

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 8 December 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice-Convener; and Councillors Boulton, Cooney, Corall, Cormie, Donnelly, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart and Sandy Stuart.

**The agenda and reports associated with this minute can be found at:-**

**<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=3894&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.**

### **AGENDA ORDER**

1. The Convener advised that item 2.4 on the agenda (Former Public Toilets – change of use) would be considered before item 2.3 (Former Public Toilets – Demolition of side and rear walls).

**The Committee resolved:-**  
to note the agenda change.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 27 OCTOBER 2016**

2. The Committee had before it the minute of its previous meeting of 27 October 2016 for approval.

Councillor Nicoll requested that the following conditions attached to the approval be included with the minute for item 16, Foresterhill Court Aberdeen – 151842.

#### **Conditions**

1. Hard landscaping

No development shall commence until details of the hard landscaping, including details of the pathways, have been submitted to and approved in writing by the local planning authority. All hard landscaping works which form part of the approved scheme shall be completed prior to the first occupation of any part of the development.

Reason: To enhance the appearance of the development and to comply with policy D1 of the Aberdeen Local Development Plan 2012

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**2. Soft landscaping**

No development shall commence until details of the soft landscaping (including details of any trees or hedges to be retained and measures for their protection during in the course of the development, proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping shall be submitted to and approved in writing by the local planning authority.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2012.

**3. Soft landscaping (implementation / maintenance)**

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 first occupation of any part of the development occupation 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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2012

**4. Protection of existing trees/hedges**

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2012

**5. Car parking and car club space**

No development shall commence until details of the car parking and motor cycle parking arrangements, including the car club space, have been submitted to and approved in writing by the local planning authority and the agreed parking arrangements shall be fully implemented and made available for use prior to the first occupation of any part of the development and shall be retained for use at all times.

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Reason: To provide adequate levels of parking and to comply with policy T2 and Supplementary Guidance on Transport and Accessibility to the Aberdeen Local Development Plan 2012

### 6. Cycle parking

The development hereby permitted shall not commence until details of secure parking facilities for the occupants of, and visitors to, the development hereby permitted have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the first occupation of any part of the development hereby permitted and shall be retained for use at all times.

Reason: To provide adequate levels of cycle parking and to promote sustainable forms of transportation and to comply with policies T2 and D3 of the Aberdeen Local Development Plan 2012 and Supplementary Guidance on Transport and Accessibility.

### 7. Materials

The development hereby permitted shall not commence until samples of the materials (including colour) to be used in the construction of the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policy D1 of the Aberdeen Local Development Plan 2012.

### 8. Refuse and Recycling

The development hereby permitted shall not commence until a scheme for the storage of refuse and recycling, including the design of the enclosures, have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full as approved prior to the first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To comply with policy R6 of the Aberdeen Local Development Plan 2012.

### 9. Biodiversity

The development hereby permitted shall not commence until a scheme to enhance the nature conservation interest of the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in full prior to the occupation to any part of the development first being occupied.

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Reason: To enhance the nature conservation interest of the site and to comply with policies NE5 and NE8 of the Aberdeen Local Development Plan 2012.

### 10. Construction / Environmental Management Plan

The development hereby permitted shall not commence until such times as a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall cover, but not limited to:

1. Dust mitigation measures
2. Location and operation of wheel washing facilities
3. Details of measures to mitigate noise and vibration arising out of the construction process
4. Location of compound including means of enclosure
5. Details of construction traffic movements including cumulative impacts that shall demonstrate the following:
  - Rationalise travel routes to and from the site
  - Provide full details of the number and time of construction vehicles to the site with the aim and intention of reducing the impact of construction related activity
  - Measures to deal with pedestrian movement

Reason: In the interests of the amenity of the area

### 11. Piling operations

No piling of other foundation designs using penetrative methods shall take place, other than with the written approval of the local planning authority. Details of such operations must be submitted to and approved in writing by the local planning authority prior to the commencement of development on site and shall be accompanied by details of the relevant penetrative methods and works shall only be carried out in accordance with the agreed details.

Reason: In the interests of the amenity of the area

### 12. Boundary treatments / details

Prior to the commencement of development details of the proposed boundary treatments, including any gates, walls and/or fences shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented prior to the first occupation of any of the buildings and retained in perpetuity.

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Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2012.

**13. Lighting**

Prior to the occupation of any part of the development hereby approved a scheme for the external lighting, including measures to prevent light spillage, shall be submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the agreed details and such directional hoods where specified shall be retained permanently.

Reason: In the interest of amenity and to comply with policy D2 of the Aberdeen Local Development Plan 2012

**14. Block D**

Notwithstanding the details hereby approved, no development shall commence until details showing the rearrangement of the southern most flats as shown on drawing PL(00)012A at the first, second and third floor levels of Block D have been submitted to and agreed in writing by the local planning authority and the development of block D shall be carried out in accordance with the agreed details.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining residences and to comply with policy D2 of the Aberdeen Local Development Plan 2012 and policy D1 of the Proposed Aberdeen Local Development Plan 2015

**15. Block G**

Notwithstanding the details hereby approved, the approved scheme does not include or permit any development to the south of the refuse/recycling/cycle parking store adjoining the south end of Block D as shown on Drawing No. PL(00)004E. For the avoidance of doubt this prohibition includes, albeit not limited to; the erection of block G; associated section of access road and pedestrian access onto Westburn Road; associated car parking areas, hard standings and refuse/recycling stores.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining residences; to prevent the loss of trees; loss of urban green space; and adverse impact upon the green space network as set out in policies D1, D6, H1, NE1, NE3 and NE5 of the Aberdeen Local Development Plan 2012 and policy D1 of the Proposed Aberdeen Local Development Plan 2015

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### 16. Drainage

No development shall commence until a Drainage Impact Assessment, incorporating a scheme for surface water management, including the specifications of surface treatments and sustainable urban drainage systems have been submitted to and approved in writing by the local planning authority. The submission shall include details confirming that all existing drainage enters the current watercourse crossing the site, the existing culvert has enough capacity for the new surface water flows, and detail design of the culvert alignment with associated calculations to confirm that the design does not affect existing capacity. The development shall be carried out in accordance with the approved scheme and thereafter shall be retained.

Reason: To prevent increase risk of flooding in accordance with policy NE6 of the Aberdeen Local Development Plan 2012.

### 17. Travel plan

No part of the development hereby approved shall be occupied until such time as a user's Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

Reason: To promote sustainable transport mechanisms and to comply with policy D3 of the Aberdeen Local Development Plan 2012

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

- (i) in respect of the application relating to Foresterhill Court Aberdeen – 151842, to note that the Committee had resolved to agree a willingness to approve the application subject to conditions including condition removing the allotment area including block G, access road etc) and a legal agreement with regard to developer contributions and that the accommodation should be affordable;
- (ii) to request that the conditions be added to the minute extract as above; and
- (iii) to otherwise approve the minute as a correct record.

## **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 4 NOVEMBER 2016**

3. The Committee had before it the minute of the meeting of the Planning Development Management Committee (Visits) of 4 November 2016 for approval.

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

to approve the minute as a correct record.

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### 9 MERKLAND ROAD EAST AND 3 PITTODRIE STREET - REDEVELOPMENT OF SITE, ERECTION OF STUDENT ACCOMMODATION WITH ASSOCIATED WORKS - 160845

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

That there be a **willingness to approve the application subject to conditions**, but consent to be withheld until contributions towards Core paths, bus facilities on King Street and the provision of two City Car Club vehicles, including costs associated with necessary Traffic Regulation Orders, had been secured.

#### CONDITIONS

1. No development shall take place, other than demolition, 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 buildings on the development site shall be occupied unless:-

- (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 buildings has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the buildings 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

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2. The properties hereby approved shall not be occupied unless the following noise mitigation measures, or such alternative measures as may be agreed, have been implemented in full, having at least an equivalent effect to those measures contained within the associated noise impact assessment (Ref. 15482-R01-B – 23 May 2016) including the following:-
  - (1) A minimum overall façade sound insulation  $R'_{w} + C_{tr}$  (dB) of 28  
AND a minimum trickle ventilator performance of  $D_{n,e,w} + C_{tr}$  (dB) of 33
  - (2) Adherence to the stated operational noise level limits, namely:-
    - a) NR 48 at 3 m from the boiler room façade,
    - b) NR 50 at 3 m from the plant room façade,
    - c) NR 39 at 3 m from the electrical substation.
  - (3) Provision of a GRP enclosure around the substation, along with minimising the open area of any ventilation louvres in the enclosure to ensure the noise limit for the substation is met.

Reason: in the interests of residential amenity and avoidance of conflict with adjacent commercial uses.

3. The buildings hereby approved shall not be occupied unless a scheme detailing proposals for the storage and collection of refuse generated on the site, including recycling facilities, has been submitted to and approved in writing by the planning authority and the provisions of that scheme shall be implemented in full at all times when the buildings are in use. The buildings shall not be occupied unless management of the bin storage and waste generation / disposal is undertaken in accordance with the Student Accommodation Management Plan.

Reason: to promote sustainable principles and safeguard public health and residential amenity.

4. No construction works in connection with the development hereby approved shall take place, other than demolition, unless a further scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority, including further details of urban realm / street works on Pittodrie Street and Merkland Road East within the site, including provision of street trees / re-use of granite kerbs. All groundworks, planting, seeding and turfing shall be carried out in accordance with the approved scheme during the first planting season following completion of the relative development parcel and any trees or plants which within a period of 5 years from the completion of the development are, in the opinion of the planning authority, dying or have been severely 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.



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Reason: to ensure the implementation of a satisfactory scheme of landscaping in the interests of the amenity of the site and the surrounding area

5. The development hereby approved shall not be occupied unless the proposed off street vehicle parking area has been constructed, drained, laid-out and demarcated, all in accordance with drawing no. 15065-L-200 rev E05 of the plans hereby approved, or other such drawing as may be subsequently submitted and approved in writing by the planning authority. Such parking area shall not be used for any purpose other the parking of vehicles relating to the student accommodation. None of the units hereby approved shall be occupied unless the cycle storage / parking facilities shown on drawing number 15065-L-200 rev E05 have been implemented and are available for use.

Reason: to ensure public safety and traffic management of the area concerned and to encourage use of sustainable forms of transport

6. The buildings hereby approved shall not be occupied unless a scheme detailing compliance with the council's Low and Zero Carbon Buildings supplementary guidance, including details of potential connection to the Aberdeen Heat and Power district heating network, has been submitted to and approved in writing by the planning authority and any recommended measures within that scheme for the reduction of carbon emissions have been implemented in full.

Reason: to ensure the building complies with the council's requirements regarding energy efficiency and carbon emissions.

7. No development in connection with the permission hereby approved shall take place, other than demolition, unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the planning authority. Unless otherwise agreed in writing by the planning authority, surface water shall be disposed of via the use of sustainable urban drainage systems. The development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter at all times in accordance with the approved scheme.

Reason: to ensure the provision of an adequate sustainable drainage system in the interests of the amenity of the area.

8. No development in connection with the permission hereby approved shall take place, other than demolition, unless details of all the materials to be used in the external finishes for the proposed development, and construction details

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of façade elements including granite reuse / new granite at the entrance screen, and dormer windows, roof/verge details and rainwater goods, have been submitted to and approved in writing by the planning authority. The development shall be carried out in full accordance with the approved details.

Reason: In the interests of the appearance of the development and safeguarding the visual amenity of the area.

9. No development in connection with the permission hereby approved shall take place, other than demolition, unless details of site / boundary treatments, including details of the proposed railings / gates / walls, including re-use of natural granite from downtakings, has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of safeguarding the visual amenity of the area and the amenity / security of occupants.

10. The development hereby approved shall not be occupied unless provision has been made for the upgrading of the footways at the development frontages on Pittodrie Street and Merkland Road East, in accordance with a scheme which has first been submitted to and approved in writing by the planning authority prior to the commencement of works.

Reason: In the interests of safe pedestrian accessibility and improvement of the public realm.

11. No development shall be undertaken pursuant to this grant of planning permission unless a scheme detailing the provision of 2 Car Club vehicles on Pittodrie Street / Merkland Road East, along with associated lining and signage, has been submitted to and approved in writing by the planning authority, unless otherwise agreed in writing. Thereafter the development shall not be occupied unless provision has been made in accordance with the agreed scheme.

Reason: In order to provide an appropriate alternative to on-site residents' car parking.

12. The development hereby approved shall not be occupied unless a Travel Plan has been submitted to and agreed in writing by the planning authority, including details of a Travel Pack to be provided to residents of the development.

Reason: In the interests of discouraging unsustainable travel.

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13. The development hereby approved shall not be occupied unless a Management Plan relating to the operation of the approved student accommodation facility, including management of on-site parking, has been submitted to and agreed in writing by the planning authority, and thereafter is managed in accordance with the details so agreed.

Reason: In the interests of preserving residential amenity and managing vehicle traffic associated with the development.

14. No demolition or any other works in connection with the development hereby approved shall take place unless a photographic survey of the existing buildings and structures on the application site (Site B) has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures, together with the setting of the buildings and structures and any unusual features of the existing buildings and structures, shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

### **ADVISORY NOTE FOR APPLICANT INFORMATIVE**

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of, site/ground preparation works and construction works, the following measures are suggested:

- a) Provision of suitable solid hoarding with acoustic properties to be erected around the development site boundary (of minimum 2m height) during, site/ground preparation works and construction.
- b) Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 09:00 to 16:00 on Saturdays
- c) Identify the likely significance of the noise levels affecting residential premises during the accepted times and apply a maximum threshold level established through application of an appropriate method described within Annex E of BS5228 1:2009+A1:2014.

It is advised that the applicant / developer contact the Council's Environmental Health Service at an early stage and before construction work has started to discuss the suggested means of noise and dust control.

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The Committee heard from Robert Forbes, Senior Planner who spoke in furtherance of the report and answered various questions from members. The Committee also heard from Gregor Whyte, Engineering Officer, who provided information on the roads and transport aspect of the application. Mr Whyte also answered various questions from members whereby it was noted that the development was a low car development, with two car club spaces and seven available spaces which included disabled parking.

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

- (i) to request that an extra two conditions be included, to read -
  - (15) 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 development is not considered suitable for mainstream residential accommodation by reason of the limited on site car parking provision and absence of affordable housing.
  - (16) No development pursuant to this planning permission shall commence unless a detailed site specific construction management and phasing plan for the development has been submitted to and approved in writing by the planning authority. The plan must address the temporary measures proposed to deal with emergency access in the surrounding area during construction. Such statement shall be implemented in full for the duration of works on the site.  
Reason - In order to minimise potential impacts on the adjacent residential area and minimise disruption to emergency access during construction; and
- (ii) to otherwise approve the recommendation as contained within the report and show a willingness to approve the application conditionally.

### **DECLARATION OF INTEREST**

The Convener indicated that for the following three items, he would be addressing the Planning Development Management Committee (in terms of Standing Order 32(1) as local member) on behalf of the Old Aberdeen Community Council and the Old Aberdeen Heritage Society in support of their objections. He therefore withdrew from the meeting as a member of the Committee during consideration of the item and the Vice Convener took the chair.

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### **PART CHANGE OF USE (REAR FORMER STORE ROOM ASSOCIATED TO SHOP) FROM RETAIL (CLASS 1) TO GYM (CLASS 11) (RETROSPECTIVE) AT 44 KINGS CRESCENT - 161194**

5. 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 condition.

- (1) that the class 11 unit hereby approved shall not be open for business outwith the hours of 10:00 to 20:00 on any day – in the interest of residential amenity.

**In accordance with Standing Order 32(1), Councillor Milne addressed the Committee as local member and made representations on behalf of the Old Aberdeen Community Council and the Old Aberdeen Heritage Society, who were opposed to the application. In terms of Section 7.15 of the Councillors' Code of Conduct, he then withdrew from the meeting and took no part in the deliberations.**

The Committee then heard from Sepi Hajisoltani, Planner, who spoke in furtherance of the application and answered various questions from members. The Committee also heard from Scott Lynch, Senior Engineer, who answered various questions in regards to road and parking issues.

Councillor Donnelly moved, seconded by Councillor Cooney:-

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

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

that the application be refused due to concerns relating to undue pressure on the local amenity and parking and would have a detrimental impact on the character and setting of the Conservation area.

Councillor Hutchison, seconded by Councillor Greig, moved as a further amendment:-

that the application be approved with an amended condition that the business shall not be open for business outwith the hours of 10:00 to 19:00 on any day.

There being a motion and two amendments, the Committee first divided between the amendment by Councillor Boulton and the amendment by Councillor Hutchison.

For the amendment by Councillor Boulton (4) - the Vice Convener, and Councillors Boulton, Greig and Jaffrey.

For the amendment by Councillor Hutchison (4) - Councillors Corall, Hutchison, Nicoll and Jennifer Stewart.

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Abstained from the vote (7) - Councillor Cooney, Cormie, Donnelly, Lawrence, Malik, Jean Morrison and Sandy Stuart.

There being an equality of votes, the Vice Convener exercised his casting vote in favour of the refusal amendment and declared it carried.

The Committee then divided between the motion and the amendment by Councillor Boulton.

On a division there voted:- for the motion (10) – Councillors Cooney, Corall, Cormie, Donnelly, Lawrence, Malik, Jean Morrison, Nicoll, Jennifer Stewart and Sandy Stuart; for the amendment (5) – the Vice Convener and Councillors Boulton, Greig, Hutchison and Jaffrey.

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

to agree the motion, and approve the application conditionally.

## **CHANGE OF USE, ALTERATIONS AND 1ST FLOOR EXTENSION TO FORM CAFÉ AT FORMER PUBLIC TOILETS, HIGH STREET - 160727**

**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.

1. That no cooking or frying shall take place on the premises unless a suitable scheme capable of filtering, extracting and dispersing cooking fumes and a maintenance plan for the aforementioned scheme has been submitted to, and agreed in writing by the Council as planning authority. Thereafter the approved scheme shall be implemented and maintained in full accordance with the agreed details prior to the carrying out of any cooking or frying on the premises.

Reason: In the interests of preserving the amenity of neighbouring residential properties.

2. That the use of the building for the purpose hereby approved shall not commence until such time as the bin storage area as shown in approved drawings WD.01 Rev C and WD.02 Rev C has been implemented in full accordance with the approved details, or with a similar scheme which has been submitted to, and agreed in writing by, the Council as planning authority.

Reason: In the interests of preserving the appearance and amenity of the area.

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3. That no works in connection with the hereby approved development shall take place unless the specific colour of render to be used on the side and rear walls of the building has been agreed in writing with the Council as planning authority.

Reason: In the interests of preserving the character and appearance of the conservation area.

4. That prior to the occupation of the hereby approved building, a sample of the materials to be used to resurface the external yard area as shown in approved drawing WD.01 Rev C has been submitted to, and agreed in writing by, the Council as planning authority and that the resurfacing shall be implemented in full accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the conservation area.

5. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

6.

Reason: To safeguard and record the archaeological potential of the area.

**ADVISORY NOTES FOR APPLICANT**

Signage and advertisements

The applicant should be aware that advertisement consent will likely be required for any proposed signage to be attached to the building and they should seek advice from the planning department in advance of installing any such signage for the premises, in order to ascertain whether consent is required and whether or not it is likely to be acceptable upon the submission of an application.

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### Programme of archaeological works

In this particular instance the programme of works will consist of an archaeological watching-brief on any ground-breaking works associated with the development in the first instance.

### Hours of construction

In order to protect the occupiers of the surrounding properties from any potential noise nuisance from any proposed demolition and building works; such work should not occur:

- [a] outwith the hours of 0700 –1900 hours, Monday-Friday inclusive;
- [b] outwith the hours of 0800-1600 hours on Saturdays; and
- [c] at any time on Sundays, except for works inaudible outwith the site application the boundary.

The applicant should contact the Council's Environmental Health Service at an early stage and before construction work has started to discuss the proposed means of noise control.

### Delivery/Uplift times

Service deliveries/uplifts to and from the premises should not occur outwith the hours of 7.00am – 7.00pm Monday to Saturday and 10.00am - 4.00pm Sundays, in order to preserve the amenity of neighbouring residential properties.

## DECLARATION OF INTEREST

**With reference to article 6 above, Councillor Milne addressed the Committee as local member and requested that the application be refused due to the materials that were to be used. Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, he then declared an interest in the matter and withdrew from the meeting, taking no part in the deliberations.**

The Committee heard from Alex Ferguson, Planner, who spoke in furtherance of the report and answered various questions from members.

Councillor Donnelly, seconded by Councillor Cooney moved:-

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



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

that the application be refused due to the proposed materials for the building would be inappropriate for the historical context of the site and would thus have a detrimental impact on the character and appearance of the conservation area and the setting of the surrounding listed buildings, contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement and Policy D5 (Built Heritage) of the Adopted Aberdeen Local Development Plan, as well as corresponding Policy D4 (Historic Environment) of the forthcoming Proposed Aberdeen Local Development Plan.

On a division, there voted:- for the motion (7) – Councillors Cooney, Cormie, Donnelly, Lawrence, Nicoll, Jennifer Stewart and Sandy Stuart; for the amendment (8) – the Vice Convener and Councillors Boulton, Corall, Greig, Hutchison, Jaffrey, Malik and Jean Morrison.

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

to adopt the amendment and therefore refuse the application.

## **DEMOLITION OF SIDE AND REAR WALLS TO FACILITATE REDEVELOPMENT OF FORMER PUBLIC TOILETS AT FORMER PUBLIC TOILETS, HIGH STREET - 160728**

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 condition:-

- 1) That no demolition shall take place unless evidence that contracts have been let for the new development approved under planning application reference P160727 (or other as may subsequently be approved and agreed in writing by the Planning Authority) has been submitted to and agreed in writing by the planning authority.

Reason - in the interests of ensuring that the building is not demolished and left without implementing the approved development for a significant period of time, which would have a detrimental impact on the character and appearance of the Old Aberdeen Conservation Area.

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

to agree that following the refusal of corresponding planning application P160727 as above, there were no approved proposals for the redevelopment of the site following the proposed substantial demolition of the building. As such, in the absence of any approved redevelopment scheme, the proposals to demolish the side and rear walls would leave a gap site which would have a detrimental impact on the character and appearance of the conservation area. The proposals were therefore contrary to the provisions of Scottish

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Planning Policy, Historic Environment Scotland Policy Statement and Policy D5 (Built Heritage) of the Adopted Aberdeen Local Development Plan, as well as corresponding Policy D4 (Historic Environment) of the forthcoming Proposed Aberdeen Local Development Plan.

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

### **STORAGE AND USE OF SUBSTANCES WITHIN CATEGORY H2 (ACUTE TOXIC) AT HOWE MOSS PLACE, KIRKHILL INDUSTRIAL ESTATE - 160830**

**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 the following conditions.

- 1) The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the amended application form (e-mail received 15 September 2016), nor outside the areas marked for storage of the substances on the plan (it002) which formed part of the application.

Reason - To ensure that all parties recognise the scale and extent of the consent being granted.

### **ADVISORY NOTES FOR APPLICANT**

#### **HEALTH AND SAFETY AT WORK ETC. ACT 1974**

In accordance with the provisions of section 28 of the Planning (Hazardous Substances) (Scotland) Act 1997, nothing in this hazardous substances consent hereby granted shall require or allow anything to be done in contravention of any of the relevant statutory provisions or any prohibition notice or improvement notice served under or by virtue of any of those provisions. To the extent that such a consent or notice purports to require or allow any such thing to be done, it shall be void.

"Relevant statutory provisions", "improvement notice" and "prohibition notice" have the same meanings as in Part I of the [1974 c. 37.] Health and Safety at Work etc. Act 1974.

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

to approve the application conditionally.

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**DECLARATION OF INTEREST**

**Councillor Cormie declared an interest in the following item as he had previously expressed his personal opinion on the application. He withdrew from the meeting prior to consideration or debate of the application.**

**CHANGE OF USE FROM EXISTING PARK TO CAR PARK WITH RAISED BARRIER ACCESS AT GILCOMSTON PARK CAR PARK, ABERDEEN - 161098**

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

That the application **be refused.**

Councillor Donnelly, moved as a procedural motion that a site visit take place prior to determining the application.

On a division, there voted:- for the procedural motion (5) – the Convener and the Vice Convener and Councillors Donnelly, Jaffrey and Malik; against the procedural motion (10) – Councillors Boulton, Cooney, Corall, Greig, Hutchison, Lawrence, Jean Morrison, Nicoll, Jennifer Stewart and Sandy Stuart.

As the procedural motion was unsuccessful, the Committee then went on to determine the application.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from members. The Committee also heard from Scott Lynch, Senior Engineer, who spoke in regards to the road issues relating to the application.

**The Committee resolved:-**

to approve the recommendation and refuse the application.

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

**10.** The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which sought approval for the St Peter's Nursery Site Redevelopment Brief to be adopted as non-statutory planning guidance.

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**The report recommended:-**

that the Committee –

- (a) note the results of the four week consultation period; and
- (b) adopt the St Peter's Nursery Site Redevelopment Brief as non-statutory planning guidance.

**The Committee resolved:-**

- (i) to request that the report be submitted to the relevant committee for consideration regarding the potential use of the site for local authority affordable housing; and
- (ii) to otherwise approve the recommendations contained within the report.

**CONSERVATION AREA CHARACTER APPRAISALS AND MANAGEMENT PLAN - ROSEMOUNT AND WESTBURN - CHI/16/284**

**11.** The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which presented the character appraisal for Rosemount and Westburn Conservation Area as a basis for public consultation.

**The report recommended:-**

that the Committee –

- (a) approve the draft Rosemount and Westburn Conservation Area Character Appraisal to be issued for a six week public consultation period;
- (b) agree that following the public consultation, the results be reported back to Committee and any proposed revisions to the Conservation Area Character Appraisal be reported to a future subsequent meeting of this Committee.

**The Committee resolved:-**

to approve the recommendations contained within the report.

**- COUNCILLOR RAMSAY MILNE, Convener**

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