

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

9 February 2017

ABERDEEN, 9 February 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Townson (as substitute for Councillor Cormie).

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=4362&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 12 JANUARY 2017

1. The Committee had before it the minute of its previous meeting of 12 January 2017 for approval.

**The Committee resolved:**

to approve the minute subject to amending the Declaration of Interest paragraph prior to article 4 to read that Councillor Nicoll declared an interest by virtue of him knowing an objector to the application, not the applicant.

### MINUTE OF MEETING OF PLANNING DEVELOPMENT COMMITTEE PRE-DETERMINATION HEARING OF 18 JANUARY 2017

2. The Committee had before them, the minute of the meeting of the Planning Development Management Committee Pre-Determination Hearing of 18 January 2017 for approval.

An amended version of the minute had been tabled for approval.

**The Committee resolved:**

to approve the amended minute, which had been tabled at the meeting.

### ROWETT RESEARCH INSTITUTE SITE - NEW ABERDEEN EXHIBITION AND CONFERENCE CENTRE (PPIP) - 150826

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

9 February 2017

3. With reference to article 7 of the minute of meeting of the Planning, Development Management Committee of 10 December 2015, the Committee had before it a report by the Interim Head of Planning and Sustainable Development which sought planning permission in principle (PPiP) for demolition of existing building(s), erection of exhibition and conference centre including subterranean space, energy centre, hotels, offices, leisure, café/restaurants and associated access, landscaping, engineering works (including burn diversion) and car parking (including temporary car parking) at Rowett Research Institute, Greenburn Road, Bucksburn **which recommended:**

A willingness to approve the application subject to conditions and the registering of a section 75 legal agreement to secure financial contributions towards (i) local road network improvements and (ii) strategic transport network improvements. The conditions proposed were the same as those listed in the previous report in 2015.

The Committee heard from Mr Matthew Easton, Senior Planner, who spoke in furtherance of the report. He explained that although the Committee were required to re-consider the PPiP application in its entirety, because the only material consideration to have changed was that in relation to the Strategic Transport Fund, the report looks at the issue of 'Phase 2' strategic transport impacts only.

Mr Easton also answered a number of questions from members, specifically addressing concerns in relation to the airport public safety zone. It was explained to members that the open space and overspill car park uses within the zone were considered to comply with the planning policy relating to public safety zones. It was highlighted that the overspill car park is only expected to be used when the subterranean car park is being used for exhibition purposes, which it is anticipated to occur during the very largest of exhibitions, which would occur once or twice a year at the most. It was also explained that the risk within the zone from an aircraft crashing was considerably lower than the risk the public are exposed to from everyday activities such as driving.

### **The Committee resolved:**

to approve the recommendation contained within the report.

## **ERECTION OF STUDENT ACCOMMODATION (374 BED SPACES) WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT 92-126 JOHN STREET - 161427**

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

That the application be approved conditionally but to withhold consent until an agreement has been put in place to secure developer obligations of £3,291.00 towards the upgrade of open space in the city centre. The conditions were as follows:-

### **CONDITIONS**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

9 February 2017

**(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) Landscaping and Amenity Space**

That the landscaping scheme hereby approved (namely drawing numbers 16047\_HW\_200 REV E02, 16047\_L\_200 REV E02, 16047\_SW\_200 REV E02 – or such other drawings as may be agreed in writing with the planning authority), shall be implemented in prior to the first use of the development hereby approved (excluding any planting which shall occur no later than the first planting season following completion of the development)

Reason: in order to ensure the external amenity space and associated landscaping are provided timeously.

**(3) 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.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

9 February 2017

**(4) Cycle Storage**

That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision for 125 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.

**(5) Noise Impact Assessment**

That no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels from the development on the nearest noise sensitive premises, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall:-

- be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- identify the likely sources of noise; and
- indicate the measures to reasonably protect the amenity of the occupants of the noise sensitive premises from all such sources of noise that have been identified.

The development shall not be occupied unless the said measures have been implemented in full.

Reason: in the interests of residential amenity.

**(6) Boundary Treatment**

That no development shall commence unless a scheme of boundary enclosures for the site has been submitted to and approved by the Council (as planning authority). The scheme shall include provision of a 1.8 metre high trespass proof fence in areas adjacent to the railway line. Thereafter the boundary treatment shall be provided and completed prior to the use of the building commencing.

Reason: in order that further consideration can be given to the boundary treatment of the development, details of which are lacking from the submission, and in order to ensure this is delivered timeously.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

9 February 2017

**(7) Contaminated Land**

The development shall be not be occupied unless:-

- any long term monitoring and reporting required in the approved scheme of contamination (Report on Site Investigations, John Street, Aberdeen, Mason Evans, November 2015) or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason: to ensure that the site is suitable for use and fit for human occupation.

**(8) Drainage**

That no development shall commence unless details of the following surface water drainage matters have been submitted and agreed with the Council (as planning authority):-

- Confirmation that the discharge rate to the Gilcomston Burn during a 1:200 year flood event does not exceed 10 litres per second; and
- A scheme for the provision of 2 levels of treatment of surface water drainage.

Thereafter the development shall be implemented in accordance with those details unless otherwise agreed in writing with the Council.

Reason: to ensure the development is served by a suitable level of surface water drainage and in the interests of flood prevention.

**(9) Student Accommodation**

The development hereby approved shall not be leased other than by students enrolled on full-time or part time further or higher education courses in Aberdeen unless otherwise agreed in writing with the planning authority.

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

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

9 February 2017

### (10) Travel Plan

That prior to first occupation of the units or completion of the development (whichever is the soonest), a travel plan shall be submitted to and approved by the Council (as Planning Authority). The travel plan shall include (but is not limited to):-

- Information on the restriction of parking to residents (e.g. wording of tenancy agreement on “No Car” provision).
- A scheme for the management of parking on site (for staff and disabled students).
- Details of a travel pack to be provided to students, which identifies sustainable travel in light of the “No Car” parking provision on the site.

Thereafter the measures identified in the travel plan shall be implemented in accordance with the approved plan.

Reason: in the interests of sustainable travel.

### (11) Railway Works

No development shall commence unless written evidence has been submitted to and approved by the Council (as Planning Authority) to demonstrate that the applicant/developer has provided and submitted details of all changes in ground levels, laying foundations and operation of mechanical plant in proximity to the Aberdeen-Inverness rail line for approval by Network Rail’s Asset Protection Engineer.

## **ADVISORY NOTES FOR APPLICANT**

### Contaminated Land

Localised hotspots of benzo(a)pyrene and asbestos will be excavated and removed to a suitable licensed waste disposal facility, or re-used on-site beneath hardstanding or buildings, (not in landscaped or garden areas). Waste transfer notes should be retained for presentation to the planning authority.

There is a large stockpile of demolition material stored in the central area of the site. If this material is to be disposed of, it should be disposed to a suitable waste disposal facility and all waste consignment notes should be retained for presentation to the planning authority.

If materials are to be imported for use in the landscaped areas, these require to be tested to demonstrate their suitability. Testing should be undertaken at a rate of 1 sample per 500m<sup>3</sup> for a range of common contaminants of concern.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

9 February 2017

### Roads

Residents will not be eligible to apply for on-street parking permits.

### Railways

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

The Committee heard from Mr Andrew Miller, Senior Planner, who spoke in furtherance of the report and provided details on the application. Mr Miller also answered a number of questions from members, specifically relating to restrictions for bird nesting, developer contributions, access for servicing the apartments and building materials.

The Committee also heard from Mr Gregor Whyte, Senior Engineer, who provided details on the roads and transport aspect of the application and answered various questions from members in this regard.

### **The Committee resolved:**

- (i) that they are mindful to approve the recommendation contained within the report, final approval is delegated to officers subject to officers investigating and either discounting for valid planning reasons or securing (1) the possibility of accommodating car club places either on site or in proximity to the development; and (2) the possibility of providing developer contributions to any committed future phases of the Johan Cruyff Court Community Sports Facility, subject to meeting planning guidance; and
- (ii) that a further condition relating to a bird hazard management plan be added to those outlined within the report.

## **ERECTION OF FOUR RESIDENTIAL FLATS AND ASSOCIATED CAR PARKING AT 19 SOUTH AVENUE - 161721**

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

That the application be refused for the following reasons:

- (1) Due to its bulk, scale, massing, width and height the proposal is considered out of context in the surrounding area and an overdevelopment on the site. The site is located in a low density character area that gradually moves westwards along North Deeside Road. No consideration has been given to these characteristics, nor to the modest nature of the immediate neighbouring dwelling. The proposal

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

9 February 2017

is therefore contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

- (2) The overall design of the proposed building, due to its massing, width, height and features such as the large flat roof, dormer type sections of the roof and proposed materials is not considered to be of a sufficiently high quality to warrant approval under policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan and would not reflect local styles and urban form, nor would it reinforce the established pattern of development.
- (3) The proposed building, due to its height, scale and massing is considered to have an overbearing impact on the modest dwelling at 21 South Avenue, and would result in an unacceptable loss of light to their private garden, rear door and dormer window, and side facing window. The proposal is therefore considered to have a significant detrimental impact on their residential amenity, and would be contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan and Interim Planning Guidance on Sub-division and Redevelopment of Residential Curtilages.

The Committee heard from Ms. Dineke Brasier, Planner, who spoke in furtherance of the report and confirmed that a number of existing trees on the site had been felled.

**The Committee resolved:**

to approve the recommendation contained within the report and therefore refuse the application.

**- COUNCILLOR RAMSAY MILNE, Convener**