

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 27 October 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Cormie, Crockett, Donnelly, Greig, Flynn (as substitute for Councillor Corall), Hutchison, Lawrence, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Townson (as substitute for Councillor Jaffrey).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=3875&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 15 SEPTEMBER 2016

1. The Committee had before it the minute of its previous meeting of 15 September 2016 for approval.

The Committee resolved:-
to approve the minute as a correct record.

MINUTE OF MEETING OF SPECIAL PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 3 OCTOBER 2016

2. The Committee had before it the minute of the special meeting of the Planning Development Management Committee of 3 October 2016 for approval.

The Committee resolved:-
to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 21 SEPTEMBER 2016

3. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 21 September 2016 for approval.

The Committee resolved:-
to approve the minute as a correct record.

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

that the application be **approved subject to the following conditions:-**

A scheme for the storage of waste generated by the occupants of the HMO shall be submitted to and approved in writing by the planning authority within 2 months of the issue of the decision for the application. Thereafter the development shall be carried out in accordance with the details so agreed and the HMO shall not be occupied unless waste storage provision has been provided and is available for use – in order to preserve the existing amenity of the area.

INFORMATIVES:

Waste Services Comments

The 6 residents will require the following facilities:-

- An additional 240l wheeled general waste bin;
- An additional 240l wheeled food waste / food waste bin. In addition another kitchen caddy will be supplied for food waste; and
- An additional black box and white bag for recycling (Paper / Cardboard, Plastic Bottles, Tins, Cans and Glass jars and bottles). Please note that the black box and white bag will be swapped for 1 x 240litre recycling wheeled bin from 2017.

Please note that levels of provision may alter in line with changing service requirements across the city that corresponds to alterations in legislation. For example, recycling systems may be altered to accommodate co-mingled collections in due course.

It is pertinent to note that these services will be provided taking account of the following:

General points

- All the wheeled bins and black boxes/white bags must be presented at the kerbside of only on the collection day and removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside;
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 08456 08 09 19; and
- A path should be provided to the vehicle collection point which is level with bin stores. Pathways to the collection vehicles should be free of obstacles with provision of a slope should there be any gradient; so that any containment can be easily moved to the kerbside on collection days. Pathways should be suitably paved to allow bins to be moved safely.

In respect of any construction site signage it is important to note that in the interests of public safety, it is illegal to advertise on public highways, street furniture and lampposts.

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Any signage installed to direct visitors to the development requires to be authorised by the Planning Department. Anything installed out-with such approval could be classed as fly-posting and will incur action by Environment Officers.

Developers must contact Aberdeen City Council using the above details a minimum of two months before properties will be occupied. Bins **MUST** be on site prior to residents moving into properties. A purchase order can be raised with Aberdeen City Council using the above details. We will provide guidance in purchasing the bins.

It might be pertinent nearer the final stages of completion for a representative from Aberdeen City Council's waste team to assess the site to ensure that all of our considerations have been implemented. This will be undertaken by the Recycling Officer for that area. I ask that you contact us with a suitable date and time in the future.

The Committee resolved:-

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

455 GEORGE STREET - 161189

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

Willingness to approve subject to the developer entering into a legal agreement to secure developer obligations towards open space and the City Car Club.

CONDITIONS:

- (1) External Material Finishes - That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: in order that further evaluation can be given to the material finishes of the building, details of which are lacking from the proposals.

- (2) On-street Parking Provision - That no development shall take place unless a scheme for the provision of two on-street parking spaces has been submitted to and approved by the Council. Thereafter, the development shall not be occupied unless the parking spaces have been provided in accordance with the approved scheme.

Reason: in order to ensure the delivery of on-street parking spaces in a timeous manner and the interests of road safety.

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- (3) Landscaping - That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of hard and soft landscaping for the site, which scheme shall include indications of all terraces proposed as part of this development, green walls, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting.

Reason: in order that further evaluation can be given to the landscaping of the development, details of which are lacking from the proposals.

- (4) Refuse Storage - That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

Reason: in order to ensure the development is served by suitable refused provision, preserve the amenity of the neighbourhood and in the interests of public health.

- (5) Cycle Storage - That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision for 60 cycles in a secure, lockable facility has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

Reason: in the interests of encouraging more sustainable modes of travel.

ADVISORY NOTES FOR APPLICANT:

Further discussion on providing parking on-street and possible use of parking permits for staff at the student accommodation requires contact with ACC Traffic Management – Vycki Ritson 01224 522704 or vritson@aberdeencity.gov.uk.

Further information on the car club contribution for residents of the student accommodation and the surrounding area is available from ACC's Louise Napier (01224 523327 or lnapier@aberdeencity.gov.uk)

Please contact Hannah Lynch of ACC Waste Management (01224 489256) or halynch@aberdeencity.gov.uk to discuss arrangements for waste collection and recycling facilities at the development.

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Andrew Miller, Senior Planner advised that a further condition be approved as follows:-

- (6) Student Occupation - The development hereby approved shall not be occupied other than by students enrolled on full-time or part time further or higher education courses in Aberdeen.

Reason: that the form of the development and its associated infrastructure is only suitable for student accommodation.

The Convener, seconded by Councillor Donnelly moved:-

that the application be approved in accordance with the recommendation set out in the report and including the additional condition outlined at (6) above.

Councillor Hutchison, seconded by Councillor Flynn moved as an amendment:-

that the application be refused on the grounds of a lack of provision for parking.

On a division, there voted:- for the motion (8) – the Convener, the Vice Convener, Councillors Boulton, Crockett, Donnelly, Greig, Lawrence and Townson; for the amendment (8) Councillors Cooney, Cormie, Flynn, Hutchison, Jean Morrison MBE, Nicoll, Jennifer Stewart and Sandy Stuart.

There been an equality of votes, the Convener exercised his casting vote in favour of the motion and declared it carried.

The Committee resolved:-

to adopt the motion to approve the application conditionally.

UNION BRIDGE - PROPOSED WORKS TO BRIDGE TO PROVIDE SAFETY BARRIER, WITH ASSOCIATED LIGHTING AND WORKS - 161039

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That development shall not take place unless further details, including large scale detailed plans showing the lampposts, safety barrier and joints, have been submitted to, and approved in writing by, the planning authority and thereafter the development shall not be carried out otherwise than in full accordance with the details so agreed – in the interests of protecting the character and setting of the listed building.
- (2) that no development shall take place unless a scheme detailing all external finishing materials to the development hereby approved has been submitted to,

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and approved in writing by, the planning authority and thereafter the development shall not be carried out otherwise than in full accordance with the details so agreed – in the interests of protecting the character and setting of the listed building.

The Convener, seconded by Councillor Cooney moved:-

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

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

that the application be refused on the grounds that the design is not fit for purpose.

On a division, there voted:- for the motion (10) – the Convener and Councillors Cooney, Cormie, Crockett, Donnelly, Flynn, Hutchison, Lawrence, Jean Morrison MBE and Sandy Stuart; for the amendment (6) the Vice Convener and Councillors Boulton, Greig, Nicoll, Jennifer Stewart and Townson.

The Committee resolved:-

to adopt the motion to approve the application conditionally.

CAIRDHILLOCK FARM, KINGSWELLS - LAND INFILLING / GROUND RAISING (RETROSPECTIVE), INCLUDING IMPORTATION AND TIPPING OF SUBSOIL MATERIAL FROM CIVIL ENGINEERING WORKS OUTWITH THE FARMING UNIT AND REINSTATEMENT FOR AGRICULTURAL USE AT LAND ADJACENT FORMER LANDFILL SITE - 151807

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) Notwithstanding the description of the development hereby approved, no further importation into, or tipping of material onto, the site shall take place. Final restoration of the site to farmland, or other appropriate countryside use (e.g. forestry / woodland) and final re-contouring / regrading of the site in accordance with the approved cross-sections shall be completed by 01/01/2018, unless otherwise agreed in writing by the planning authority.

Reason:- For the avoidance of doubt and in order to secure restoration of the site in accordance with the objectives of green belt policy.

- (2) No further development shall take place pursuant to this permission unless a scheme for the protection of Brodiach Burn, including provision of a vegetated

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buffer strip on its east bank (at least 6m wide within the site), and associated fencing, has been submitted to and agreed in writing by the planning authority.

Reason:- In order to avoid pollution and protect the water quality of the Brodiach during and after construction works.

- (3) No further development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the western part of the site adjacent to Brodiach Burn. This scheme shall include proposed areas of native tree / shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting.

Reason:- In the interests of protection of the visual amenity and ecological value of this green belt area.

- (4) All planting, and seeding / turfing comprised in the approved scheme of landscaping and approved scheme for the protection of the Brodiach Burn specified by Conditions 2 and 3 of this consent shall be carried out in the first planting season following the completion of the development and any trees 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.

Reason:- In the interests of protection of the visual amenity and ecological value of this green belt area.

- (5) No further development shall take place on site unless a site specific Construction Environmental Management 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. The CEMP must address the following issues:-

- Construction method statement;
- Surface water management including construction phase SUDS;
- Water engineering works;
- Details of imported material

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

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ADVISORY NOTES FOR APPLICANT:

Informative:- The applicant is advised to contact SEPA in relation to their regulatory requirements and potential consent needs. It is recommended that the CEMP is submitted at least 2 months prior to the commencement of any further works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

The Committee resolved:-

to approve the application conditionally.

WEST HUXTERSTONE, LANG STRACHT - ERECTION OF 20 HOUSES - 161057

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

That the application be **approved subject to conditions**, with issue of consent document withheld until upfront payment of developer contributions is made.

CONDITIONS:

- (1) Prior to the completion of a RCC compliant road and footpath link between Old Lang Stracht and Fairley Road, no more than a combined 70 residential units approved under P130912 and this current application shall be occupied, all to the satisfaction of Aberdeen City Council as the local planning authority.

Reason: To allow satisfactory vehicular access to the site and ensure compliance with the West Huxterstone Masterplan.

- (2) That no individual dwellinghouse hereby approved shall be occupied unless the car parking area relative to that house has been constructed, laid-out and demarcated in accordance with drawing number DV-REMIX-001E of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by Aberdeen City Council as local planning authority.

Reason: In the interest of public safety and the free flow of traffic.

- (3) That no development shall be carried out until there has been submitted to and approved in writing by Aberdeen City Council as the local planning authority an updated Drainage Impact Assessment considering the changes in the proposed site layout compared to that approved under P130912.

Reason: To ensure that the development can be adequately drained.

- (4) That no development shall be carried out until there has been submitted to and approved in writing by Aberdeen City Council as the local planning authority a

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detailed scheme of landscaping for the site. This shall include details of planting against the retaining wall and the bank leading up to the Manse, and the street trees.

Reason: In the interest of the visual amenity of the area.

- (5) That all planting comprised in the approved scheme of landscaping required by condition 4 shall be carried out in the first planting season following completion and that any trees or plants which, within a period of 5 years from such completion, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of an appropriate size and species, or in accordance with such other scheme as may be submitted to and approved in writing by Aberdeen City Council as local planning authority.

Reason: In the interest of the visual amenity of the area.

- (6) The lighting schemes required during construction phases or in association to the completed development shall be of a flat glass, full cut off design, mounted horizontally and shall ensure that there is no light spill above the horizontal.

Reason: To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

ADVISORY NOTES FOR APPLICANT:

Hours of construction: That, except as Aberdeen City Council as the local planning authority may otherwise agree in writing:

- No piling work shall be carried out; and
- No construction or demolition work shall take place outwith the hours of 07:00am to 07:00pm Mondays to Fridays; 09:00am to 04:00pm 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.]

Lucy Greene, Senior Planner requested an amendment to the report recommendation, Condition 3 and the inclusion of additional conditions as follows:-

Recommendation:-

That the application be approved conditionally, and a mechanism being in place for the securing of developer obligations towards education provision, affordable housing, community facilities, core paths, off-site footpaths and healthcare provision. The conditions were as follows

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Condition 3:-

That no development shall be carried out until there has been submitted to and approved in writing by Aberdeen City Council as the local planning authority an updated Drainage Impact Assessment considering the changes in the proposed site layout compared to that approved under P130912. That no house shall be occupied unless the drainage is in place and operational in accordance with the details as so agreed.

Reason: To ensure that the development can be adequately drained.

Additional Conditions:

That no hereby approved development shall take place, unless there has been submitted to and approved in writing by Aberdeen City Council as Planning Authority, a detailed scheme of site and plot boundary enclosures. No individual dwellinghouse shall be occupied unless the approved plot boundary treatment has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

That development shall not take place unless measures included within the Bird Hazard Management Plan dated 12 December 2013 with subsequent email correspondence with Alan Barrie and Fraser Bain dated May 2015, or other as shall subsequently be submitted to, and approved in writing by the planning authority, shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

That no dwellinghouse shall be occupied unless the access road and associated footways along the Langstracht and Fairley Road, as shown on drawing 96333/1001 Rev P, or such other as may be subsequently submitted to, and approved in writing by, the planning authority, have been constructed in full accordance with the hereby approved plans, unless Aberdeen City Council as Planning Authority has given written consent for any variation - in the interests of ensuring pedestrian connectivity and facilitating a future vehicular link to the west of the site.

That no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (final report dated 20/08/2013) have been implemented in their entirety and thereafter remain in place, unless otherwise agreed in writing with the planning authority - in the interests of safeguarding the fauna and habitats on-site.

No development shall commence on site unless a site specific environmental management plan (EMP) must be submitted for the written approval of Aberdeen City Council as Planning Authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise and dust management - in order to minimise the impacts of necessary demolition/construction works on the environment.

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That the houses hereby approved shall not be occupied the scheme of street and footpath lighting shown on Fairhurst Drawing 96333/1004/F, or such other as has subsequently been submitted to, and approved in writing by Aberdeen City Council as Planning Authority has been fully implemented on site - in the interests of public safety and protecting wildlife

The Committee resolved:-

to approve the application conditionally including the above amendments and additional conditions.

13 WHITEHALL ROAD - CHANGE OF USE FROM CLASS 4 (OFFICE) TO CLASS 1 (RETAIL) - 161316

9. The Committee were advised that the application had been withdrawn.

2 DESSWOOD PLACE - CHANGE OF USE FROM OFFICE (CLASS 4) TO RETAIL (CLASS 1) - 161317

10. The Committee were advised that the application had been withdrawn.

AULTNAGAR, DYCE DRIVE - SUBDIVISION OF RESIDENTIAL CURTILAGE, ERECTION OF NEW DWELLINGHOUSE AND ASSOCIATED ACCESS ROAD - 160692

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That no development shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority, a detailed scheme of landscaping for the site. Such scheme should 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. The scheme shall be implemented as approved - in the interests of visual amenity.
- (2) That all planting, seeding and turfing comprised in any 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

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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.

- (3) That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.
- (4) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.
- (5) That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority a noise assessment, in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note. The scope of any assessment should also consider BS4142, BS8233, WHO and NR25 (night time) and NR35 (day time) internally within the nearest residential properties. The assessment, which should be prepared by a suitably qualified independent noise consultant, should ascertain the predicted impacts of likely noise sources on the proposed development, including the potential for aircraft and industrial noise nuisance. Details of any noise mitigation measures, if required to reduce noise to an acceptable level, to reasonably protect the amenity of the occupants, should be provided - in the interests of residential amenity.
- (6) That no development pursuant to this planning permission shall take place, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site boundary enclosures. The dwelling hereby granted planning permission shall not be occupied unless the said scheme has been implemented in its entirety - in the interests of residential amenity.

The Committee resolved:-

to approve the application conditionally.

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MARISCHAL SQUARE DEVELOPMENT - VARIATION OF CONDITION 21 (CLASS OF USE FOR SHOPS OR FOOD AND DRINK) OF P140698 TO ALLOW PUBLIC HOUSE (SUI GENERIS) USE - 161065

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That no part of the development hereby approved shall be occupied or brought into use until such time as a 'service vehicles only' zone and associated resurfacing have been implemented around the junction of Flourmill Lane, Netherkirkgate, the development car park entrance and the exit out onto Broad Street, in accordance with a drawing submitted to and approved in writing by the planning authority, in consultation with the Council's Roads Development Management Team - in the interests of pedestrian safety and the free flow of traffic.
- (2) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved in writing by the planning authority, have been provided - in the interests of encouraging more sustainable modes of travel.
- (3) That no part of the development hereby approved shall be occupied or brought into use until such time as a scheme for the allocation of car parking to respective uses based on their floorspace has been submitted to and agreed in writing by the planning authority, in consultation with the Council's Roads Development Management Team - in order to ensure that each occupying use has access to an appropriate level of car parking and compliance with the Council's 'Transport and Accessibility' supplementary guidance is maintained.
- (4) That hotel and office uses shall not be brought into use until such time as an individual Travel Plan for each occupier has been submitted to and approved in writing by the planning authority, based on the Travel Plan Framework: Issue 2, dated 08/09/14 and including a Travel Pack for employees and (for the Hotel) guests.

Retail and restaurant units may not be occupied until such time as a Travel Pack, submitted to and approved in writing by the planning authority, has been produced and distributed to staff, based on that produced for hotel staff - in order to encourage sustainable travel.

- (5) That the approved works shall be carried out in full accordance with the agreed dust management plan (Morgan Sindall Dust Management Plan – Rev 3) unless

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otherwise agreed in writing by the planning authority - in order to mitigate adverse air quality impacts arising during construction

- (6) Development shall not be undertaken other than in accordance with the written scheme of investigation prepared by Cameron Archaeology, dated 25th January 2015, or any other such scheme as has been submitted by the applicant and approved by the Planning Authority for this purpose. The programme of archaeological work will include all necessary post- excavation and publication work - in the interests of protecting items of historical importance as may exist within the application site.
- (7) That the approved works shall be undertaken in full accordance with the approved Construction Method Statement (Morgan Sindall Construction Method Statement: rev 1) unless otherwise agreed in writing with the Planning Authority - In order to minimise the impacts of necessary construction works on the environment.
- (8) That no building within the development shall be occupied unless the development has been carried out in full accordance with the detailed scheme of materials and finishes approved in writing by the planning authority (Drawings PL-019 Rev D; PL-020 Rev C; PL021 Rev C; and PL-022 Rev F - or any other such scheme as may be agreed for this purpose) in the interests of visual amenity and preserving both the setting of adjacent listed buildings and the character of the Union Street Conservation Area.
- (9) That no buildings within the development shall be occupied unless a Waste Management Plan, including details of arrangements for the segregation, storage, collection and management of hotel, commercial and business waste, have been submitted to, and approved in writing by, the planning authority, and thereafter has been implemented in full - in order to ensure compliance with policy R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan.
- (10) That no buildings within the development hereby approved shall be occupied unless the recommended measures specified within the Atelier Ten Sustainability and Low Carbon Development Statement, dated 27/3/13 (or any other such report as has been approved in writing by the planning authority for this purpose) 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) That no buildings within the development hereby approved shall be occupied unless the scheme of drainage shown in the submitted Drainage Impact Assessment, drawing ref 95814/2001-A, or any other such scheme as has been submitted to and approved in writing by the planning authority prior to

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development commencing, has been implemented in full - in order to ensure surface water is appropriately managed.

- (12) That no part of the development hereby granted planning permission shall be occupied unless details of suitable filtrated extraction systems, with any terminal point at the highest part of the building have been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation - in order to avoid adverse impact arising from the release of odours.
- (13) That all building services and fixed plant including fans, ventilation exhausts and inlets shall be designed to not exceed 40db LAeq outside nearby residential properties and an internal level of NR35 between the hours of 07.00 and 23.00 and NR25 at all other times with windows closed - in order to ensure appropriate noise levels within buildings.
- (14) That no buildings within the development shall be occupied unless development has been undertaken in full accordance with the approved 1:20 construction drawings (HFM letter of 13/7/15 and accompanying drawings, refs. PL-200A, PL-201, PL-202), showing the detailing of points where there would be a change in the surface finishes (e.g. point where glazed sections of frontage meet granite-clad sections) (or any other such drawings submitted to and approved in writing by the planning authority for this purpose) - to ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal.
- (15) That no building within the development shall be brought into use or occupied until such time as the agreed lighting measures, detailed in Atelier Ten Lighting Design Report: Rev 06 (or any other such scheme as may be approved in writing by the planning authority for this purpose) have been fully implemented - in the interests of visual amenity.
- (16) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing Nos. PL-003-Rev A and PL-004-Rev B of the plans hereby approved or such other drawing(s) as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.
- (17) That, unless otherwise agreed in writing by the planning authority, deliveries to the premises via heavy goods vehicles shall be restricted to 07.00 to 19.00 Mon-Sat and 09.00-19.00 Sun, in order to prevent any adverse impact on amenity as a result of deliveries and servicing occurring at unsociable hours.

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- (18) That no buildings hereby granted planning permission shall be occupied unless the areas of public open space and associated hard and soft landscaping as identified on the approved drawings (HFM drawings: (90)002-rev 17; (90)101-rev 1; (90)102-rev 1; (90)002-rev 1; (90)103-rev 1; (90)105-rev 1; (90)-107-rev 1; (90)108-rev 1; (90)109-rev 1; (90)110-rev 1; (90)111-rev 1 Ian White Associates drawings: 1986/01-rev C; 1986/02; 1986/D01-rev A; 1986/D02-rev A; 1986/D03-rev A; 1986/D04 / 05 / 06-Rev A 1986/D07 / 08-rev A) (or such other drawing as may be subsequently approved), excluding those works relating to the pedestrianisation of Broad Street, have been laid out in full and made available for use – in order that the development is given an appropriately high quality setting, reflecting its prominent city centre location.
- (19) That no buildings hereby granted planning permission shall be occupied unless appropriate measures have been implemented to mitigate localised wind conditions within the development site, in accordance with the approved Wind Mitigation Report and associated appendices, submitted by HFM on 13/7/15 - in order to ensure that the environment within areas of public open space demonstrates due regard for localised wind conditions.
- (20) That, notwithstanding their annotation as 'retail' on the approved drawings, none of the ground-floor commercial units hereby approved within office buildings 01 and 02 shall be used other than for uses within Use Classes 1 (shops); 3 (food and drink) or a total of 6,300 square feet of sui generis (public house) of the Use Classes (Scotland) Order 1997; and that at least 50% of the total originally consented ground-floor commercial floorspace shall be used for purposes within Use Class 1 (shops) unless otherwise agreed in writing by the planning authority - in the interests of securing an appropriate live and active frontage to the development, and maintaining an appropriate mix of uses which can contribute positively towards the vitality and viability of the City Centre as a first-tier retail location.

The Committee resolved:-

to approve the application conditionally.

19 NORTH ANDERSON DRIVE - RESIDENTIAL DEVELOPMENT OF UP TO 90 UNITS WITH ASSOCIATED ACCESS, INFRASTRUCTURE AND LANDSCAPING - 151969

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

that the application be **approved subject to conditions** and the applicant entering into a legal agreement to secure affordable housing and developer obligations towards education provision (Primary £372,600 and Secondary £270, 600), affordable housing (£12,500), strategic roads impact (£30,000) and sports and recreation (£32,400).

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Gregor Whyte, Engineering Officer (Roads) advised that the recommendation above be amended to read that the strategic roads impact figure would be £10,000.

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 existing and proposed site levels;
 - (b) details of layout, design and external appearance of -
 - (i) buildings and ancillary structures;
 - (ii) vehicular, cycle and pedestrian accesses and car and motorcycle parking;
 - (iii) short and long term sheltered and secure cycle parking for flats;
 - (iv) storage areas for waste and recyclables;
 - (v) plot boundary enclosures;
 - (vi) exterior lighting;
 - (c) a detailed landscape strategy, including hard and soft landscaping proposals for the site;
 - (d) as part of (b) above, a scheme for the reuse of granite from the fire station to be demolished as part of the development;
 - (e) as part of b(ii) above, the access to the site from North Anderson Drive shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 4 (or such other layout as may be agreed). The junction shall be constructed in accordance with the details approved and provided prior to any development commencing;
 - (f) as part of b(ii) above, the emergency central reserve crossing shall be closed off prior to any development commencing;
 - (g) as part of b(ii) above, any emergency access proposed to the north of the site shall be provided prior to any development commencing;
 - (h) As part of b(ii) above, a scheme for the resurfacing of the existing footway on the western side of North Anderson Drive from the path access to Campsie Place north to the Lang Stracht, which includes the reinstatement of footway adjacent to the former fire station access;
 - (i) details of compliance with the Council's supplementary guidance on Low and Zero Carbon Buildings.

Reason: in order to ensure a satisfactory design and layout of the plot, integrate the development into the surrounding landscape, ensure provision of a suitable level of parking and ensure provision of satisfactory drainage arrangements.

- (2) No development shall take place unless a matters specified in conditions application comprising a Noise Impact Assessment, carried out by a suitably qualified noise consultant, has been submitted to and approved by the planning authority. The Noise Impact Assessment should:

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- (i) be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- (ii) identify the likely sources of noise (including road traffic noise from North Anderson Drive and the Fire Station to the north); and
- (iii) indicate the measures to reasonably protect the amenity of the occupants of the development from all such sources of noise that have been identified.

The noise assessment methodology should be submitted and agreed in writing with the Planning Authority in advance of the survey being undertaken.

Thereafter, the development shall be implemented in accordance with the mitigation measures recommended as part of the Noise Impact Assessment

Reason: in order to protect the occupants of the proposed residential units from noise pollution generated by nearby sources.

- (3) No development shall take place unless a matters specified in conditions application comprising a scheme of all foul and surface water drainage works for the whole development has been submitted to and approved by the planning authority in consultation with SEPA. The scheme should include details of any additional criteria or limiting rates by Scottish Water for discharges to the combined sewer for surface water management.

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

- (4) No development 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 by the planning authority in consultation with SEPA.

Reason: in order to control pollution of air, land and water.

- (5) No development (excluding demolition) shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination 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 shall include:
 - (i) an investigation to determine the nature and extent of contamination,
 - (ii) a site-specific risk assessment,
 - (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

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No building(s) shall be occupied unless -

- (a) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken for that phase; and
- (b) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The buildings shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works, unless the planning authority has given written consent for a variation.

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

- (6) That a visibility splay to the right (south) of the access to North Anderson Drive shall be provided and maintained to the satisfaction of the Planning Authority (in consultation with Transport Scotland as Trunk Road Authority). The visibility splay shall have a setback of 4.5 metres along the centre line of the access from the nearside of the trunk road carriageway, with a y dimension of 70 metres. In a vertical plane, the visibility splay shall be maintained free from obstruction between 0.26 metres and 2 metres in height

Reason: in the interests of road safety, in order to ensure road users have sufficient visibility when entering the trunk road.

- (7) No unit shall be occupied unless a matters specified in conditions application comprising a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the planning authority.

Reason: in order to encourage use of more sustainable modes of transport.

- (8) No development shall commence unless a matters specified in conditions application comprising an Energy Statement has been submitted to and approved by the Planning Authority. The Energy Statement shall:
 - include an assessment on the technical feasibility and financial viability of heat network/district heating for the development;
 - identify any available sources of heat (on or offsite);
 - identify other factors such as where land will be safeguarded for future district heating infrastructure; and

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- demonstrate how the findings have been incorporated into the design and layout of the proposal.

Reason: in order to ensure the development complies with Scottish Government policy to connect to district heating networks.

- (9) No development shall commence unless a matters specified in conditions application, detailing the upgrade of bus stops on Lang Stracht (adjacent to Lang Stracht Shopping Centre westbound and eastbound between North Anderson Drive and Mastrick Drive), has been submitted to and approved by the Planning Authority.

Reason: to promote sustainable travel / public transport – the bus stops being those most likely to be utilised by occupants of the consented development.

ADVISORY NOTES:

Roads and Access – Aberdeen City Council

The applicant is responsible for all costs involved and should be advised to contact the Road Network Maintenance Unit at least 6 weeks prior to any works starting on site and arrange for an estimate for the cost of works. The Road Network Maintenance Unit can be contacted on the following details:

Tel: 01224 241500

RoElrick@aberdeencity.gov.uk, DanMackay@aberdeencity.gov.uk.

Further details on bus stop upgrade requirements are available from Mark Yule of ACC Public Transport Unit (01224 523073).

Advice on walking and cycling infrastructure improvements should be sought from ACC Transport Strategy. Louise Napier (01224 523327) is the ACC contact for further details.

The internal road layout is to be designed to Aberdeen City Council standards. The development will require to be subject to a Roads Construction Consent and Advice should be sought from Colin Burnet on 01224 522409 to discuss this matter in further detail.

Roads and Access – Transport Scotland

The granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

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Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

SEPA

Pollution prevention and environmental management

The finalised CEMP should address all potential pollution prevention, environmental management and waste management issues related to proposed development. We produce a series of [Pollution Prevention Guidelines](#) (PPGs). The principles of any relevant PPGs should be incorporated into the method statement rather than just referenced. Particular attention should be given to the construction PPGs. In addition these plans should be accompanied by supporting drawings (for example identifying storage locations, buffers to sensitive receptors including natural water features on site, field drains and Scottish Water pipe network infrastructure, location of construction phase SUDS etc).

As referenced above there are surface water sewers in the vicinity of the site that discharge to a burn so specific details of how these will be protected during the construction works, to prevent silt entering them, should be provided. Details of how all existing drainage on the site will be dealt with i.e. decommissioned or removed should be provided.

In addition to including details of the contractor's plans to minimise the volume of waste produced on site the CEMP should also include a site specific waste management plan for the demolition works. This should include details of the demolition contractor's management proposals for the resulting demolition waste at the site, including investigation of any hazards associated with such waste and details of appropriate mitigation measures to ensure that the risks to the environment posed by such wastes are minimised as far as reasonably practicable.

Heat Networks and District Heating

SEOA advise the applicant that the feasibility study, requested by condition in section 3.7 above, should assess the technical feasibility and financial viability of heat network / district heating for this site, identifying any available sources of heat (either within the

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site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. Demonstration should then be provided within the Design and Access statement (or other supporting statement) and detailed layout plans on how the findings of the feasibility study have been incorporated into the design and layout of the proposal.

Regulatory requirements

The DA states “Surface water run-off from construction areas will, where practicable, not be drained to the permanent drainage system.” The applicant should ensure surface water management during the construction works is in compliance with The Controlled Activities Regulations (CAR) General Binding Rules (GBR’s) 10 and 11.

Further details of these requirements are available in the [CAR practical guide](#) but we would highlight that Rule g of GBR 10 and b of GBR 11 requires that “All reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the SUDS is prevented from entering the system.” and “Any matter liable to block, obstruct or otherwise impair the ability of the surface water drainage system must not be disposed of into the system or onto a surface that drains into the system.”

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA, Tel: 01224 266600.

The Committee resolved:-

- (i) to approve the application conditionally; and
- (ii) that officers investigate the possibility of installing road signage at the entrance to Maryville Park to prevent U-turns and unauthorised use.

12 ST SWITHIN STREET - CHANGE OF USE FROM PAVEMENT TO OUTDOOR SEATING AREA - 160883

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That the area of the pavement to be used for outdoor seating shall be restricted to that as shown on approved drawing 101 Rev D and that no tables or chairs shall be sited out with this area at any time.

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Reason – In order to protect the visual character and amenity of the area.

- (2) That the outdoor seating area hereby approved shall only be used between the hours of 8am and 8pm on any given day and that any tables, chairs and other street furniture for the purpose of, or associated with, facilitating outdoor seating shall be removed from the pavement out with the hours of operation for the outdoor seating area.

Reason – In order to protect the amenity of the neighbouring residential properties and the character and appearance of the conservation area.

- (3) That no amplified music shall be played in the outdoor seating area at any time.

Reason – In order to protect the amenity of the neighbouring residential properties.

The Convener, seconded by Councillor Boulton moved:-

That the application be approved in accordance with the recommendation set out within the report subject to the following amendment to condition (1):-

That the area of the pavement to be used for outdoor seating as shown on Drawing No. 101 Rev D shaded light orange shall only allow the placement of tables, seats and form of enclosure and for no other street furniture (i.e. heaters and umbrellas/awnings) and the use hereby permitted shall not commence until details of the form of enclosure has been submitted to and approved in writing by the local planning authority.

Reason - In order to protect the visual character and amenity of the area.

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

That the application be refused on the grounds that there would be a reduction of amenity and there would be an impact on the quality of life for residents.

On a division, there voted:- for the motion (14) the Convener, the Vice Convener and Councillors Boulton, Cooney, Cormie, Crockett, Donnelly, Flynn, Hutchison, Lawrence, Jean Morrison MBE, Nicoll, Sandy Stuart and Townson; for the amendment (2) Councillors Grieg and Jennifer Stewart.

The Committee resolved:-

to adopt the motion and approve the application conditionally.

14 THE CHANONRY - PART CHANGE OF USE FROM CLASS 9 (RESIDENTIAL) TO MIXED USE, ASSOCIATED TO THE DIOCESE OF ABERDEEN, INCORPORATING: CLASS 10 (ACTIVITIES ASSOCIATED TO A RELIGIOUS BODY) AT PART OF GROUND FLOOR, AND CLASS 4 (OFFICES) AT 2ND FLOOR - 161152

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That the office use hereby approved shall be restricted to the rooms on the top floor of the building identified in drawing number 4074-GA-302 and these rooms shall only be used in connection with providing administrative support for the activities and functions of the applicant, The Roman Catholic Diocese of Aberdeen.

Reason – In order that the primary residential function of the building is retained and that the office use remains associated with that use and of a sufficiently small scale to protect the character and amenity of the area.

- (2) That the Class 10 use hereby approved shall be restricted to the Parish Room at ground floor level as identified in drawing number 4074-GA-300 and this room shall only be used in connection with the activities and function of the applicant, The Roman Catholic Diocese of Aberdeen.

Reason – In order that the primary residential function of the building is retained and that the Class 10 use remains associated with the functions of the resident and of a sufficiently small scale to protect the character and amenity of the area.

- (3) That the rooms hereby granted planning permission for change of use shall not be occupied unless a scheme detailing cycle parking provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

Reason – In the interests of encouraging more sustainable modes of travel.

The Committee resolved:-

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

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DECLARATION OF INTEREST

Councillor Crockett declared an interest in the following item of business by virtue of his position as a Council appointed member of Grampian Health Board. Councillor Crockett considered that the nature of his interests required him to leave the meeting and he took no part in the Committee's deliberations thereon.

FORESTERHILL COURT, BURNSIDE GARDENS - REPLACEMENT OF NHS STAFF ACCOMMODATION WITH NEW BUILD KEY WORKER HOUSING COMPRISING OF 110 UNITS ALONG WITH ASSOCIATED OPEN SPACE, PARKING AND INFRASTRUCTURE - 151842

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

that the application **be refused.**

The Convener, seconded by Councillor Donnelly moved:-
that the application be approved conditionally.

Councillor Cormie moved as an amendment:-
that the application be refused in accordance with the recommendation set out within the report.

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

The Committee resolved:-

to approve the application conditionally.

24 WALLACEBRAE ROAD - ERECTION OF TWO STOREY EXTENSION TO SIDE OF DWELLING HOUSE - 161310

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

that the application **be refused.**

The Committee resolved:-

to refuse the application.

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SOUTH AVENUE, CULTS - PROPOSED DEVELOPMENT OF 21 UNITS WITH ASSOCIATED LANDSCAPING AND PARKING - 160552

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

that the application **be refused**.

It was noted that recommendation 5 of the reasons for refusal had been amended to read as follows:-

5. The swept path analysis of the proposed site layout shows that a bin lorry could not comfortably turn within the site without impacting on amenity areas and proposed parking spaces. This would be contrary to the requirements of planning policy R6 (Waste Management Requirements for New Development) of both the Aberdeen Local Development Plan and the Proposed Local Development Plan as the proposed building could not be suitably serviced.

The Committee resolved:-
to refuse the application.

CONFIRMATION OF TREE PRESERVATION ORDER NUMBERS 234/2016 - CHI/16/191

19. The Committee had before it a report by the Director of Communities Housing and Infrastructure which advised that a provisional Tree Preservation Order (TPO) was made by the Head of Planning and Sustainable Development under delegated powers, which currently provides temporary protection for the trees, but requires to be confirmed by the Committee to provide long term protection.

The report recommended:-
that the Committee –

- (a) confirm the making of Tree Preservation Order 234/2016 without modifications and;
- (b) instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and attend to register the Order with Registers of Scotland.

The Committee resolved:-
to approve the recommendations.

ST PETER'S NURSERY SITE REDEVELOPMENT BRIEF - CHI/16/255

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20. The Committee had before it a report by the Director of Communities Housing and Infrastructure which sought approval for the draft St Peter's Nursery Site Redevelopment Brief to be issued for a four week period of public consultation.

The report recommended:-

that the Committee –

- (a) approve the Draft St Peter's Nursery Site Redevelopment Brief for a four week public consultation period; and
- (b) agree that, following completion of the public consultation, any valid comments received and subsequent amendments to the draft Redevelopment Brief be presented to a future Committee.

The Committee resolved:-

to approve the recommendations.

COUNTESSWELLS PHASE 1B MASTERPLAN - CHI/16/256

21. The Committee had before it a report by the Director of Communities Housing and Infrastructure which outlined the Countesswells Phase 1b Masterplan, prepared as a strategy for the future development of land identified in the Aberdeen Local Development Plan 2012 and the Proposed Aberdeen Local Development Plan 2015.

The report recommended:-

that the Committee –

- (a) approve the Draft Countesswells Phase 1b Masterplan as Interim Planning Advice; and
- (b) agree for officers to implement the process to ratify the Masterplan as Supplementary Guidance. This will include a minimum 4 week public consultation with results reported back to Committee prior to submission to Scottish Government.

The Committee resolved:-

to approve the recommendations.

Councillor Ramsay Milne, Convener

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