

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 16 June 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Cooney, Copland (as substitute for Councillor Corall), Cormie, Donnelly, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Reynolds (as substitute for Councillor Boulton), Jennifer Stewart and Townson (as substitute for Councillor Sandy Stuart).

### **UPDATES**

1. The Convener advised that item 6 on the agenda had been withdrawn (Victoria Road Primary School, Torry) and asked that members agree to a verbal update on a legal matter be heard in confidence. The Convener finally advised that item 7 on the agenda (Ferryhill Tavern) be heard as the first item of business after the various minutes.

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

- (i) to agree that the verbal update be heard in confidence;
- (ii) to agree that Ferryhill Tavern be considered as the first item of business after the minutes; and
- (iii) to otherwise note the information provided.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 1 JUNE 2016 - FOR APPROVAL**

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

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

- (i) to amend a typing error in regards to Councillor Cooney; and
- (ii) to otherwise approve the minute as a correct record.

### **MINUTE OF THE MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PUBLIC HEARING OF 18 MAY 2016 - FOR APPROVAL**

3. The Committee had before it the minute of meeting of the Planning Development Management Committee (public hearing), of 18 May 2016, for approval.

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

to approve the minute as a correct record.

### **MINUTE OF THE MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 8 JUNE 2016 - FOR APPROVAL**

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

16 June 2016

4. The Committee had before it the minute of the meeting of the Planning Development Management Committee (visits) of 8 June 2016, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### **FERRYHILL TAVERN, 124 SOUTH COLLEGE STREET - CHANGE OF USE - P160531**

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

That the Committee **refuse** the application for a change of use of a public house to a class 1 (shop), with partial replacement of the rear extension, installation of plant equipment to the roof and installation of new shop front.

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

The Committee also heard from Gregor Whyte, Engineering Officer, who highlighted the various concerns raised by the Roads department. Mr Whyte also answered various questions from members in regards to road issues.

**The Committee resolved:-**

to refuse the application.

### **597 HOLBURN STREET - ERECTION OF STUDENT ACCOMMODATION - P151755**

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

That the Committee show a willingness to approve the application for the erection of student accommodation incorporating all associated infrastructure works and demolition of existing dwellinghouse, subject to appropriately worded planning conditions, but to withhold issue of the consent document until the applicant/landowner has entered into a legal agreement for development obligation payments towards core paths and open space.

(1) Notwithstanding Drawing No: A5401/L(04)101 Rev G no development shall take place until samples of the materials (including colour of render, facing block, standing seam metal cladding, aluminium flashing, curtain walling, spandrel panel, hopper and square sections) to be used in the construction of the external surfaces of the development hereby permitted including pantone references and details of the module jointing and arrangement of the standing

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

16 June 2016

seam metal cladding and curtain walling 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: To ensure a satisfactory appearance to the development and to comply with policy D1 of the Aberdeen Local Development Plan 2012 and policy D1 of the Proposed Aberdeen Local Development Plan

(2) Notwithstanding Drawing No; A5401/L(90)01 Rev H the development hereby approved shall not be occupied until details of the form of enclosure to the refuse and recycling storage have been submitted to and approved in writing and the facilities have been fully implemented in accordance with the agreed details and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies R6 and D1 of the Aberdeen Local Development Plan 2012

(3) No part of the development hereby approved shall be occupied until details of the treatment of the granite boundary wall fronting Riverside Place as shown on Drawing No: A5401/L(04)101 Rev G have been submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy D1 of the Aberdeen Local Development Plan 2012 and policy D1 of the Proposed Aberdeen Local Development Plan

(4) The disabled parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicle for a person holding a blue badge belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy T2 of the Aberdeen Local Development Plan

(5) The development hereby permitted shall not be occupied until the cycle parking facilities shown on Drawing No; A5401/L(90) Rev H have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

16 June 2016

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy D2 of the Aberdeen Local Development Plan.

(7) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy D2 of the Aberdeen Local Development Plan 2012.

(8) 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 D2 and NE5 of the Aberdeen Local Development Plan 2012.

(9) No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

16 June 2016

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with policy NE6 of the Aberdeen Local Development Plan 2012 and policy NE6 of the Proposed Aberdeen Local Development Plan.

(10) No part of the development shall be occupied until a Student Accommodation Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include, albeit not limited to, details on servicing, site and landscape maintenance, social behaviour and a green travel plan.

Reason: In the interest of highway safety and the environmental quality of the area.

Daniel Lewis, Development Management Manager, spoke in furtherance of the application and advised that an extra condition would be added in regards to the student accommodation and also an amendment to condition 10 in regards to the car parking management plan. Mr Lewis answered various questions in regards to the application.

Gregor Whyte, Senior Engineer, also answered questions from members in relation to traffic queries and roads issues.

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

- (i) to agree that an extra condition would be added, to read “the development hereby permitted shall be occupied by students only. In this case students are defined as those persons attending higher educational institutions within the City of Aberdeen”

**Reason:** The development is not suitable in planning terms for use as permanent residential accommodation due to inadequate provision of affordable housing, amenity areas, and car parking also accommodation of students outwith the governance of the City of Aberdeen does not represent a sustainable form of development;

- (ii) to agree that condition 10 be amended to read “no part of the development shall be occupied until a Student Accommodation Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include, albeit not limited to, site and landscape maintenance, parking and servicing management, social behaviour and a green travel plan.

**Reason:** In the interest of highway safety and the environmental quality of the area; and

- (ii) to otherwise approve the recommendation and approve the application conditionally.

**CHESTER HOTEL, 59-63 QUEENS ROAD - VARIATION OF CONDITION (GATE) - P160341**

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

16 June 2016

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

That the Committee **approve the application** for the variation of condition 11 to application 121555 to allow the rear use of access gates, subject to the following conditions:-

(1) that the development hereby approved shall not be occupied unless the car parking areas both at the rear and front of the hotel buildings have been constructed, drained, laid-out and demarcated in accordance with drawing 013(Rev.D) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(2) that no development shall take place unless a further detailed scheme of cycle and motorcycle storage provision has been submitted to and approved in writing by the planning authority. The scheme shall be implemented in full accordance with agreed details prior to occupation of the development and thereafter remain in place - in the interests of encouraging more sustainable modes of travel.

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

(4) that service deliveries and collections to the premises and the disposal of refuse and empty drinks containers to receptacles outwith the fabric of the building shall not take place outwith the hours of 0700 to 1900 Monday to Saturday and 1000 to 1900 on Sundays - in order to protect surrounding residents from noise disturbance at unreasonable hours.

(5) that the four suites shown on drawing number 038(Rev.C) of the plans hereby approved shall at no time be subdivided internally to form additional rooms without the written approval of the Planning Authority - in order to ensure that the parking demand on the site is not increased beyond what is capable of being accommodated.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

16 June 2016

(6) that the access gate from Queen's Lane South shall only be used by service vehicles and shall remain closed and locked other than (a) between 0800 and 1200 Monday to Saturday; or (b) when service vehicles are entering or exiting the site – in order to limit the potential for unauthorised parking on Queen's Lane South.

(7) that the development hereby approved shall not be occupied unless the lower section of the first and second storey windows on the east elevation of the proposed extension have been obscured. The method and extent of obscuration shall be the subject of details to be agreed with the planning authority prior to their implementation - in order to reduce the potential for overlooking into the adjacent school playground.

Daniel Lewis spoke in furtherance of the application and answered various questions from members. Mr Lewis advised that the applicant had been written to regarding the possibility of installing an electronic form of barrier, however to date a response had not been received.

Hugh Murdoch, Transportation Manager, also answered a number of questions in regards to the road queries.

The Convener moved, seconded by Councillor Reynolds:-

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

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

That the application be refused due to the movement of vehicles on Queens Road South, the proximity of the barrier to the local school, the impact of the noise on neighbouring properties, the safety of pedestrians in the local area, the impact on residents amenity and a concern that a precedence would be set.

On a division, there voted:- for the motion (8) – the Convener, and Councillors Cooney, Copland, Hutchison, Lawrence, Malik, Reynolds and Townson; for the amendment (7) – the Vice Convener, and Councillors Cormie, Greig, Jaffrey, Jean Morrison MBE, Nicoll and Jennifer Stewart.

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

to adopt the motion and therefore approve the application conditionally.

## EXEMPT INFORMATION

**In accordance with the decision taken at article 1 of this minute, the following item of business was considered with the press and public excluded.**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

16 June 2016

**PLANNING APPLICATIONS - VERBAL UPDATE**

8. The Committee heard from Fraser Bell, Head of Legal and Democratic Services, who provided members with a verbal update in regards to a recent legal challenge.

Mr Bell provided information to members on a recent legal challenge. Members then asked a number of questions of Mr Bell. Gale Beattie, Interim Head of Planning and Sustainable Development also answered various questions from members.

**The Committee resolved:-**

- (i) to thank Fraser Bell for the update;
  - (ii) to thank officers for all of their hard work in regards to this issue; and
  - (iii) to note the information provided.
- **Councillor Ramsay Milne, Convener**