning permission for a balcony that will allow the hotel to use it for patrons. This balcony was already recommended for refusal in a previous planning application that was withdrawn by the applicant on the day that it was being put in front of the planning committee. A similar process was followed by the applicant for another part of the balcony under an application for a certificate of lawfulness which was granted by the council planning department.
3. It is a retrospective planning application - see further comments below regarding retrospective applications.
4. this is the third attempt at obtaining planning permission - the other two being withdrawn by the applicant.

Earlier this year a retrospective application was refused by the council planning committee for modifications to the Crombie Halls at Aberdeen University with Councillors determining a 'precedent' for such work will not be set due to the retrospective nature of the application (reference P&J 21st September 2015). If this application is granted then it will set the same 'precedent' that was not accepted by Councillors for another retrospective application. Furthermore the applicant has now submitted a series of retrospective applications and as a simple matter of principle it should be refused. It is a waste of scarce public resources and unfair on applicants that submit planning applications in the proper manner and wait for approval before commencing their building work.

In the supporting statement accompanying the application the applicant is equivocal about the future use of the side terrace. On the one hand in paragraph 2.2 it is stated that the applicant has no **"current plans"** for use other than use by hotel staff and contractors undertaking cleaning and maintenance activities. On the other hand in the same paragraph the possibility of an alternative use is specifically alluded to. The applicant undertakes to **"discuss"** any such alternative use with the Council. However I am also aware that that the Council previously stated formally in the certificate issued on 1 July 2015 in respect of Application P150763 (relating to outdoor dining and hospitality use) that the certificate issued does not apply to the area of terrace to the west side of the first floor dining area use of which remains **"unauthorised"**. In its report on that particular application the Council stated that it did not accept that a blanket right exists to use the roof of the hotel for trading or operational purposes. I would agree with that position and would accordingly submit that, given the Council's previously stated position, the use of the west (side) terrace for outdoor dining and hospitality would require the submission and granting of a further planning permission authorising such use. The applicant's statement in paragraph 2.2 conveys the impression that the applicant might not be inclined to accept that proposition.

In this particular case therefore - given the background above narrated - I would suggest that, if the current application is to be granted, it would be appropriate for the Council to impose a condition prohibiting any trading or operational use of the west (side) balcony (other than to permit its cleaning and maintenance). Such a condition could be imposed under the powers available to the Council in terms of Section 41(1)(a) of the Town and Country Planning (Scotland) Act 1997 which permits the planning authority to impose conditions on the grant of planning permission **"for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made)....so far as appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission."** In my submission there is a sufficient connection in this case. It would be expedient for the Council to impose such a condition to safeguard against the possible mischief of any noise nuisance or any other diminution of amenity to neighbouring properties by reason of any intensification or alteration in the pattern of use of the west (side) terrace which might be associated with any retrospective approval of the installation of the balustrade. Such a condition would also, in my submission, pass the six tests imposed by Circular 4/1998 - namely it would be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Health and safety of staff and contractors are cited by the applicant as rendering it "essential" that the planning permission be granted. I would however submit that it can readily be inferred from the recent planning history of this property (and in particular from the sequence of retrospective applications and the previous enforcement action relating to the above property) that the applicant's ultimate intention is for the west (side) terrace to be used by hotel guests. This particular application appears to me to be the latest in a series of applications aimed at securing that ultimate end result.

I am not convinced that the balustrade is essential. It is noted that the current use of the west side terrace is for use by hotel staff and contractors undertaking cleaning and maintenance activities. It is of course accepted that this is a flat roof and that health and safety considerations therefore undoubtedly arise in relation to its cleaning and maintenance. However - is the applicant seriously asking the Council to accept that the construction of a balustrade is the only solution in such circumstances and that there aren't any alternative means of securing the safety of employees and contractors? If the applicant's arguments were to be followed to their logical conclusion they could be taken to justify, on health and safety grounds, the erection of a balustrade on the perimeter of any flat roof.

My principal contention is therefore that it is not essential that the application be granted.

Best regards,

Euan West

Development Management
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Date: 2 December 2015

Our ref: CAWES.18.1

Your ref: P151773

Direct tel: [REDACTED]

E-mail: [REDACTED]

BY EMAIL AND POST

Dear Sirs

Objection to Planning Application Reference : P151773
Retrospective application for planning permission: glass balustrade, west (side) terrace, first floor, rear of Chester Hotel, 59-63 Queens Road, Aberdeen
Our client : Alan West

We act on behalf of the Alan West who lives with his family at the above address directly neighbouring the application site on its south side.

On behalf of our client we hereby object to the above planning application.

Health and safety of staff and contractors are cited by the applicant as rendering it "essential" that the planning permission be granted. Our client would however submit that it can readily be inferred from the recent planning history of this property (and in particular from the sequence of retrospective applications and the previous enforcement action relating to the above property) that the applicant's ultimate intention is for the west (side) terrace to be used by hotel guests. This particular application appears to our client to be the latest in a series of applications aimed at securing that ultimate end result.

Our client is not convinced that the balustrade is essential. It is noted that the current use of the west side terrace is for use by hotel staff and contractors undertaking cleaning and maintenance activities. It is of course accepted that this is a flat roof and that health and safety considerations therefore undoubtedly arise in relation to its cleaning and maintenance. However - is the applicant seriously asking the Council to accept that the construction of a balustrade is the only solution in such circumstances and that there aren't any alternative means of securing the safety of employees and contractors? If the applicant's arguments were to be followed to their logical conclusion they could be taken to justify, on health and safety grounds, the erection of a balustrade on the perimeter of any flat roof.

Our client's principal contention is therefore that it is not essential that the application should be granted.

Should the Council however be minded to grant this application on the basis that that it considers that there are insufficient grounds to sustain the refusal of the application then the question of conditions would arise.

Exchange Tower
[REDACTED]

In the supporting statement accompanying the application the applicant is equivocal about the future use of the side terrace. On the one hand in paragraph 2.2. it is stated that the applicant has no "current plans" for use other than use by hotel staff and contractors undertaking cleaning and maintenance activities. On the other hand in the same paragraph the possibility of an alternative use is specifically alluded to. Our client notes that the applicant undertakes to "discuss" any such alternative use with the Council. However our client is also aware that that the Council previously stated formally in the certificate issued on 1 July 2015 in respect of Application P150763 (relating to outdoor dining and hospitality use) that the certificate issued does not apply to the area of terrace to the west side of the first floor dining area use of which remains "unauthorised". In its report on that particular application the Council stated that it did not accept that a blanket right exists to use the roof of the hotel for trading or operational purposes. Our client would agree with that position and would accordingly submit that, given the Council's previously stated position, the use of the west (side) terrace for outdoor dining and hospitality would require the submission and granting of a further planning permission authorising such use. The applicant's statement in paragraph 2.2 conveys the impression that the applicant might not be inclined to accept that proposition.

In this particular case therefore - given the background above narrated - our client would suggest that, if the current application is to be granted, it would be appropriate for the Council to impose a condition prohibiting any trading or operational use of the west (side) balcony (other than to permit its cleaning and maintenance). Such a condition could be imposed under the powers available to the Council in terms of Section 41(1)(a) of the Town and Country Planning (Scotland) Act 1997 which permits the planning authority to impose conditions on the grant of planning permission "*for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made)....so far as appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission.*" In our client's submission there is a sufficient connection in this case. It would be expedient for the Council to impose such a condition to safeguard against the possible mischief of any noise nuisance or any other diminution of amenity to neighbouring properties by reason of any intensification or alteration in the pattern of use of the west (side) terrace which might be associated with any retrospective approval of the installation of the balustrade. Such a condition would also, in our client's submission, pass the six tests imposed by Circular 4/1998 - namely it would be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

We should be obliged if you would acknowledge receipt of this objection and confirm that it will be taken into account in the determination of this application.

Yours faithfully


Craig Adamson
Head of Planning Scotland

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	14 January 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Confirmation of Tree Preservation Order numbers 109/2015, 179/2015, 231/2015
REPORT NUMBER:	CHI/15/309
CHECKLIST RECEIVED	Yes

1. PURPOSE OF REPORT

To confirm three provisional Tree Preservation Orders (TPO) made by the Head of Planning and Sustainable Development under delegated powers. The Orders currently provide temporary protection for the trees, but are required to be confirmed by the Planning Development Management Committee to provide long term protection.

Please Note: TPO 109/2015 and 179/2015 have previously been confirmed by committee. We are seeking re-confirmation of these orders as part of the review of tree preservation orders. TPO 231/2015 is a new recently served provisional order.

2. RECOMMENDATION(S)

It is recommended that Members:

- 1) confirm the making of Tree Preservation Orders 109/2015, 179/2015 and 231/2015 without modifications and;
- 2) instruct the Head of Legal and Democratic Services to attend the requisite procedures.

3. FINANCIAL IMPLICATIONS

The cost of confirming the Orders will be met through existing budgets.

4. OTHER IMPLICATIONS

The making of a Tree Preservation Order generally results in further demands on staff time to deal with any applications submitted for

consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is undertaken within existing staffing resources.

5. BACKGROUND/MAIN ISSUES

A TPO gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality. As outlined in the Local Development Plan Policy NE5: Trees and Woodland, the Council will take the necessary steps to ensure that trees are protected in the longer term. Protecting trees has the further benefit of contributing to the Council's policies on improving air quality and helping combat climate change. Promoting the improvement and maintenance of environmental quality and townscapes also supports investment and economic competitiveness.

The process of applying for work to protected trees allows for Elected Members, Community Councils and members of the public an opportunity to comment on work to protected trees.

The trees in the following Tree Preservation Orders contribute to the local character of the area. The loss of these trees would have an adverse effect on this character. A Tree Preservation Order would ensure that trees could not be removed without the consent of the Council who would have an opportunity to have regard to the environmental implications of any proposals.

- **Tree Preservation Order Number 109, Oakhill Crescent (2015)**
- **Tree Preservation Order Number 179, Whinhill Gardens, Ferryhill (2015)**
- **Tree Preservation Order Number 231, The Mariner Hotel, 349 Great Western Road (2015)**

6. IMPACT

Improving customer experience

Protecting trees will have a positive impact on preserving the character of certain areas of Aberdeen. The confirmation of the TPOs proposed in this report will ensure the long term retention of tree cover within the city; resulting in the retention of features that contribute to the character of the city. In addition, maintaining an up to date portfolio of TPO's allows us to promptly reply to customer enquires.

Improving staff experience

Having properly managed TPOs assists in the processing of planning applications and allows enquiries to be dealt with effectively and promptly. As part of our TPO review we have produced a concise and accurate database of orders. This database will be made available to relevant staff members.

Improving our use of resources

The making, management and enforcement of TPOs carry a financial cost, both directly through legal costs and indirectly through staffing resources. By ensuring that all TPOs can be justified we will ensure that our resources are utilised managing and enforcing orders that remain fit for purpose and provide positive benefits. By ensuring TPOs are fit for purpose we are also ensuring that our database resource is a reliable source of up to date information.

Corporate

In line with the Smarter City vision we have advertised these TPOs as Provisional Orders to allow members of the public to raise representations on the proposed orders. No representations have been received for the orders proposed to be confirmed in this report.

As outlined in Policy NE5: Trees and Woodland, the Council will take the necessary steps to ensure that trees are protected in the longer term thus the need to confirm the aforementioned Tree Preservation Orders.

Confirming these orders helps the Council fulfil its duty in terms of the statutory tree protection 'The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas (Scotland) Regulations 2010' introduced.

Public

The serving of a TPO will have limited interest to the general public other than the preservation of character and amenity of certain areas. There are no anticipated impacts on equalities with this proposal hence an Equalities and Human Rights Impact Assessment is not required.

7. MANAGEMENT OF RISK

There is a risk of loss of the trees if the recommendations are not accepted which would impact on people and the environment. If recommendations are accepted the Orders will ensure the long term protection of the trees on each of the sites by ensuring the trees should not be cut down or otherwise damaged without the express permission of the Council, hence securing the public amenity and environmental value of each site.

8. BACKGROUND PAPERS


Provisional orders are available to view on request; boundary maps for each order noted within this report are attached.

9. REPORT AUTHOR DETAILS

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ABERDEEN
 CITY COUNCIL

This is the map referred to in the City of
 Aberdeen Tree Preservation Order No. 109/2015
 Oakhill Crescent, Aberdeen

 Signature

Scale approx 1:750





ABERDEEN

 CITY COUNCIL

This is the map referred to in the City of

 Aberdeen Tree Preservation Order No. 179/2015

 Whinhill Gardens, Ferryhill, Aberdeen

Signature _____

 Scale approx 1:1000



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