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To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Alphonse, Cooke, Copland, Cormie, Donnelly, Lesley Dunbar, Greig, Hutchison, John, Malik, McLellan, Sellar, Sandy Stuart and Wheeler.

Town House,
ABERDEEN 17 August 2017

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 24 AUGUST 2017 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

DETERMINATION OF URGENT BUSINESS

1.1 Determination of Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1 Determination of Exempt Business

DECLARATION OF INTERESTS

3.1 Members are requested to intimate any declarations of interest (Pages 5 - 6)

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 20 July 2017 - for approval (Pages 7 - 24)
- 4.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 27 July 2017 - for approval (Pages 25 - 32)

COMMITTEE TRACKER

- 5.1 Committee Tracker (Pages 33 - 34)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Mixed use development comprising Class 1 (Shops), Class 2 (Professional services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotels), flats, serviced apartments, access, services and all ancillary development and associated demolitions (Pages 35 - 54)

Planning reference – 170353

All documents associated with this application, including any Letters of Representation, can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ONOK4BBZJVZ00>

Planning Officer – Andrew Miller

- 6.2 Brewdog, 5-9 Union Street- Change of use of pavement to provide an external seating area outside the premises (Pages 55 - 62)

Planning reference – 170690

All documents associated with this application, including any Letters of Representation, can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OR8KH4BZLGB00>

Planning Officer – Robert Forbes

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 34 Cairnfield Place - Proposed garage in the rear curtilage of the dwelling (Pages 63 - 70)

Planning reference – 170780

All documents associated with this application, including any Letters of Representation, can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSIPKS BZLYO00>

Planning Officer – Roy Brown

EHRIA's related to reports on this agenda can be viewed at
[Equality and Human Rights Impact Assessments](#)

To access the Service Updates for this Committee please use the following link:

<https://committees.aberdeencity.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

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Should you require any further information about this agenda, please contact Mark Masson on 01224 522989 or email mmasson@aberdeencity.gov.uk or

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Agenda Item 3.1

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by...
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 20 July 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Marie Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Alphonse, Cooke, Copland, Lesley Dunbar, Greig, Henrickson (as substitute for Councillor Cormie), John, Mason (as substitute for Councillor Donnelly), McLellan, Nicoll (as substitute for Councillor Hutchison), Sellar, Stuart and Wheeler.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=4367&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 JUNE 2017

1. The Committee had before it the minute of its previous meeting of 15 June 2017 for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE TRACKER

2. The Committee had before it a tracker of future committee business.

The Committee resolved:

to note the information contained in the committee report tracker.

DECLARATION OF INTEREST

Councillor Nicoll declared a personal interest in the following article by virtue of knowing an objector to the application. Councillor Nicoll withdrew from the meeting prior to consideration of the application and took no part in the deliberation.

1 DESSWOOD PLACE CAFÉ - 161743

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

That the application for the extension of floor space in use for the existing café and the part change of use from retail to café, at 1 Desswood Place, be approved subject to the following conditions:-

- 1) That the proposed café use hereby approved shall not operate other than during the hours from 8.00 am until 11.00 pm on any day, unless the planning authority has given prior written approval for a variation.

Reason- in order to preserve the amenity of the neighbourhood.

- 2) That a scheme for implementation of the proposed mitigation measure in form of a suspended ceiling with necessary acoustic insulation shall be submitted and approved by the Council (as planning authority) and fully implemented in complete accordance with the said scheme within 4 month of this decision.

Reason- in order to safeguard the amenities of nearby occupiers.

ADVISORY NOTE

For the avoidance of doubt the planning consent hereby recommended does not give or imply the granting of consent for any works to the listed building and separate applications for Listed Building Consent and Building Warrant should be submitted for implementation of the suspended ceiling.

Sepi Hajisoltani spoke in furtherance of the report and answered questions from members. Ms Hajisoltani advised that condition 2 could be amended to reflect a revised time period for implementation, should the application be approved.

The Convener moved, seconded by Councillor Copland:-
that the application be approved in accordance with the recommendation contained within the report.

The Vice Convener moved as an amendment:-
That the application be refused, as the application would result in a detrimental impact on the residents' amenity as well as their quality of life.
There were also concerns in regards to parking in the area and concerns regarding refuse.

The Vice Convener's amendment failed to attract a seconder and therefore was not put to the vote.

The Committee resolved:-

- (i) to agree that condition 2 be amended to read:- that the change of use hereby granted shall not take place unless a detailed scheme for the proposed mitigation measure in the form of a suspended ceiling with necessary acoustic

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insulation, including a time period for implementation, has been submitted to the planning authority within 4 weeks of the date of this decision. The change of use hereby granted shall not subsequently take place unless any scheme thereby approved is being complied with in its entirety – in the interests of protecting residential amenity; and

- (ii) to otherwise approve the application subject to the conditions contained within the report.

FORMER TOILETS HIGH STREET, OLD ABERDEEN - 170524

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

That the application for a change of use from old public toilets to form a new coffee house and café at High Street, Old Aberdeen, 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. Such a scheme shall be accompanied by a noise assessment to ascertain the predicted impacts of noise associated with the extract system. 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 F and WD.02 Rev F 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.

- (3) That no works in connection with the hereby approved development shall take place until such time as a detailed specification for the glazed gable (including sectional drawings of the glazing bars) and material samples for the following external finishes have been submitted to, and agreed in writing with the Council, as planning authority:

- The render to be used for the side and rear walls;
- The timber linings for the external walls;

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- The natural slates for the roof; and
- The granite to be used in the resurfacing of Baillie's Place.

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, the resurfacing of the external yard area (Baillie's Place) as shown in approved drawing WD.01 Rev F 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 demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing building on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the building together with the setting of the building and any unusual features of the existing building 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

- (6) The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any ground breaking works to take place within the footprint of the existing building. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service if required. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

Reason: To record items of archaeological interest.

ADVISORY NOTE 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 site 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/uptime to and from the premises should not occur outwith the hours of 7am – 7pm Monday to Friday and 8am - 1pm on Saturdays, in order to preserve the amenity of neighbouring residential properties.

Environmental Odour and Noise Control

1. Where a Local Extract Ventilation (LEV) system is not installed: all cooking activities are prohibited; including, oven cooking, boiling, stewing grilling/broiling, deep fat frying or shallow frying, to remove the risk of malodour from cooking activities to help protect the amenity of the occupants of the neighbouring residences.
2. Where an LEV system is not installed: permitted activities relating to hot foods are limited to appropriate means of re-heating and hot holding of precooked products only, to reduce the risk of malodour from reheating activities, in order to protect the amenity of the occupants of the neighbouring residences.
3. Where an LEV system is to be installed to remove food odours and fumes, the applicant must ensure an appropriate assessment, in accordance with relevant guidance (for example: DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and associated references) is carried out by a competent person. The purpose of this assessment is to establish the necessary air extraction flow rate based on the activities and equipment, the necessary specification of the LEV equipment and mitigation measures required to effectively; filter, neutralise, extract and disperse cooking fumes produced by the activities to be undertaken. The details of this assessment

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and its findings must then be submitted to this Service for review, in the form of a suitable report by a competent person to the satisfaction of this Service. This report must fully demonstrate the minimum design specification of the LEV equipment and odour/fume control measures and their effectiveness.

4. Where an LEV system is to be installed to remove food odours and fumes a noise assessment by a suitably qualified noise consultant must be carried out in order to ascertain the predicted impacts of noise associated with the system and necessary controls. The methodology for such an assessment must be agreed with this Service. Details of this assessment and its findings must be submitted to this Service for review, in the form of a suitable report to the satisfaction of this Service. This report must fully demonstrate the effectiveness of any noise controls.

Right of access servitude over Baillie's Place

The applicant is reminded that there is a servitude over Baillie's Place for right of access and any items placed in this area should not interfere with the existing servitude that serves the neighbouring property.

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

The Convener, seconded by the Vice Convener, moved:-

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

Councillor McLellan moved as amendment, seconded by Councillor Nicoll:-

that an extra condition be added so that the external area adjacent to the building on Baillie's Place shall not be used for the provision of outdoor seating associated to the Class 3 use of the site.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener, and Councillors Lesley Dunbar, Greig and Mason; for the amendment (10) Councillors Alphonse, Cooke, Copland, Henrickson, John, McLellan, Nicoll, Sellar, Stuart and Wheeler.

The Committee resolved:-

- (i) to agree that the extra condition be added, to read:- that the external area adjacent to the building on Baillie's Place shall not be used for the provision of outdoor seating associated to the hereby approved Class 3 use of the site, in the interests of preserving the amenity of the area; and
- (ii) to otherwise approve the application conditionally.

UNIT 4, LOIRSTON AVENUE – 170477

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

That the application for a change of use from a Class 1 retail unit to hot food takeaway and installation of replacement shop front, at Unit 4, Loirston Avenue, be approved subject to the following condition:-

- 1) Prior to the hereby approved development coming into use, all noise and odour mitigation measures outlined in the submitted Noise & Odour Impact Assessment shall be implemented in full and shall remain in place for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of neighbouring properties and the public's general amenity.

ADVISORY NOTE FOR APPLICANT

1) Advertisement Consent would be needed before installing any signage within the shopfront. Subsequently, an Advertisement Consent application would need to be submitted to the Planning Service for their consideration and approval before carrying out such works.

2) Commercial waste should not be stored on the street any day of the week otherwise it makes a business liable for a £500 fine per bin as per Council Policy adopted in 2009.

The Committee resolved:-

to approve the application conditionally.

PINEWOOD ZONE F, COUNTESSWELLS ROAD – 170243

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

That the application for the erection of 116 dwellings comprising 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure, at Pinewood Zone F, Countesswells Road Aberdeen, be approved conditionally and subject to the completion of a Section 75 legal agreement.

Conditions

- 1) Prior to occupation of the first unit, the applicant/developer shall submit a Residential Travel Plan to the Planning Authority for approval in consultation with the Roads Service, and once approved shall be issued to the new owners of each unit prior to their occupation.

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Reason: To ensure occupants are made aware of the different ranges of transport available to access the development.

- 2) Prior to commencement of development, the applicant/developer shall provide evidence to the Planning Authority, for their approval, that they have reached an agreement with a public transport operator in which to provide a bus service from the bus stop shown on the approved Site Plan within a time period to be agreed with the Planning Authority after the first unit is occupied.

Reason: To ensure the development can be served by a sustainable means of transport.

- 3) Prior to commencement of development, the applicant/developer shall provide full details of traffic-calming measures to be implemented within the development to the Planning Authority for approval in consultation with the Roads Service. Once approved, the traffic-calming measures shall be implemented in a timescale to be agreed with the Planning Authority.

Reason: To ensure the development complies with Designing Streets guidance and minimizes the risk of road safety issues.

- 4) Prior to commencement of development, the applicant/developer shall submit details of how a temporary turning-circle could be provided to allow refuse vehicles and visitors to turn within the area, prior to the internal road layout is connected to the zone to the north of the site. Once approved, the turning circle shall be implemented until the internal road network is connected to the adjoining phase of development.

Reason: To ensure visiting vehicles have sufficient space in which to safely manoeuvre within the site in order to minimise road safety risk.

- 5) Prior to commencement of development, the applicant/developer shall provide full details/ samples of all external finishes to the hereby approved building including downpipes, roofing materials, doors, windows and balustrade for approval by the Planning Authority.

Reason: To ensure that the development would remain in-keeping with the character and appearance of the surrounding area.

- 6) Prior to occupation of the first unit, the applicant/developer shall provide full details of secure storage for motorcycles and bicycles within the site for the approval by the Planning Authority. Once approved, the secure storage facilities shall be implemented in full prior to occupation of the first unit.

Reason: To ensure occupants means of transport can be securely stored thus minimizing the opportunity for crime.

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- 7) Prior to commencement of development, the applicant/developer shall provide full details of the energy efficiency rating of each individual habitable building within the development for approval by the Planning Authority. Once approved, the construction of each building should be carried out to ensure that the approved energy efficiency levels are achieved.

Reason: To ensure compliance with Policy R7 in the ALDP 2017 and its associated Supplementary Guidance.

- 8) Prior to commencement of development, the applicant/developer shall submit details of water-saving technologies and techniques to be incorporated into the design of each new building within the site for approval by the Planning Authority. Once approved, all water-savings measures shall be implemented in full prior to the occupation of each unit.

Reason: In order to minimise water abstraction from the River Dee and to comply with the requirements of Policy R7 in the ALDP 2017 and its associated supplementary guidance.

- 9) Prior to commencement of development, protective fencing shall be placed around the Root Protection Areas (RPAs) pertaining to each tree to be retained outlined in the 'Tree Survey Drawing' which accompanies the submitted Tree Survey and shall remain in-situ until all buildings work associated with the buildings closest to each fence has been completed.

Reason: To ensure that existing trees of high landscape character and amenity value are not damaged or removed during the construction phase of development.

- 10) No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the Root Protection Areas of each tree identified on the submitted 'Tree Survey Drawing' 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 trunk.

Reason: In order to ensure adequate protection for trees adjacent to the site during the construction of the development.

- 11) Prior to commencement of development, the applicant/developer shall submit details of a Lighting Strategy which outlines where they intend to position lights within the site during the construction phase of development. Once approved, the Lighting Strategy shall strictly be adhered to throughout the course of construction to minimise disturbance to bats roosting in the area.

Reason: To ensure bats likely to be roosting within trees in the surrounding area are not unduly disturbed.

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- 12) Prior to commencement of development, the applicant/developer shall submit a Construction Environment Management Plan (CEMP) for approval by the Planning Authority in consultation with SEPA which details how the existing water environment will be protected during construction and how materials and waste will be managed on site. Once approved, the CEMP shall be adhered to in full for the timeline set out in the approved document unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the construction phase of development does not give rise to any undue adverse impacts on the natural water environment.

- 13) Prior to occupation of the first unit, the developer shall implement the proposed SuDS scheme in full unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development does not give rise to any undue localised flooding.

- 14) Prior to commencement of development, the applicant/developer shall submit a statement to the Planning Authority for approval, detailing how the development shall have/ provide access to modern, up to date high speed communications infrastructure. Thereafter each phase of development shall be supported by a detailed statement setting out how such measures have been designed into the built form and what standards of digital connectivity this will bring. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: To ensure compliance with Policy CI1 in the ALDP 2017 and Scottish Planning Policy.

- 15) That any person occupying any unit with the hereby approved 'Over 55 retirement' apartment block (Block C) on a temporary or permanent basis shall be of an age of 55 years old or over.

Reason: In the interests of maintaining control over who occupies this part of the development.

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- 16) All hard and soft landscaping proposals shall be carried out in accordance with the approved Landscaping Strategy and Planting Schedule, which shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

ADVISORY NOTE FOR APPLICANT

- 1) Any engineering works within the water environment will require authorisation from the Scottish Environment Protection Agency (SEPA) under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). SEPA are contactable on: 01224 266609.
- 2) Prior to making a connection to the public water supply and sewerage system, maintained by Scottish Water, the applicant/developer shall need to obtain the separate prior approval from Scottish Water in order to legally do this. Scottish Water is contactable on: 0800 389 778.
- 3) The applicant/developer should contact ACC Waste Service a minimum of 2 months prior to occupation of each unit.

The Vice Convener requested that a site visit be held in regards to the application.

Jamie Leadbeater, Planning Officer, spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

- (i) to agree that the application be deferred for a site visit on Thursday 27 July 2017 to allow the application to be determined;
- (ii) to request that additional information be supplied to members on the following, before the site visit:-
 - Information on the affordable housing element of the application (Planning)

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- To look at the previous section 75 agreement that is in place in order to establish whether the Council is bound by the previous decisions in regards to the amount of affordable housing required ; (Legal)
 - To look at a previous report to Finance, Policy & Resources Committee in regards to Pinewood and to establish if it affects the application; (Legal)
 - Information on the capacity of Hazlehead Primary and Secondary school. It was noted that there may be over-capacity at both schools due to the proposed application; (Education)
 - Clarification on whether a TPO exists; and
- (iii) to otherwise note the information provided.

THE HAMILTON SCHOOL, 55-57 QUEENS ROAD – 161022

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

That the application for the formation of a new hotel, bar and restaurant including change of use of a former school, demolition of existing school extension and dwellinghouse and associated infrastructure and landscaping works at 55-57 Queens Road, be approved subject to the following conditions.

1. STONE CLEANING METHODOLOGY

No stone cleaning works shall be carried out unless a report by an appropriately qualified consultant has first been submitted to and agreed in writing by the planning authority. This report shall be undertaken in accordance with Aberdeen City Council's relevant Stone Cleaning Supplementary Guidance and the methodology set out in Historic Environment Scotland's Technical Advice Note 9: Stonecleaning of Granite Buildings.

Thereafter, stone cleaning works shall be undertaken only in full accordance with the recommendations contained within the agreed report - in the interest of preserving the historic fabric of a listed building.

2. REFUSE & RECYCLING

No development pursuant to the consent hereby granted shall be undertaken unless a scheme detailing the following has been submitted to and approved in writing by the planning authority:

- a. An area of hard standing at storage and collections point(s)
- b. Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

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Thereafter, the development shall not be occupied unless these measures have been provided in full – in order to ensure that the site has sufficient space for the storage and disposal of waste and recycling materials.

3. CYCLE AND MOTORCYCLE PARKING

That the development hereby granted planning permission shall not be occupied unless a scheme detailing the location and design of cycle and motorcycle parking facilities has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

4. TRAVEL PLAN

That within 6 months of first occupation, and no earlier than 3 months from that date, a full travel plan, which expands on the methodology set out in the Travel Plan Framework submitted as part of the application, must be submitted to and agreed in writing by the planning authority - in order to encourage sustainable travel.

5. TREE PROTECTION

that no development shall take place unless 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.

6. TREES – MANAGEMENT SCHEME

that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

7. FURTHER TREE WORK

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

8. TREES – STORAGE OF MATERIALS

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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.

9. CAR PARKING

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. 10271-PL(--)-10-Rev C and 10271-PL(--)-09-Rev C 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.

10. DRAINAGE WORKS

that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Ramsay & Chalmers Plan No 102-Rev A or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

11. LANDSCAPING SCHEME

that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

12. NOISE ASSESSMENT

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 an assessment of the noise levels likely within the building, 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 recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

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13. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall commence on site until a construction environmental management plan 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 plan unless otherwise agreed in writing with the Planning Authority.

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

14. NOISE FROM FIXED PLANT AND EQUIPMENT

No development related to the implementation of this consent shall be undertaken unless a noise assessment by a suitably qualified noise consultant, assessing the potential for adverse impact on the amenity of occupants of neighbouring residential properties from noise sources associated with the proposed development, has been submitted to and agreed in writing by the planning authority.

Thereafter, the use hereby approved shall not be commenced unless any identified mitigation measures have been identified in full.

This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- b) Include assessments; BS4142:2014, BS8233, WHO, NR25 (night time) and NR35 (day time) internally within the nearest residential properties.
- c) Identify the likely sources of noise associated with the proposed development with potential to impact on neighbouring properties.
- d) Identify the existing sources of noise potentially impacting on the proposed development.
- e) Detail the noise mitigation measures to reduce noise from the existing and likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed and existing neighbouring residences respectively.
- f) The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment

- In order to ensure that appropriate mitigation measures are implemented to prevent undue impact on residential amenity as a result of excessive noise.

15. ODOUR CONTROL

The use hereby approved shall not be commenced unless suitable and adequate means of filtering, neutralising, extracting and dispersing of cooking fumes has been installed within the premises, in accordance with a detailed

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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scheme which has first been submitted to and approved in writing by the planning authority.

Reason – in order to prevent any adverse impact on residential amenity as a result of odour.

16. NOISE FROM GROUND PREPARATION AND CONSTRUCTION WORKS

No development pursuant to implementation of this consent shall be undertaken unless a scheme for the provision of suitable solid hoarding (of minimum 2m height) with acoustic properties to be erected around the development site boundary during site/ground preparation works and construction has been submitted to and agreed in writing by the planning authority.

Thereafter, development shall be undertaken in accordance with any scheme so agreed - In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works.

17. TRANSPORT ANALYSIS AND MITIGATION

That no development pursuant to the implementation of this consent shall be undertaken unless a scheme for the assessment of this development's impact on the local transport network (including comparison of trip generation data relating to the proposed development and the former use of the site as a school and identification of necessary mitigation measures) has been submitted to and approved in writing by the planning authority. Thereafter the use hereby approved shall not be commenced unless either the identified mitigation measures have been implemented in full, or a financial contribution equivalent to those works has been made per a written agreement with the planning authority - in the interests of mitigating the impact of the proposed development on the local transport network.

18. RESTRICTION ON PUBLIC ACCESS TO LANDSCAPED REAR TERRACE

That there shall be no public access to the landscaped terrace areas to the rear of the approved extension. Access shall be taken for landscaping and maintenance purposes only – in the interests of protecting residential amenity.

ADVISORY NOTE FOR APPLICANT

1) NOISE FROM DELIVERIES AND REFUSE DISPOSAL

In order to protect amenity of the occupants of the neighbouring residences and prevent any potential noise nuisance caused by deliveries or refuse disposal, it is recommended that such operations should not occur:

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 July 2017

- a) outwith the hours of 0700 1900 Hours, Monday to Saturdays inclusive, and
- b) outwith the hours of 1000 1600 Hours on Sundays

2) CONTAMINATION - should any contamination of the ground be discovered during development the Planning Authority should be notified immediately. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority. - reason: to ensure that the site is suitable for use and fit for human occupation

The Committee resolved:-

- (i) to agree that the application be deferred for a site visit on Thursday 27 July 2017 to allow the application to be determined; and
- (ii) to otherwise note the information provided.

PLANNING ENFORCEMENT ACTIVITY REPORT – APRIL TO MARCH 2016 TO MARCH 2017 – CH/17/174

8. The Committee had before it a report by the Interim Director of Communities, Housing and Infrastructure, which provided information on the planning enforcement work that had been undertaken by the Planning and Sustainable Development Service from 1 April 2016 to 31 March 2017.

The Committee resolved:-

- (i) to note the content of the report; and
- (ii) to request that members contact Robert Forbes directly with any questions.

LAND AT GREENRIDGE – CONFIRMATION OF TREE PRESERVATION ORDER 243 (2017) GREENRIDGE – CHI/17/170

9. The Committee had before it a report by the Interim Director of Communities, Housing and Infrastructure, which requested the confirmation of a provisional Tree Preservation Order entitled 243 (2017) Land at Greenridge.

The report outlined that the provisional order currently provided temporary protection for the trees, but required to be confirmed to provide long term protection.

The Committee resolved:-

to confirm the making of Tree Preservation Order 243 (2017) Land at Greenridge and 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 seek to register the Order with the Registers of Scotland.

- **COUNCILLOR MARIE BOULTON, Convener**

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 27 July 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Jennifer Stewart, Vice Convener; and Councillors Alphonse, Cooke, Copland, Lesley Dunbar, Henrickson (as substitute for Councillor Cormie), John, Mason (as substitute for Councillor Donnelly), McLellan, Nicoll, Sellar, Stuart and Wheeler.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=5822&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 Planning Development Management Committee minute and this document will not be retrospectively altered.

PINEWOOD ZONE F, COUNTESWELLS ROAD - 170243

1. With reference to Article 6 of the minute of meeting of the Planning Development Management Committee of 20 July 2017, wherein it had been agreed to visit the site, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended:-**

That the application for the erection of 116 dwellings comprising 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure, be approved conditionally, subject to the completion of a Section 75 agreement.

The Convener advised that the further information that was requested from members at the Planning Development Management Committee on 20 July was not yet available and as such, requested that the application and site visit be deferred until such information was available.

The Committee resolved:-

to agree that the application be deferred for consideration until the information requested was made available.

HAMILTON SCHOOL, 55-57 QUEENS ROAD – 161022

2. With reference to article 7 of the minute of meeting of the Planning Development Management Committee of 20 July 2017, wherein it had been agreed to visit the site, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended:-**

That the application for the formation of a new hotel, bar and restaurant including change of use of former school, demolition of existing school extension and dwelling

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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house and associated infrastructure and landscaping works, be approved subject to the following conditions:-

1. STONE CLEANING METHODOLOGY

No stone cleaning works shall be carried out unless a report by an appropriately qualified consultant has first been submitted to and agreed in writing by the planning authority. This report shall be undertaken in accordance with Aberdeen City Council's relevant Stone Cleaning Supplementary Guidance and the methodology set out in Historic Environment Scotland's Technical Advice Note 9: Stonecleaning of Granite Buildings.

Thereafter, stone cleaning works shall be undertaken only in full accordance with the recommendations contained within the agreed report - in the interest of preserving the historic fabric of a listed building.

2. REFUSE & RECYCLING

No development pursuant to the consent hereby granted shall be undertaken unless a scheme detailing the following has been submitted to and approved in writing by the planning authority:

- a. An area of hard standing at storage and collections point(s)
- b. Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

Thereafter, the development shall not be occupied unless these measures have been provided in full – in order to ensure that the site has sufficient space for the storage and disposal of waste and recycling materials.

3. CYCLE AND MOTORCYCLE PARKING

That the development hereby granted planning permission shall be occupied unless a scheme detailing the location and design of cycle and motorcycle parking facilities has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

4. TRAVEL PLAN

That within 6 months of first occupation, and no earlier than 3 months from that date, a full travel plan, which expands on the methodology set out in the Travel Plan Framework submitted as part of the application, must be submitted to and agreed in writing by the planning authority - in order to encourage sustainable travel.

5. TREE PROTECTION

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

27 July 2017

that no development shall take place unless 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.

6. TREES – MANAGEMENT SCHEME

that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

7. FURTHER TREE WORK

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

8. TREES – STORAGE OF MATERIALS

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.

9. CAR PARKING

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. 10271-PL(--)10-Rev C and 10271-PL(--)09-Rev C 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.

10. DRAINAGE WORKS

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Ramsay & Chalmers Plan No 102-Rev A or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

11. LANDSCAPING SCHEME

that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

12. NOISE ASSESSMENT

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 an assessment of the noise levels likely within the building, 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 recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

13. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall commence on site until a construction environmental management plan 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 plan unless otherwise agreed in writing with the Planning Authority.

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

14. NOISE FROM FIXED PLANT AND EQUIPMENT

No development related to the implementation of this consent shall be undertaken unless a noise assessment by a suitably qualified noise consultant, assessing the potential for adverse impact on the amenity of occupants of neighbouring residential properties from noise sources associated with the proposed development, has been submitted to and agreed in writing by the planning authority.

Thereafter, the use hereby approved shall not be commenced unless any identified mitigation measures have been identified in full.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
 - b) Include assessments; BS4142:2014, BS8233, WHO, NR25 (night time) and NR35 (day time) internally within the nearest residential properties.
 - c) Identify the likely sources of noise associated with the proposed development with potential to impact on neighbouring properties.
 - d) Identify the existing sources of noise potentially impacting on the proposed development.
 - e) Detail the noise mitigation measures to reduce noise from the existing and likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed and existing neighbouring residences respectively.
 - f) The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment
- In order to ensure that appropriate mitigation measures are implemented to prevent undue impact on residential amenity as a result of excessive noise.

15. ODOUR CONTROL

The use hereby approved shall not be commenced unless suitable and adequate means of filtering, neutralising, extracting and dispersing of cooking fumes has been installed within the premises, in accordance with a detailed scheme which has first been submitted to and approved in writing by the planning authority.

Reason – in order to prevent any adverse impact on residential amenity as a result of odour.

16. NOISE FROM GROUND PREPARATION AND CONSTRUCTION WORKS

No development pursuant to implementation of this consent shall be undertaken unless a scheme for the provision of suitable solid hoarding (of minimum 2m height) with acoustic properties to be erected around the development site boundary during site/ground preparation works and construction has been submitted to and agreed in writing by the planning authority.

Thereafter, development shall be undertaken in accordance with any scheme so agreed - In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works.

17. TRANSPORT ANALYSIS AND MITIGATION

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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That no development pursuant to the implementation of this consent shall be undertaken unless a scheme for the assessment of this development's impact on the local transport network (including comparison of trip generation data relating to the proposed development and the former use of the site as a school and identification of necessary mitigation measures) has been submitted to and approved in writing by the planning authority. Thereafter the use hereby approved shall not be commenced unless either the identified mitigation measures have been implemented in full, or a financial contribution equivalent to those works has been made per a written agreement with the planning authority - in the interests of mitigating the impact of the proposed development on the local transport network.

18. RESTRICTION ON PUBLIC ACCESS TO LANDSCAPED REAR TERRACE

That there shall be no public access to the landscaped terrace areas to the rear of the approved extension. Access shall be taken for landscaping and maintenance purposes only – in the interests of protecting residential amenity.

Gavin Evans, Senior Planner spoke in furtherance of the report and answered a number of questions from members. Mr Evans also advised that an extra condition could be added which related to the submission and agreement of sample cladding materials.

The Vice Convener moved, seconded by Councillor Cooke:-

That the application be refused on the grounds that residents amenity would be affected due to noise levels and disturbance from the proposed hotel, there would be a traffic impact on Queens Lane south as well as safety concerns due to the volume of traffic. There would be an impact in the rear lane due to the overflow car park and the proposal would result in overdevelopment in the area and associated visual impact on residents.

Councillor Nicoll, seconded by Councillor Sandy Stuart, moved as an amendment:-

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

On a division, there voted:- for the motion (3) – the Vice Convener, and Councillors Cooke and Mason; for the amendment (10) – Councillors Alphonse, Copland, Lesley Dunbar, Henrickson, John, McLellan, Nicoll, Sellar, Stuart and Wheeler.

The Committee resolved:-

- (i) to request that an additional conditions in regards to materials and finishes be added to read; no development shall be undertaken unless samples of materials to be used on external surfaces of the buildings and in construction of hard standings/walls/fences have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority - in the interests of ensuring that the materials used are

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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- appropriate to the context of this site, which is located within a Conservation Area and incorporates the setting of listed buildings; and
- (ii) to otherwise adopt the amendment and therefore approve the application conditionally.


- **Councillor** **Jennifer** **Stewart,** **Vice** **Convener**

DRAFT

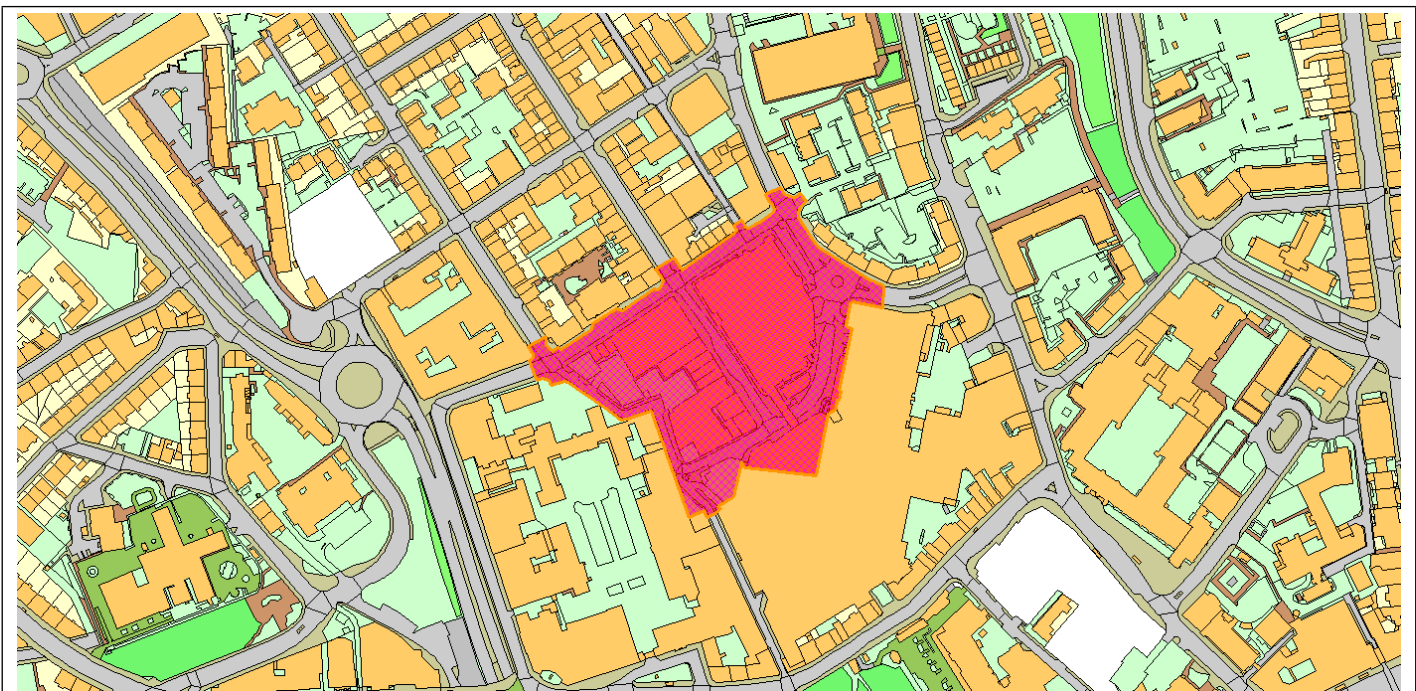
PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

CYCLE 8 - COMMITTEE STATISTICS					
The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings					
Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Bon Accord Centre/George Street	24/08/2017	Andrew Miller	Eric Owens	Mixed use expansion and associated works.	
5-9 Union Street (Brewdog)	24/08/2017	Robert Forbes	Eric Owens	Street Café	
34 Cairnfield Place, Midstocket	24/08/2017	Roy Brown	Eric Owens	Conversion of existing garage to habitable space and erection of stand-alone garage	

CYCLE 9 - COMMITTEE STATISTICS					
The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings					
Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Friarsfield, Cults	21/09/2017	Andrew Miller	Eric Owens	Variation to S75 (for 120340) to include East Neuk dev at King St as offsite AH alternative	
Friarsfield, Cults	21/09/2017	Andrew Miller	Eric Owens	Variation to S75 (for 120340) to include East Neuk dev at King St as offsite AH alternative	
North Dee	24/08/2017	Laura Robertson	Eric Owens	Planning app	
Provost Skene's House	24/08/2017	Lucy Greene	Eric Owens	Advise committee of alterations at site.	
North Lasts Quarry	24/08/2017	Gavin Clark	Eric Owens	Continued use and extension of quarry	
Hazledene Road/Countesswells Road, Zone A	24/08/2017	Gavin Evans	Eric Owens	Care homes and 4 Houses	

	Planning Development Management Committee
	Report by Development Management Manager
	24 August 2017

Site Address:	Bon Accord Centre, George Street, Aberdeen, AB25 1HZ
Application Description:	Mixed use development comprising Class 1 (Shops), Class 2 (Professional services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotels), flats, serviced apartments, access, services and all ancillary development and associated demolitions
Application Reference:	170353/PPP
Application Type	Planning Permission in Principle
Application Date:	3 April 2017
Applicant:	Aberdeen Shopping Centre Ltd. C/o BMO Real Estate Partners
Ward:	George Street/Harbour
Community Council	City Centre
Case Officer:	Andrew Miller



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RECOMMENDATION

Approve conditionally but withhold issue of consent until means of securing developer obligations and affordable housing is agreed.

APPLICATION BACKGROUND

Site Description

The site covers approximately 24.5 ha taking in an area north of the Bon Accord Centre to St Andrews Street, west to Crooked Lane/Harriet Street and east to Loch Street/Berry Street/. The southern boundary is formed by the rear of the Bon Accord Centre. The site incorporates the John Lewis store and commercial and residential property on the western side of George Street as well as the streets listed above. The site contains a category C listed building (119 – 125 George Street). Union Street Conservation Area is to the west of the site.

Relevant Planning History

Application Number	Proposal
161080/ESC	Screening opinion to assess whether an Environmental Impact Assessment required.
161104/PAN	Proposed major development: Mixed-use development comprising Class 1 (Shops), Class 2 (Professional services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotels), Class 11 (Leisure), flats, serviced apartments, student accommodation, access, car parking, services and all ancillary development, providing up to approximately 10,000 sq.m of additional floorspace (subject to consultation / confirmation).

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought for a mixed-use development comprising: retail; professional services (banks, solicitor's offices, etc.); food and drink; business (offices etc.); hotel; leisure; flats; and serviced apartments with associated access and infrastructure including public realm works.

The development would be split into three distinct blocks:

- Block D1 would be located on Loch Street, in the location of the former soup kitchen now housing Jo Malone. As part of the development of this block, Jo Malone would be moved north, closer to the entrance to the Loch Street car park of the Bon Accord Centre. Indicative massing provided with the application shows five storey of development in this area.
- Block D2 comprises the former Co-op supermarket, Santander Bank, Balaclava Bar, and two other smaller vacant retail units.
- Block D3 would cover areas of car parking and yard space adjacent to Crooked Lane, along with 3 retail units at 38-42 St Andrew Street.

The application proposes a floor space of approximately 8,500 sq metres with up to 170 bedspace hotel and 50 residential flats.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ONOK4BBZJVZ00>.

The following documents have been submitted in support of the application –

- Transport Assessment
- Air Quality Impact Screening
- Design and Access Statement
- Flood Risk Assessment
- Planning Policy Statement
- Pre-Application Consultation Report
- Daylight Impact Assessment Report
- Built Heritage Statement
- Utility Search Report
- Noise Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has received nine objections and falls out with the Council's Scheme of Delegation.

CONSULTATIONS

Historic Environment Scotland –

No comments to make in respect of impact on neighbouring A listed Robert Gordon's College.

ACC - Roads Development Management Team –

Revised Transport Assessment provided demonstrates the number of trips generated can be accommodated within the existing transport infrastructure in the surrounding area and car parking provision. Provision of cycle parking, new pedestrian areas and upgrades to traffic signals in Crooked Lane Area to be conditioned. £20,000 contribution towards maintenance of signals required.

ACC - Environmental Health –

Air quality impact screening provided sufficiently demonstrates that a detailed air quality impact assessment is not required.

The Noise Impact Assessment provided with the application is sufficient and mitigation measures identified should be implemented, though further assessment will be required in respect of the impact of any proposed fixed plant and equipment required as part of the development.

ACC - Flooding and Coastal Protection –

No comments received.

Scottish Environment Protection Agency –

No objections, subject to conditions being placed requiring SuDS details to be provided as well as ensuring finished floor levels are at least 0.6 metres above the 200 years flood level.

ACC - Housing Strategy & Performance –

Affordable housing should be provided at a rate of 25% for any residential development, which would equate to circa 12 units provided on site. If a Registered Social Landlord (RSL) were to take this forward, then they would wish to have sole ownership of a block of flats. If this is ultimately not possible or there is no interest from a RSL then delivery as Low Cost Home Ownership would be appropriate.

Developer Obligations Team –

Contributions for development with no residential element would be limited to core paths (£5,928.75) and open space (£2,916.56) totalling £8,845.31. With residential, a greater level of contributions would be required. Based on 50 units, this would form:

- 12 onsite affordable units (covered above under housing);
- £21,080.00 towards the reconfiguration of Gilcolmstoun Primary School;
- £10,540.00 towards the reconfiguration of Aberdeen Grammar School;
- £12,500.00 towards the Beach Leisure Centre;
- £20,081.49 towards core paths;
- £9,906.25 towards open space; and
- £51,150.00 towards the provision of additional capacity at existing city centre healthcare facilities.

TOTAL = £107,257.74 plus 12 onsite affordable units.

ACC - Waste Strategy Team –

Advisory notes on waste requirements for new residential development provided.

Police Scotland –

Advice for applicant to be considered in detailed design in interests of crime and terrorism prevention – to be incorporated as advisory notes.

Scottish Water –

No comments received.

Aberdeenshire Council –

No objections.

PRE-APPLICATION CONSULTATION

The proposed development was subject to pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The consultation involved:

- the submission of a Proposal of Application Notice to the Council on 8 July 2016;

- notification of the proposals to the public and stakeholders (advertisement in local press, posters in surrounding area and notification to neighbouring properties);
- presentations to both George Street and City Centre Community Councils;
- invite only previews to key stakeholders and neighbouring properties/businesses;
- two public meetings in the Bon Accord Centre (18 August 2016 and 27 October 2016); and
- a presentation to Aberdeen City Council Pre-Application Forum on 27 October 2016.

The comments received have been addressed by the applicant as follows:

- A number of comments received related to specific design matters, which cannot be incorporated at the PPIP stage, and cognisance of these comments will be taken consideration of as the project progresses.
- Student accommodation and car parking was removed from the description of the development.
- Further consideration has been given to the retentions of 41-43 Loch Street within the Design and Access Statement.
- Massing of development to Crooked Lane have been reduced and analysis undertaken in respect of Daylight/Sunlight.
- Positioning of the canopy and subsequent impact on neighbouring dwellings will be given further consideration at further detailed stage.
- Proposed servicing arrangements were given further consideration in the Transport Assessment provided with the application.
- Consideration has also been given to ensuring permeability through the site remains, along with improvements to the general public realm of the area.

REPRESENTATIONS

10 representations have been received – 9 objections (4 from neighbouring properties including Robert Gordons College) and 1 comment of support from Aberdeen Inspired (Aberdeen City Centre Business Improvement District organisation).

The main issues raised in the objections can be summarised as follows:

1. Large scale development is not necessary in the city as the current time.
2. Loss of historic street front at 36-42 St Andrew Street.
3. Negative affect on character and layout of George Street.
4. Possible loss of the “Soup Kitchen” building – it should either be retained or relocated.
5. Soup Kitchen should be retained in current location, not relocated.
6. Alterations to historic Crooked Lane have no consideration to the conservation of the area.
7. No thought into accommodating existing forms of development in Block D2, e.g. floor to ceiling heights have no regard to existing 18th century architecture in place.
8. Sheer mass of Block D2 is out of keeping with the city’s character.
9. Pedestrian bridges/skyways between Bon Accord Centre and John Lewis/Block D2 are an out of date idea.
10. Concerns about access arrangements to Jopp’s Lane and St Andrew Street and subsequent impact on bus routes.
11. Impact on smaller retailers in the area.
12. Huge impact on daylighting standards in the surrounding area.
13. New hotel will cause noise pollution.
14. Loss of privacy to neighbouring properties.
15. Any canopy over George Street will cast a shadow over neighbouring flats.

- 16.No thought regarding human traffic as well as no understanding or relationship with surrounding architecture.
- 17.Further fragmentation of George Street, which previously connected through to Market Street.
- 18.Pavement from Loch Street to Crooked Lane would only be 4 metres wide.
19. Upgrading of Crooked Lane will impact on the operation of the school (drop off and pick up of pupils by car, as well as pupil).
- 20.Potential impact of development on setting of Category A listed building at Robert Gordons College.
21. Development of hotel does not accord with opportunity site designation for retail.
22. Disruption to surrounding area as a result of construction process.

The main issues raised in the letter of support can be summarised as follows:

- 23.Proposal is entirely in keeping with the strategic direction of the Aberdeen City Centre Masterplan.
24. Proposed development meets with the core objectives of Aberdeen Inspired, which essentially looks to see increased footfall and dwell time in the city centre. This ambitious project will achieve this and enhance the area of the city centre in general which is welcomed.

The following comments received are not material and cannot be taken into consideration in the determination of the application:

- What will happen to the centre once it has had its day and is vacant? (The future occupation of the centre is not a material planning consideration.)
- Possible loss of 131 George Street. (This building does not form part of the application).
- Block D1 would be best removed and shops added and ground floor in the existing shopping centre. (The application as submitted has to be determined and possible alternative scenarios cannot be considered as part of this application).

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy

Aberdeen City & Shire Strategic Development Plan

Aberdeen Local Development Plan (2017)

OP102: George Street/Crooked Lane

NC2: City Centre Retail Core and Union St

NC1: City Centre Development - Regional Centre

D1: Quality Placemaking by Design

D2: Landscape

D3: Big Buildings

D4: Historic Environment

D5: Our Granite Heritage

NC4: Sequential Approach and Impact
 I1: Infrastructure Delivery and Planning Obligations
 T2: Managing the Transport Impact of Development
 T3: Sustainable and Active Travel
 T5: Noise
 H5: Affordable Housing
 NE6: Flooding, Drainage & Water Quality
 R6: Waste Management Requirements for New Development
 R7: Low and Zero Carbon Build & Water Efficiency

Supplementary Guidance and Technical Advice Notes

Hierarchy of Centres

Other Material Considerations

City Centre Masterplan
 Aberdeen City and Aberdeenshire Retail Study 2013

EVALUATION

Principle of Development

The application site lies in the City Centre Retail Core and wider City Centre, as defined in the Aberdeen Local Development Plan 2017 (ALDP). Both policies NC1 – City Centre Development – Regional Centre and NC2 – City Centre Retail Core and Union Street, advocate the city centre as the preferred location for retail, leisure, office, hotel and other significant footfall generating development.

In terms of specific opportunities within the ALDP, part of the site is identified as an opportunity site. OP102 (George Street/Crooked Lane) covers a 0.96ha area bounded by St Andrew Street to the north, George Street to the east, Loch Street to the south and Crooked Lane to the west. The designation identifies an opportunity for retail development forming part of an expansion to the Bon Accord Centre and linkages to John Lewis.

Scottish Planning Policy advocates a sequential approach to development that generates significant levels of footfall (e.g. retail, leisure), as is adopted in the ALDP (city centre first approach), but does state that the mix of land uses should be appropriate to support the vibrancy, vitality and viability of the city centres. This is echoed at a regional level within the Aberdeen City and Shire Strategic Development Plan 2015 (SDP).

The Aberdeen City Centre Masterplan (CCMP) is a material consideration in the determination of the application. It identifies a number of aspirations for the city centre, including enhancement of retail offering. One of the projects within the CCMP (Project CM07 – Bon Accord Centre) identifies the scope of expansion of the Bon Accord Centre to the north (in area covered by OP102 in ALDP).

The city centre location, along with specific designations, means the nature and overall principle of the proposed development would accord with the principles of city centre and retail policy at a national, regional and local level.

Retail Capacity in Aberdeen

As discussed under Principle above, Aberdeen City Centre is seen as the preferred location for development that generates significant footfall. Retail provision forms a significant part of this proposal and is the main land use that policy at a local, regional and national level seeks to protect and enhance within city centres. As this is the preferred location for such uses, it is not considered that any detailed assessment of the impact of the development other centres is necessary.

The Aberdeen City and Aberdeenshire Retail Study 2013 identifies additional capacity for retail floor space of 30,000 sq metres in the city centre in order to promote long term growth of the city centre's role as the regional centre for Grampian. The figures in this study should not be seen as definitive as retail provision is constantly changing (including increases in online retailing). In addition the study itself is 4 years out of date and was compiled during a period of sustained economic growth in the region that has since fallen due to the low oil and gas price. Nonetheless, the provision of additional retail floor space as part of this development will go some way in addressing the deficiency identified in the retail study, in an appropriate city centre location.

Design and Siting

As the application is for Planning Permission in Principle, much of the detail would be considered under further applications (Approval of Matters Specified in Conditions). Nonetheless, general parameters (indicative development envelopes) have been provided in support of the application, along with indicative images within the Design and Access Statement. Overall, the scale of the development would be much larger than the buildings to be replaced.

Block D1 (Loch Street) would see development of up to 5 storey between John Lewis and the Bon Accord Centre, on the site of the pedestrian link bridge and the former "Soup Kitchen." The development of the block would result in the enclosure of this part of Loch Street, with an indicative pend maintaining pedestrian permeability. The creation of the new pend, along with new units fronting to George Street, would enable the creation of active frontages and bring a degree of animation to what is at present a relatively sterile streetscape.

Whilst not listed or located within a conservation area, it is noted from the meeting of the Pre-Application Forum of 27 October 2016 that there is desire for the former Soup Kitchen to be retained. In support of the application, the applicant undertook an options appraisal on the potential scenarios for the building. The preferred option was identified as the relocation of the building further north on Loch Street, closer to the roundabout with Berry Street. This is considered acceptable in principle, though a condition requiring submission of a detailed scheme for its relocation and rebuilding is recommended.

Block D2 would see a significant increase in height from the single/two storey units to six storey, however the context of the site offers opportunities for such a scale of development. Redevelopment of this site would also result in a significant improvement in the quality of the built environment in the area, with the existing buildings being merely functional, of poor quality and no architectural merit. The indicative layout provided shows retail at ground and 1st floor levels, with a hotel on the upper four storeys, though part of the ground floor would need to accommodate front of house activities for the hotel. An indicative concept within the Design and Access Statement provided with the application shows this on the elevation to Crooked Lane, which would be suitable in principle and ensures prime frontages to George Street would be within an active use.

Block D3 would see the redevelopment of sites to Crooked Lane and St Andrew Street, as well as improvements to Crooked Lane itself to enable two-way traffic (to access service yard and continue traffic flow one way from Harriet Street). The indicative parameters show a "zig-zag" of footprint along Crooked Lane, with small pockets of land to the front that could be utilised as small seating areas/plazas with active frontages at ground floor.

Indicative plans within the Design and Access Statement show a glazed roof section between block D2 and D1/John Lewis. This would provide a degree of environmental enclosure but would remain very much an outdoor space. Along with the provision of improved public realm, as well as enhancements at Loch Street (adjacent to entrance of the multi-storey car park), the proposed public realm enhancements are considered to be acceptable in principle.

In respect of policy D1 of the ALDP, whereby all development should be designed to a high standard, the indicative building parameters and overall layout is considered to comply with its requirements. Again, the detailed design of the buildings would be considered under a further application.

Historic Environment

Scottish Planning Policy and Historic Environment Scotland Policy Statement both seek to preserve and enhance the special interest of listed buildings. In this case, the site is adjacent to a Category B listed tenement building to the north at 119-125 George Street, and on the opposite side of Crooked Lane is the Category A listed Robert Gordon's College building. Consideration must therefore be given to the impact of the development on the setting of the historic assets. Although in principle, the indicative massing of the proposed units is not considered to result in an adverse impact upon the setting of Robert Gordon's College and its key views, nor the setting of the adjacent Union Street Conservation Area. The setting of 119-125 George Street will be enhanced in comparison to the existing development on the site (former Co-op supermarket). Further consideration to the suitability of the detail of the proposed buildings in the context of the historic environment will be given at a later stage.

Impact on Surrounding Area

The indicative parameters provided with the application have enabled analysis of the impact of the development on the surrounding in terms of any loss of daylight and sunlight. A Daylight Impact Assessment provided found that the percentage of windows adjacent to the site that would receive a level of daylight within BRE guidelines was 75% and the percentage of windows that would receive sufficient sunlight under the same guidance was 90%. It should be noted that the BRE standards are designed for new, sub-urban development in mind and a degree of flexibility should be provided within dense, historic city centres.

Another factor to be considered is the relatively open aspect of the Crooked Lane area of the site, which is largely occupied by areas of ground level car parking, and as such any change in the massing of the site (of a similar scale to the established built form of the surrounding area) will result in a loss of daylight and sunlight to neighbouring buildings. The analysis provided identifies that the assessment was carried out on the indicative massing, which would be a worst case scenario for any proposed development and there would likely be opportunities for the impact of the development to lessen as further detailed designs come forward.

Access and Parking

No parking would be provided as part of the proposed scheme, though a small service yard that would be located to the rear of Block D2 and D3 accessed from Crooked Lane with the potential to accommodate a small area of parking is shown. The provision of no additional parking will help to reduce the number of trips generated by the development, encouraging use of active and public transport. The closure of Loch Street would also make the area more pedestrian friendly in comparison to the current arrangement.

The subsequent rearrangement of Crooked Lane to accommodate service vehicles for the Bon Accord Centre would require sufficient space for HGVs to enable access and egress. This would

open up Crooked Lane to two way traffic though this would be for access to the service yard only. A condition requiring a scheme for upgraded signalling is recommended.

Roads Development Management raised no objections to the proposals, though requested that provision be made for cycle facilities and upgraded traffic signalling.

Pollution

In support of the application, a screening assessment provided with the application demonstrates the proposals do not meet the criteria against which an Air Quality Impact Assessment should be submitted and it can therefore be anticipated that the proposed development will have an insignificant impact on local air quality.

Relative to noise pollution, policy T5 requires creates a presumption against development that generates noise to the detriment of neighbouring noise sensitive properties, unless a Noise Impact Assessment identifies there will be no adverse impact or suitable mitigation measures can be implemented. A Noise Impact Assessment provided with the application identifies the likely sources of noise from the development and noise in the surrounding area that may impact upon the residents in the proposed flats. It identifies a number of mitigation measures that should be implemented to ensure the amenity of proposed residents is not adversely affected by noise, as well as a requirement for further assessment of proposed plant/building services for the proposed development. Conditions ensuring these requirements are implemented are recommended.

Flooding

Policy NE6 states that all development at risk of flooding will not be permitted. The site lies within an area that is identified by SEPA as being at risk from fluvial (rivers, burns etc.) flooding from culverts in the surrounding area. These are for several sections of the Gilcomston Burn, with flood risk arising from backed up culverts, which may overflow and run down George Street towards the site. The Flood Risk Assessment provided with the application concludes that to mitigate against flood risk from this source, finished floor levels should be set at a level of at least 600 mm above the 1 in 200 year flood event. SEPA, in responding to their consultation request, agree with this and have requested that a condition be placed requiring this to be undertaken.

Risk from pluvial (surface water) identifies that there may be a risk of flooding from surface water in the site. In order to mitigate against this, surface water treatment should incorporate drainage measures to mitigate against any risk from pluvial flooding up to levels of a 1 in 200 year flood event, plus 20% betterment over existing surface water flows. These details will be required as part of detailed drainage schemes designed at a later detailed stage.

The proposed conditions, along with subsequent requirements for drainage, are considered to mitigate against the risk of flooding to the site and thus the proposals are considered to comply with the requirements of policy NE6.

Affordable Housing

Residential development of approximately 50 flats has been identified as part of the proposals. As with all housing applications, consideration needs to be given to the provision of affordable housing, in line with the requirements of policy H5 – Affordable Housing. This policy requires housing development to contribute 25% of the total number of units as affordable housing. In this respect, 12 units would have to be affordable. As the application is in principle, there is no specific detail of the proposed layout of the residential accommodation, nor a specific number of units. To this end, it is recommended that this application be subject to a legal agreement requiring

affordable housing to be delivered in line with an agreed scheme that reflects the aspirations of the Council's Housing Service response (onsite provision or low cost home ownership).

Developer Obligations

Policy I1 – Infrastructure Delivery and Planning Obligations seeks to ensure development mitigates its impact on infrastructure, facilities and services. In support of this application, two scenarios were analysed, one with residential the other without. Contributions for development with no residential element would be limited to core paths (£5,928.75) and open space (£2,916.56) totalling £8,845.31. With residential, a greater level of contributions would be required. Based on 50 units, this would form:

- 12 onsite affordable units (covered above under housing);
- £21,080.00 towards the reconfiguration of Gilcolmstoun Primary School;
- £10,540.00 towards the reconfiguration of Aberdeen Grammar School;
- £12,500.00 towards the Beach Leisure Centre;
- £20,081.49 towards core paths;
- £9,906.25 towards open space; and
- £51,150.00 towards the provision of additional capacity at existing city centre healthcare facilities.
- £20,000.00 towards maintenance of new traffic signals created as part of this scheme.

TOTAL = £127,257.74 plus 12 onsite affordable units.

In order to secure the developer obligations attributed to this development, it is recommended to withhold issue of consent to secure the obligations.

Heads of Terms of any Legal Agreement

The heads of terms of any legal agreement entered into relative to this application will be limited to securing developer obligations, as outlined above, and ensuring any affordable housing provided on site is retained as such.

Matters Raised in Representations

In respect of the matters raised in the representations received, these can be outlined as follows:

1. Large scale development is not necessary in the city as the current time.

The site has been identified for development and ultimately market forces will dictate the provision of retail land in the city centre.

2. Loss of historic street front at 38-42 St Andrew Street.

Numbers 38-42 St Andrew Street would be lost as a result of the development, however these are not considered to be of historic significance and appear to be recent additions.

3. Negative affect on character and layout of George Street.

The impact of the development on the surrounding area is considered above under Design and Siting.

4. Possible loss of the "Soup Kitchen" building – it should either be retained or relocated.

The relocation of the building is the applicant's preferred approach, a condition requiring its relocation and rebuild is to be placed.

5. Soup Kitchen should be retained in current location, not relocated.

The applicant could demolish the building with no requirement for planning consent, therefore the retention of the building cannot be forced. The preferred option of its relocation on Loch Street is seen as a suitable compromise to enable the development of the shopping centre whilst retaining the building (albeit reconstructed.)

6. Alterations to historic Crooked Lane have no consideration to the conservation of the area.

Alterations to Crooked Lane are considered to be necessary to facilitate the development of the area, and would bring a degree of vibrancy to the eastern side of the Lane on what is currently a relatively sterile and uninteresting streetscape.

7. No thought into accommodating existing forms of development in Block D2, e.g. floor to ceiling heights have no regard to existing 18th century architecture in place.

8. Sheer mass of Block D2 is out of keeping with the city's character.

9. Pedestrian bridges/skyways between Bon Accord Centre and John Lewis/Block D2 are an out of date idea.

In respect of points 7,8 and 9, the siting and design of the building (in terms of the information available at the in principle stage) is considered to be suitable, as is considered above under Design and Siting. Again further detail will be considered at a later stage.

10. Concerns about access arrangements to Jopp's Lane and St Andrew Street and subsequent impact on bus routes.

Access arrangements on Jopp's Lane and St Andrew Street will remain unchanged as part of this scheme, therefore there will be no impact on bus services.

11. Impact on smaller retailers in the area.

The provision of retail capacity in Aberdeen is discussed above under Retail Capacity in Aberdeen.

12. Huge impact on daylighting standards in the surrounding area.

13. New hotel will cause noise pollution.

In respect of points 12 and 13, the impact of the development on the surrounding area is considered under Impact on Surrounding Area above.

14. Loss of privacy to neighbouring properties.

15. Any canopy over George Street will cast a shadow over neighbouring flats.

In respect of points 14 and 15, specific details will come at a later date, though the specification of the flats, including window positions and subsequent separation distances will be considered at a later detailed stage, as well as the position of any canopy and subsequent impact on neighbouring residential uses.

16. No thought regarding human traffic as well as no understanding or relationship with surrounding architecture.

The need for permeability through the development has been considered, with increasing pedestrian priority and new servicing arrangements seeking to improve the quality of the public realm.

17. Further fragmentation of George Street, which previously connected through to Market Street.

The development proposes to retain existing pedestrian routes on George Street and the surrounding area, and makes provision of large ponds that will not impede permeability of pedestrians in the area.

18. Pavement from Loch Street to Crooked Lane would only be 4 metres wide.

The provision of 4 metre wide pavement is considered to offer a sufficient space and scale for movement of pedestrians in the area, compared with the relatively exposed nature of Loch Street at present.

19. Upgrading of Crooked Lane will impact on the operation of the school (drop off and pick up of pupils by car, as well as pupil).

Crooked Lane and Harriet Street are covered by double yellow lines on either side, and should not be used for parking or drop off/pick up.

20. Potential impact of development on setting of Category A listed building at Robert Gordons College.

The impact of the development on historic assets has been considered above under Historic Environment.

21. Development of hotel does not accord with opportunity site designation for retail.

Whilst the site is identified for retail, which does form part of the development, there is recognition that a mix of uses is necessary to ensure viability of the scheme along with ensuring an appropriate mix of development in the area.

22. Disruption to surrounding area as a result of construction process.

A degree of disruption is inevitable during the construction process of any development, however it is not a basis on which to refuse a development as this will be for a limited period. Any interruption to roads and pavement would need to be agreed with the Councils Traffic Management section.

The following comments of support are noted:

23. Proposal is entirely in keeping with the strategic direction of the Aberdeen City Centre Masterplan.

24. Proposed development meets with the core objectives of Aberdeen Inspired, which essentially looks to see increased footfall and dwell time in the city centre. This ambitious project will achieve this and enhance the area of the city centre in general which is welcomed.

Time Limit Direction

In light of the scale of the development, and additional process requirements (such as stopping up orders), it is considered reasonable that the following direction be applied to this recommendation of approval:

Notwithstanding the terms of section 59(2)(a)(i) of the Town and Country Planning (Scotland) Act 1997, application for Approval of Matters Specified in Conditions (AMSC) must be made to the Council as Planning Authority no later than the following basis:

1. That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of matters specified in conditions must be made before:-
 - a. that expiration of 5 years from the date of the grant of planning permission in principle; or
 - b. the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - c. the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and
2. That the development to which permission relates must be begun not later than whichever is the later of the following dates:-

- a. the expiration of 5 years from the date of grant of planning permission in principle; or
- b. the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

RECOMMENDATION

Approve conditionally but withhold issue of consent until means of securing developer obligations and affordable housing is agreed.

REASON FOR RECOMMENDATION

The proposed development would provide additional retail floor space, supported by a mix of other high-footfall generating uses that would enhance the vitality and viability of this area of Aberdeen City Centre, in line with the requirements of Scottish Planning Policy, the Aberdeen City and Shire Strategic Development Plan 2015 and the Aberdeen Local Development Plan 2017.

As a material consideration, the proposal would comply with the principles contained within the Aberdeen City Centre Masterplan.

CONDITIONS

1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations as set out in the directive associated to the applied time period for the phased implementation of the hereby approved development. No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- a. Phasing - Details of the phasing of development;
- b. Levels - Details of existing and proposed site levels, relevant to the extent of development sought/particular phase, including cross sections;
- c. Access - Details setting out all proposed means of pedestrian, cycle and vehicular access to the development, including vehicle turning areas and upgrades to Harriet Street, Crooked Lane and Loch Street. For the avoidance of doubt, these details shall also include surfacing materials, relevant to the extent of development sought/particular phase;
- d. Layout/Siting - Details of the layout and siting of the proposed development, including all buildings, ancillary structures, storage areas for waste and recyclables and hard and soft landscaped areas, relevant to the extent of development sought/particular phase;
- e. Design/ Materials - Full details of the design, external appearance and finishing materials of any proposed structures, relevant to the extent of development sought/particular phase;
- f. Boundaries - Details of proposed boundary treatments, whether permanent or temporary (particularly the interfaces between phases or undeveloped parts of the site) , relevant to the extent of development sought/particular phase;

- g. Low and Zero Carbon Technologies - Details of proposed measures to reduce carbon dioxide emissions , relevant to the extent of development sought/particular phase;
- h. Landscaping - Details and specification for hard and soft landscaping, including, relevant to the extent of development sought/particular phase:
 - 1. walls, fences, gates and any other boundary treatments;
 - 2. the type and location of new trees, shrubs and hedges;
 - 3. a schedule of plants to comprise species, plant size and proposed number/density, relevant to the extent of development sought/particular phase;
- i. Services - Details of existing and proposed services such as cables, pipelines, substations, relevant to the extent of development sought/particular phase;
- j. Lighting – A scheme of external lighting, including details of light fittings and predicted coverage, relevant to the extent of development sought/particular phase;
- k. Other items – Details of artefacts and structures including street furniture, lighting columns and fittings, and play equipment, relevant to the extent of development sought/particular phase;
- l. Noise - A scheme for protecting the occupiers of sensitive properties, from traffic and industrial noise, relevant to the extent of development sought/ particular phase.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 2. Phasing Plan – Further to Condition 1 (a) - Prior to the commencement of development a phasing plan (including provision of canopy and street surfacing/landscaping as indicated in design and access statement hereby approved) shall be submitted for approval in writing of the planning authority. The development shall be implemented in accordance with this phasing plan unless otherwise agreed in advance in writing with the planning authority. Each phase of the development approved shall not commence until applications for AMSC relevant to each phase have been approved in writing in respect of that phase.

Reason: In order to ensure the development progresses within an agreed phasing programme in a timeous manner.

- 3. Maximum Floorspace – The maximum net. additional floorspace (Gross Floor Area - GFA) to be constructed pursuant to the development hereby approved for each hereby approved use class shall be limited to: 8,500m² (within Classes 1 – Retail, 2 – Professional Services, 3 – Food and Drink and 4 – Business); and a maximum of 50 residential flats and 170 rooms (Class 7 – Hotels)

Reason: To limit the extent of the development to that considered within the supporting Transport Assessment and in order to achieve an appropriate scheme mix consistent with the aims and policies of the Aberdeen City Local Development Plan.

- 4. Maximum Building Envelopes – Unless otherwise agreed in writing, the maximum extent of development (excluding plant and minor deviations to be agreed with the planning authority) shall be contained within the envelopes (showing footprint and massing of development) indicated on the drawings approved as part of this application.

Reason: To ensure the overall scale of the development does not exceed the parameters as indicated on the approved.

5. Mix of Uses – That the mix of uses across the development blocks shall be in accordance with those specified in section 4.1.3 of the Transport Assessment hereby approved and their location in accordance with the parameters identified within the Design and Access Statement hereby approved, unless otherwise agreed in writing with the Planning Authority.
Reason: To limit the extent of the development to that considered within the supporting Transport Assessment and in order to achieve an appropriate scheme mix consistent with the aims and policies of the Aberdeen City Local Development Plan.
6. Finished Floor Levels – Further to Condition 1 (b), the finished floor levels of the development shall be at a minimum 0.6 metre above the 1 in 200 year flood level, as defined by SEPA, unless another more appropriate freeboard is agreed in writing with the Council (as Planning and Flood Prevention Authorities) and SEPA.
Reason: To protect people and property from the risk of fluvial flooding.
7. 41 Loch Street – No development on Block D1 shall commence unless a detailed scheme for the relocation of 41 Loch Street has been submitted to and approved by the Planning Authority. Thereafter, the relocation and subsequent rebuild of 41 Loch Street shall be completed for use prior to the first occupation of any part of Block D1.
Reason: In order to ensure the relocation of 41 Loch Street takes place in a suitable and timely manner.
8. SuDS – No development on any particular phase shall commence unless details of sustainable drainage/treatment of surface water (SuDS) for said phase is submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme, which shall be developed in accordance with the technical guidance contained in CIRIA SuDS Manual (C753) and should incorporate source control. That particular phase shall not be occupied unless the SuDS measures for said phase are completed and ready for use.
Reason: In order to ensure the development is served by a suitable scheme for the disposal of surface water.
9. Construction Environment Management Plan – No development shall commence unless a site specific Construction Environment Management Plan (CEMP) has been submitted and approved in writing by the Planning Authority in consultation with SEPA, SNH or other agencies as appropriate. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.
Reason: In order to minimise the impacts of the necessary construction works on the environment.
10. Cycle Parking/Hub – Prior to the commencement of development a scheme of cycle parking provision, including a 'cycle hub' shall be submitted to and approved in writing by the Planning Authority. Short term cycle parking should be available at all entry points to the development hereby approved. The Cycle Hub shall incorporate: CCTV; Lighting; Secure, covered cycle parking; Lockers; Bike Repair Station; Vending machine for bike related products; Litter bins; and Seating. Prior to the first use of any additional car parking hereby approved, such improvements as detailed in the approved scheme shall be implemented in full.
Reason: In order to ensure a suitable level of cycle parking is provided as part of the scheme and to encourage sustainable travel.

11. Traffic Signals – Prior to any development commencing, a scheme for the provision of traffic signals associated with the upgrade to Crooked Lane, as indicated in drawing number 104522/1/GL/01 hereby approved, shall be submitted to the planning authority. Thereafter the development shall be implemented in accordance with the details approved, unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure a suitable arrangement for traffic signalling is provided, in the interests of road safety.

ADVISORY NOTES FOR APPLICANT

Phasing

For the avoidance of doubt, the numbering attached to the blocks provided as part of this Planning Permission in Principle are for identification only and is not indicative of the sequence of phasing of the development.

Asbestos

Due to the nature of some of existing buildings, it is also recommended that a buildings asbestos survey is undertaken by an appropriately qualified person, of all buildings to be demolished, prior to their demolition. Any asbestos materials will require to be removed by a licensed carrier to an appropriate waste management facility

Police Scotland

The area in which the site is located has a high level of crime, though this is due to high level of footfall, popularity and importance of the site and the crimes in question are minor (shoplifting, public order offences and road traffic offences).

Due consideration should be given to pedestrian routes which should be open and direct, to maximise the opportunity for natural and formal surveillance (CCTV).

Careful consideration should also be given to the high level of pedestrian permeability within and around the development, to create a hostile environment to potential offenders. Similarly, clear and legible signs age should be used to promote that permeability and manage movement around the site but prevent members of the public from entering restricted areas.

Due consideration should be given to the location and design of any seating areas, to avoid having groups of people congregating in the wrong areas. Seating areas should ideally have a high level of natural surveillance or formal surveillance via a CCTV system.

Such a CCTV system may act as a deterrent and offer protection from crimes and offences but may also be needed to provide facial recognition evidence of same for Court purposes, all of which should be considered within the context of an Operational Requirement. These considerations should also include coverage of seating areas as mentioned above, any other potential congregation points, parking areas, and pedestrian and vehicular access points. Considerations should also include the maintenance of the CCTV system.

Lighting will be of great importance in developments such as this one. The uniformity of the spread of good quality white lighting will provide the best colour rendering and help with avoiding dark spots. This too can help with reducing the fear of crime. Any lighting system used should support the use of a CCTV system.

On the matter of building shells, recesses exceeding a 600 mm depth should be avoided to prevent the creation of hiding places for potential offenders. Due consideration should also be given to toughened or laminate glass for ground floor or easily accessible windows.

Consideration should be given regarding traffic calming measures in the vicinity. No Hostile Vehicle Mitigation is deployed on site, and as other parts of the site include multi-storey car parks adjacent to the curtilage of the buildings, doing so for this addition, would be difficult to justify. Lighting should be designed to provide sufficient supportive lighting to any CCTV and this will be designed in conjunction with same through the use of Operational Requirements to identify site requirements.

Construction materials should be appropriate to the current terrorist threat level, be robust and as resistant to ballistics and explosives as practicable, while still fitting in with the architecture of the city.

In addition to glazing at ground level being laminated glass, the glazing facing on to public areas should be covered by anti-shatter film.

Any HVAC plant should be placed on the building roofs, and would recommend that these be well protected from unauthorised access. Any additional CCTV provision should fit in with and support current systems and again an Operational Requirement should be developed to ensure any new system meets user needs. Any CCTV provision should be supported and enhanced by the lighting regime.

Any alarms installed should again fit with existing systems and again, an Operational Requirement would be recommended. Staff currently on site are well trained regarding security matters and in responding to security matters. This should continue and additional buildings should be included in updated response plans.

The developer should liaise with the Police Scotland Architectural Liaison Officer service at each stage of the development, for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CEPTED).

Aberdeen City Council – Waste Services

Waste provision requirements for 50 flats is as follows:

- 5 x 1280l General waste bin
- 5 x 1280l Recycling container
- 1x Food waste container per bin store
- All residents will receive a kitchen caddy, biobags and associated information for their food waste.

The following costs will be charged to the developer:

- Each 1280l bin costs £413.60 each
- Each food waste costs £514.49 each

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor. Residents waste and commercial waste require to be segregated thus either requiring a separate bin store or a bin store divided to keep it separate

General Points:

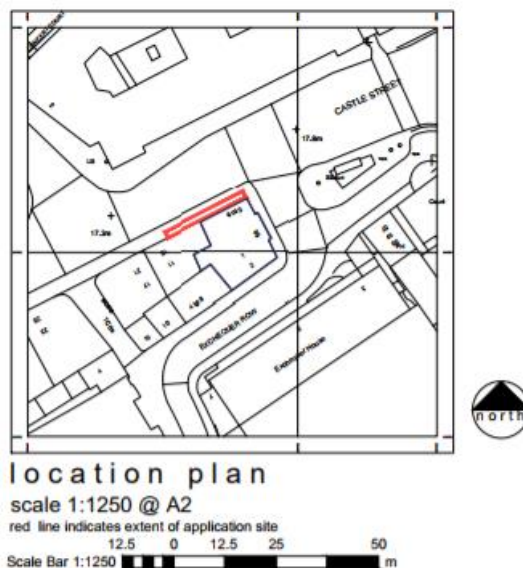
- Bins need to be stored within a dedicated area (bin store).
- Bin storage areas are to be located at the entrance to buildings avoiding the end of car parks where possible and allowing it to be located near the collection point on the main road.
- The distance from the bin stores to the kerb should preferably be no greater than 7m and be free of obstacles.
- Bin stores should be located less than 30m from any property
- The entrance to a bin store should be a minimum of 150cm unobstructed access to allow adequate space to provide more movement space for the collection of recycling and waste bins. Any entry gate cannot prohibit bin movement.
- Each of the 1280l communal bins serving the 50 flats will require a space of 128cm (width) x 100cm (diameter) x 145cm height and a minimum of 10cm is required between each bin for movement.
- The communal food waste bin will require a paved area of 80cm x 80cm each with unobstructed access to the front of 60cm to allow bin to be emptied.
- The store must enable ease of use for manoeuvring the wheeled bins and a concrete or slabbed base should be provided in the bin store. Enough space must be provided for individual bins to be manoeuvred without need to remove other waste and recycling bins therefore should therefore be of adequate size to house these containers.
- No excess should be stored outwith the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Reversing of the collection vehicle is unacceptable due to health and safety provisions and a turning circle or hammer head should be provided at all dead end roads.
- A path of 0.5m minimum width 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. Collection crews should not need to manoeuvre bins around parked cars to avoid any damage.
- There must be a drop down kerb at the bin store to allow access as well as at the road access. Yellow lines will deter parked vehicles restricting collection vehicles.
- Lock block surfaces to be minimised as these can be damaged by collection vehicles. All road surfaces must be suitable for heavy vehicles.
- If the bin store will be locked, 5 Keys must be provided to each store where locks differ, to ensure access for different collection crews and for the Recycling Officer to monitor contamination. These can be dispatched in due course to the Waste Team.

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.

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	Planning Development Management Committee
	Report by Development Management Manager
	24 August 2017

Site Address:	5-9 Union Street, Aberdeen, AB11 5BU,
Application Description:	Change of use of pavement to provide an external seating area outside the premises
Application Reference:	170690/DPP
Application Type	Detailed Planning Permission
Application Date:	19 June 2017
Applicant:	Brewdog Bars Ltd
Ward:	George Street/Harbour
Community Council	Castlehill And Pittodrie
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The site comprises part of the public footpath adjacent to the north (Union Street) elevation of the Athenaeum building, a category B listed building of early 19th century origin and neo-classical design. The footway is 3.6m wide and the subject area 1.6m wide, leaving a 2m wide section beyond the site boundary. The ground floor and basement of the building are used as licensed premises ('Brewdog') and the pub and its associated bottle shops are accessed (including for

disabled persons) from the Union St elevation. An associated entertainment venue/ nightclub ('Underdog') is accessed via doors on the principal (east) elevation onto Castle Street. The pub offers a range of drinks and food but currently has no external eating or drinking area.

The upper floors of the building are used as serviced apartments ('Royal Athenaeum Suites'). The closest mainstream residential property is located to the east on the upper floors of Castle St (above the 'Tilted Wig' public house). There are existing operational pavement cafes associated with the Tilted Wig, Old Blackfriars and Archibald Simpson's public houses nearby.

Relevant Planning History

Application Number	Proposal	Decision Date
131365	Formation of pavement café at 5 Castle St (Archibald Simpson)	29.11.2013 Status: Approved
141309	Formation of pavement café at 55-57 Castle St (Tilted Wig)	01.10.2014 Status: Approved
P150750	Formation of outdoor seating at 269-271 Union St (So Café)	17.02.2015 Status: Approved

APPLICATION DESCRIPTION

Description of Proposal

The creation of an outdoor seating area to be used in conjunction with the existing pub. A total of 10 tables and 40 chairs (all movable) would potentially be provided along the entire northern premises frontage (c.21m) other than where there are existing door openings, such that access and egress to the premises remains clear. The seating area would project 1.6m from the building frontage and defined by freestanding barriers, leaving a 2m width of clear footway. No permanent street furniture or fixings are proposed.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OR8KH4BZLGB00>.

- Planning Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been received from the local Community Council and the recommendation is for approval. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ACC - City Centre Masterplan Team – Object. Consider the proposal inappropriate due to the north facing location, exposure to air pollution and restricted pavement width. Suggest an alternative location to the east, on Castle St.

ACC - Environmental Health – No objection. Consider that, although the site lies within an Air Quality Management Area (AQMA) and users could be exposed to air pollution (due to traffic emissions), the level of exposure is considered acceptable. Recommend prohibiting amplified music in the outdoor area and that it is not used after 2200 hours in order to protect the amenity of nearby residential property.

ACC - Masterplan, Design and Conservation Team – No observations.

ACC - Roads Development Management Team – No objection. Consider that the remnant 2m footway width would be acceptable and that precedent for outdoor seating in this area is established, such as at the Archibald Simpson. No objection position is subject to agreement of technical matters regulated by the Council's Street Occupation Team, i.e. that appropriate licence is granted. Note that the proposed layout doesn't meet street occupation policy requirements, with respect to a lack of solid screening / tap rail and that this may cause issues for visually impaired pedestrians. Additionally it is noted that the proposed area is not self-contained and incorporates multiple entry and exit points, onto Union Street. These arrangements may see the interaction of pedestrians using the footway and patrons entering / exiting the seating area with trays of drinks / bottles / glass / hot drinks.

Community Council – Object, for the following reasons: obstruction of the footway; creation of a safety hazard for disabled users; and poor air quality. Suggest relocation of the street café to Exchequer Row.

REPRESENTATIONS

Two letters of objection have been received.

A local sight-impaired resident raises concern that the barriers/ footings would cause a trip hazard for pedestrians. They also consider that the extent of the seating area is excessive and unduly close to a pedestrian crossing / junction, resulting in a hazard for disabled / other users of the pavement.

Aberdeen Civic Society object due to the inadequate footway width and obstruction of pedestrian movement.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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

National Planning Policy and Guidance

Scottish Planning Policy (SPP) seeks to promote appropriate development, particularly within existing settlements. It seeks high quality development that is sympathetic to its setting and takes into consideration amenity.

SPP also sees town centres (including city centres) as a key element in the economic and social fabric of Scotland, acting as centres of employment and services for local communities and a focus for civic activity, and make an important contribution to sustainable economic growth. Town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. Retail and leisure uses are seen as fundamental to the concentration of other activities located in town centres, and planning authorities should support a diverse range of community and commercial activities in town centres (para. 52).

Aberdeen Local Development Plan (2017)

NC2: City Centre Retail Core & Union St

D4: Historic Environment

T4: Air Quality

R6: Waste Management

Supplementary Guidance and Technical Advice Notes

Harmony of Uses – Street Cafes.

This SG supports street cafes where pavements are considered wide enough.... They should not obstruct public space or create a hazard for pedestrians. Proposals for street cafes where adequate space is not provided on the public footway to allow pedestrians a straight, obvious and unobstructed route past will be refused.

Air Quality

Air Quality is a material planning consideration in the Development Management process.

This SPG provides guidance on the way in which air quality and air pollution issues will be dealt with through the planning system. It sets out the policy framework; Seeks to ensure air quality is properly considered in the planning process and highlight developments where air quality may be a material consideration; Seeks to identify development proposals that will require an air quality Assessment; Provides guidance on the process of air quality assessment; and sets out the Council's approach to the use of planning conditions and S75 agreements in respect of air quality.

Other Material Considerations

The Council's Roads Service guidance regarding Pavement Cafes on the Public footway

This guidance notes the support and encouragement for the provision of street cafes in the City Centre, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. It also recognises that they can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in Aberdeen.

However such proposals require permission to use the footway as pavement cafes, such permits are granted by the City Council as the Roads Authority - under Section 59 of the Roads (Scotland) Act 1984. The guidance sets out that a clear pedestrian route of at least 2m must be maintained between the kerbline and the pavement café boundary. Where this is not possible applications will be deemed to be unsuitable and refused. Otherwise in areas of very high pedestrian flow it may be necessary to leave a clear route of greater than 2 metres in width. Notwithstanding it is also pointed out that even when these dimensions are available the local context may determine that a footway may not be suitable for such use.

Depending on the scale of the pavement café and its location, it may be necessary for an application to be accompanied by a pedestrian/disabled audit, which should be supplied by a

qualified member of the Royal Society for the Prevention of Accidents. It is also stated that the Council may refuse an application if it is felt that the location is generally unsafe for such reasons as:-

- ☐ Dangerously busy adjacent road;
- ☐ Distraction to motorists approaching nearby junctions; or
- ☐ A particularly intensive pedestrian volume at the location.

EVALUATION

Principle of Development

As an adjunct to the existing authorised use as licensed premises, within the city centre, the proposal raises no significant policy concerns in terms of appropriate uses. The principle of development of pavement cafes has long been accepted by the Council as an appropriate means of enhancing vitality and viability within the city centre and is compatible with the spatial strategy for the city centre as set out in the Local Plan (para 2.1) and in supplementary guidance. By enabling increased activity and animation at street level adjacent to the existing ground floor frontage, this proposal would enhance the vitality and viability of the retail centre and would therefore accord with the objectives of local plan policies NC2 and SPP regarding town centres.

Pavement Café SG Compliance

The proposal would have no significant adverse effect on residential amenity or existing uses due to generation of noise, smell and litter. Whilst the street café would partially and temporarily remove a section of public space (i.e. the pavement), that is the case with any street café. Such use of public space in itself would not be reasonable grounds to refuse the application, given that the guidance supports such uses in principle. Following on from this and whilst objection has been received on public safety grounds, including obstruction of pedestrian flow and creation of a hazard for disabled users, the Council's roads officers advise that the extent of the café would not be excessive and do not consider that it would necessarily create a hazard for pedestrians (subject to compliance with technical guidance controlled by the Council's Street Occupation Team in their assessment of a street occupation license). On this basis the proposals is considered to accord with relevant supplementary planning guidance (Harmony of Uses – Street Cafes).

Public / Road Safety

Whilst it is recognised that the occupation of part of the footway would alter established existing pedestrian flow / routes, and reduce the space currently available for pedestrians / disabled users on a small section of Union Street, again this is the scenario with any pavement café and others have previously been approved (e.g. at Archibald Simpson pub and 269-271 Union Street), so that a precedent for such uses on Union Street has been established.

In this case, the footway is considered by Roads officers to be of adequate width to accommodate the proposed street café without adverse safety impact on other existing users. In addition this section of Union Street is considered to be less heavily used by pedestrians than other sections. Again Roads officers have raised no objection in relation to obstruction of the footway, the creation of a public road safety nuisance, or conflict with the use of the nearby pedestrian crossings on Castle Street / Union Street, albeit subject to compliance with technical requirements which would be applied via the licensing process. As such the detailed layout and operation of the street café is a matter that can be controlled by the Council's Street Occupation Team / Licensing and is not a matter that would require to be controlled through planning legislation. The proposal is therefore considered acceptable on road safety / transport grounds.

Health / Safety

It is considered that the health and safety concerns raised by the Council's Roads officers regarding the potential for accidents during transport of food / drinks are health and safety matters for the owner / operator of the public house to address (e.g. by collection / removal of used food and drink by staff) and are again controlled via other legislation. As such they are not relevant material planning considerations. Equally managing the pavement café service and site cleanliness / litter are issues which are addressed in the Council's design guide for pavement cafes, relating to the licencing of such cafes. These matters are considered separately from the planning process during the application for a pavement café permit and through other powers. It is therefore not necessary or appropriate to duplicate these controls by imposition of planning conditions.

Air Quality

It is noted that the site lies within an Air Quality Management Area, which has been designated due to high levels of recorded air pollution, primarily due to gaseous vehicle emissions. However, the Council's Environmental Health officers have raised no objection to the proposal on the grounds of exposure of the public to air pollution, or potential generation of increased pollution (e.g. due to smoking) and have not requested the submission of an air quality impact assessment in terms of the relevant SG / policy T4. It is noted that in other similar situations within the city centre, such assessment has not been required to be undertaken in determining similar planning applications and it is not considered that the circumstances of this case are materially different. In any event it is unclear what, if any mitigation measures would be possible to implement, other than reduction / removal of motor vehicle traffic from the adjacent street. That is a wider strategic matter for the Council to consider in relation to its obligations relating to management of the AQMA.

Although there is a degree of tension with local plan policy T4, in that there would be a level of new exposure in an area of existing poor air quality, given the above factors, it is considered that the absence of an air quality impact assessment or proposed mitigation measures does not warrant refusal of the proposal, taking a proportionate approach.

Refuse / Litter Generation

Given that the proposal results in only a marginal increase in the existing number of patrons within the premises, particularly as the street café would not likely be in place or fully occupied at all times, and given that the requirement for provision of refuse storage was addressed when the original planning permission for the pub was granted (with existing refuse containers provided on Exchequer Row at the rear of the premises) it is considered unnecessary to impose a condition requiring additional refuse provision. Given the existing refuse facilities associated with the licensed premises, it is therefore considered that the proposal accords with local plan policy R6. As discussed above managing the pavement café service and site cleanliness / litter are issues which are addressed through the street occupation licensing process. Thus it is not necessary or appropriate to duplicate these controls by imposition of planning conditions.

Residential Amenity

Given the significant distance between the proposed street café and existing residential property, the presence of other licensed premises and street cafes in the area, the absence of objection from Environmental Health and the heavily trafficked (noisy) nature of Union Street, it is considered that there would be no significant / demonstrable adverse impact on existing residential amenity. The floors above the bar are used as serviced apartments, rather than mainstream flats, and are likely to be occupied on a short term basis, so that less stringent standards of amenity can be expected. It is noted that these flats have secondary glazing to provide noise attenuation to occupants, reflective of their positioning on Union Street. Control of the hours of operation of the pavement café is a matter which is considered separately by the Council through licensing and the pavement café permit application processes, and so does not require duplication by planning control. Given its restricted size and the absence of external

electrical supply, it is considered highly unlikely that the cafe would generate amplified music (e.g. as a performance space). In any event, separate controls exist in relation to noise nuisance. Noise generated by existing motor traffic on the street (potentially in the night) is likely to be of greater disamenity to occupants of nearby flats than the proposed café. It is therefore considered that imposition of a condition restricting amplified music is not reasonable in this case.

Conservation / Listed Building / Visual Impact

As no external alterations to the building or permanent fixtures (such as canopies) are proposed and the use is likely to be seasonal / transient, it is considered that there would be no significant or permanent effect on the character of the conservation area / setting of the listed building, or on visual amenity in general, all such that character would be preserved. The proposal therefore satisfies policy D4.

Roads' Pavement Café Guidance

As regards compliance with the Council's technical guidance regarding Pavement Cafes, the specific planning issues of relevance are assessed above. The weight to be afforded to this guidance in determining the planning application is considered to be limited given that it does not form part of the development plan and is not specifically referenced in the Development Plan or the Council's planning guidance regarding Street Cafes. This proposal involves no physical alterations to the building or significant or permanent visual impact or structures which require planning permission (the movable barriers, tables and chairs in themselves are not development). There would be adequate pavement width, no unacceptable creation of a hazard to other users, no impeding of access into / egress from nearby buildings and no insurmountable litter issues. The assessment of compliance with such guidance is a matter that is dealt with by the Council's Street Occupation Team through separate consent process. It is therefore not necessary or appropriate to duplicate these controls by imposition of planning conditions.

Alternative Locations

The applicant does not consider that it would be feasible to relocate the street café to an alternative position (e.g. to the east on Castle Street or south on Exchequer Row) that would provide a better amenity for users, as suggested by consultees/ objectors. However, due to the limited footway widths at those locations such alternatives are not feasible. To address these limitations no physical alterations to the existing public realm / street layout are currently proposed by the Council, such that a street café could be accommodated (e.g. widening of footways / reduction of vehicle carriageway widths on Exchequer Row or Castle St). As such it would therefore be unreasonable to refuse permission on the basis that there are other alternatives.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The proposal relates directly to the use of the existing adjacent premises. It would enhance the vitality and viability of the retail centre and would therefore accord with the objectives of local plan policies NC2 and SPP regarding town centres. There would be no adverse impact on residential amenity, road safety, or on the character of the conservation area / setting of the listed building.

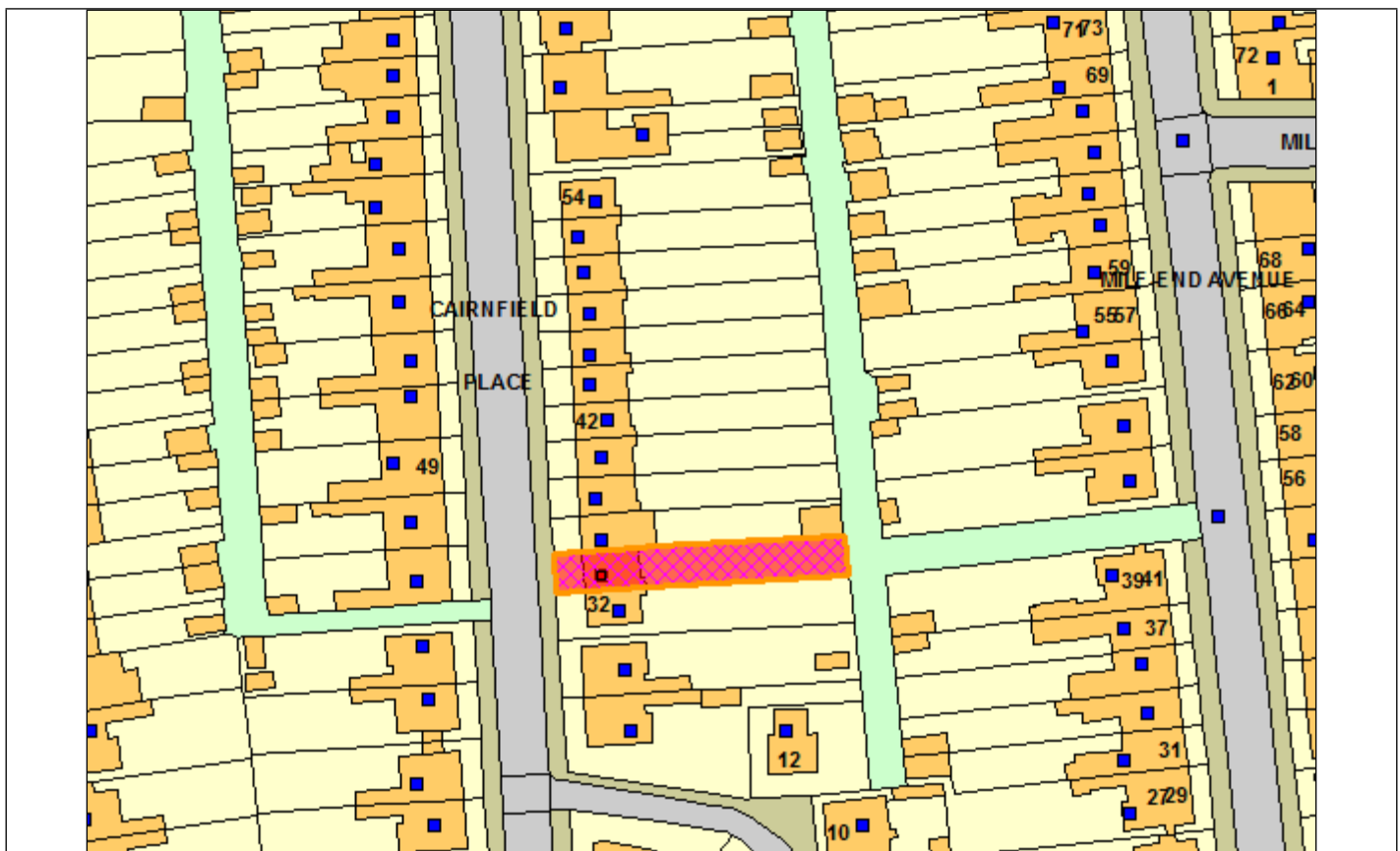
ADVISORY NOTES FOR APPLICANT

As well as the Council's Planning Service, the Council's Licensing Committee has responsibility for granting licenses. Proposals for street cafes must also adhere to other regulations from the Council's Roads Department.

Permissions to use the footway for pavement cafes are granted by the issue of permits by the City Council as the Roads Authority under Section 59 of the Roads (Scotland) Act 1984. Tables and chairs placed on the Footpath without this permission are an illegal obstruction and the Council will take enforcement action in such cases. The applicant is required to contact the Street Occupation Unit on (01224) 522427 with regards to this matter, such that an appropriate permit is in place prior to the establishment of the hereby approved street cafe.

	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 24 August 2017

Site Address:	34 Cairnfield Place, Midstocket, Aberdeen, AB15 5NA
Application Description:	Proposed garage in the rear curtilage of the dwelling
Application Reference:	170780/DPP
Application Type	Detailed Planning Permission
Application Date:	11 July 2017
Applicant:	Mr M. Osma
Ward:	Mid Stocket/Rosemount
Community Council	Rosemount And Mile End
Case Officer:	Roy Brown



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a 2½ storey granite terraced dwelling, and its front and rear curtilage. The dwelling has a west facing principal elevation and the majority of the rear curtilage is hard surfaced. There is a 2m high boundary fence on the south boundary of the rear curtilage and a 1m high boundary fence to the north.

The site is situated in an established residential area and is bounded by Cairnfield Place to the west, which the dwelling fronts; 36 Cairnfield Place to the north; Mile End Avenue Lane to the east; and 32 Cairnfield Place to the south.

A number of the residential properties either side of Mile End Avenue have single storey, single and double garages fronting the lane. One of the largest of these in terms of height is the double garage in the rear curtilage of the adjacent property, 36 Cairnfield Place, to the north.

Relevant Planning History

Application Number	Proposal	Decision Date
170780/DPP	Proposed 2 storey extension to the rear of 34 Cairnfield Place	15 th May 2017 Approved unconditionally
P091057	Proposed house extension and domestic garage at 36 Cairnfield Place	21 st August 2009 Approved unconditionally

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the erection of a two storey garage with upstairs ancillary accommodation, a 'home office', to the rear curtilage of the dwelling. The garage would have a built footprint of approximately 45 sqm, and a maximum height of approximately 6.2m.

On its east elevation, the garage would have a 1½ storey pitched roof form with an eaves height of approximately 2.8m. On its west elevation the garage would have a two storey flat roofed form with an overhanging roof and would be almost entirely glazed with an 11sqm window on the upper storey. The garage would have a roller shutter door and would be set back approximately 0.5m from the back lane.

No details of the external finishing materials of the proposed garage have been submitted with the application.

The application has been amended since its submission so that the two storey rear extension to the dwelling has been removed.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSIPKSBZLYO00>.

A statement has been submitted by the agent in support of the application.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of six or more timeous letters of representation (following advertisement and / or notification) that express objection or concern about the proposal – representing a significant level of opposition to any local development proposal. Under the Aberdeen City Council Scheme of Delegation for dealing with planning applications for Local Developments the appointed officer is therefore prohibited from determining the application.

CONSULTATIONS

Aberdeen City Council Roads Development Management Team – No objection - The proposed garage meets with the minimum required dimensions. The garage would be required to be set back in line with the neighbouring garage in order to maintain visibility. In its current form, the property has a large driveway to the rear, and a basement garage. Roads would require that the parking provisions at the property are maintained in order that an appropriate amount of parking is provided for the property. I have no objection provided the above comments are met.

Rosemount and Mile End Community Council – Objection – The proposed garage and office will dominate the area, it will be above the height of the garage at 36 Cairnfield Place, and its roof extension to the west will look directly into the rear windows and gardens of the adjacent houses. The loss of privacy will impact the neighbours.

REPRESENTATIONS

There have been nine letters of objection to this application. The matters raised relate to the following:

- The design, scale, number of storeys and height of the garage which would be out of place with the other garages and buildings of the area.
- The loss of privacy to neighbouring properties and curtilage, primarily due to overlooking from its glazed upper storey.
- The grant of planning permission would set an undesirable precedent for similar development in the area, which would impact its character.
- It would overshadow the rear lane, which would detract from its amenity.
- There are alternative designs which would achieve the function of the proposed development, which would be more suitable.
- The building could be converted for residential or business use in the future.
- Matters relating to the two storey extension which has been removed from the revised plans.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Aberdeen Local Development Plan (2017)

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Supplementary Guidance and Technical Advice Notes

Supplementary Guidance: 'The Householder Development Guide'

EVALUATION

Principle of Development

The site is located within a residential area, under Policy H1 – Residential Areas of the Aberdeen Local Development Plan and the proposal relates to a domestic outbuilding within the curtilage of an existing dwelling. The principle of such a proposal would therefore be acceptable, subject to an acceptable design and appearance, and it causing no adverse impact on residential amenity.

Design and Scale

The proposed garage would fail to comply with 'The Householder Development Guide' relating to outbuildings, which states that two storey outbuildings will general not be permitted. Where a second storey is to be accommodated within a pitched roofspace, outbuildings should retain the impression of being single storey in height and dormers will not be permitted as a means of gaining additional headroom.

While its access to the upper floor would be situated internally and it would have a pitched roof form on its east elevation, the proposed garage would be a two storey outbuilding. It would have a flat roofed two storey form on its north, west and south elevations, which would be readily publically visible from the lane to the north and south. Its 6.2m overall height would be far in excess of the heights of the existing garages fronting Mile End Lane. Its ridge height would be approximately 1.5m higher, and its 45 degree roof pitch would be steeper than the garage at 36 Cairnfield Place (Ref: P091057). As a result the garage would be significant in terms of height, size and massing on the streetscape, and would be incongruous to the local urban form and the established pattern of development in the surrounding area.

The two storey north and south elevations incorporates a design feature by way of incorporating two different finishing materials to resemble a pitched roof with a dormer. This design feature would not mitigate its two storey appearance, and would not be appropriate for a domestic outbuilding given that the Supplementary Guidance advises that dormers should not be incorporated in their design. In any case, details of the proposed materials have not been included on the submitted plans. Had the Planning Authority been minded to grant approval for the application, it would have been subject to an appropriate condition requiring that no development shall take place unless details of all of the external finishing materials have been submitted to, and approved in writing by the Planning Authority and that thereafter the development should be constructed in accordance with the approved details.

The grant of Planning Permission for the proposed garage would set an unwelcome precedent for similar development in the area, which would be significantly detrimental to its character and appearance.

The built footprint of the proposed garage, approximately 45sqm, would be substantial for a domestic outbuilding compared to the 65sqm built footprint of the existing dwelling. However, as the rear curtilage covers an area of 225 sqm, only 20% of the rear curtilage would be covered by development, and the proposal would comply with this aspect of the Supplementary Guidance: 'The Householder Development Guide', which advises that no more than 50% of the front or rear curtilage should be covered by development. Therefore, solely in terms of the consideration of the amount of garden ground to be built upon, the proposal would not necessarily constitute the over development of the site.

The garage would not disrupt the principal elevation of the dwelling given its location in the rear curtilage. Nevertheless, due to its significant size, scale and massing it would not be of an appropriate design in the context of the dwelling and the surrounding area.

In no way would the proposed garage retain the impression of a single storey, nor would its design and scale be compatible to the domestic outbuildings in the surrounding area. The proposal would be significant in terms of massing and would have a significant adverse visual impact on Mile End Lane. The proposal would therefore adversely affect the character of the surrounding area. It would therefore conflict with Policy H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'.

Impact on Amenity

Privacy

The Supplementary Guidance: 'The Householder Development Guide' states that new development should not result in the significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground / amenity space. The upper storey of the proposed garage contains a 'home office', which would be a habitable room / ancillary accommodation to the dwelling. Its west elevation is almost entirely glazed and faces towards the neighbouring dwellings and down into neighbouring rear gardens.

The Supplementary Guidance: 'The Householder Development Guide' states that any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy. In this case, there would be approximately 25m between the windows of habitable rooms on the east elevations of 32 and 36 Cairnfield Place and the west elevation of the proposed garage. Given the significant distance, the garage would not necessarily look into the habitable rooms of the neighbouring dwellings. However, given the substantial size of the window on the upper floor, which would cover an area of 11sqm and the majority of the upper store of the west elevation, the proposed garage would introduce a sense of overlooking into these properties, which would impact their level of amenity.

The Supplementary Guidance: 'The Householder Development Guide' also states that any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. The proposed garage would overlook the rear gardens of 28, 30 and 32 Cairnfield Place to the south and 36 and 38 Cairnfield Place to the north. While these gardens already experience a degree of overlooking from windows to habitable rooms on the rear east elevations of the terrace and there is limited boundary treatment between the properties, the orientation is such that it is the eastern ends of the gardens which experience the overlooking, where there are outbuildings and driveways. This proposal would introduce a direct level of overlooking from the east back towards the neighbouring dwellings down into areas of private amenity garden ground from a very large elevated 11sqm window. This situation would significantly affect the existing level privacy afforded to these five properties and would be overbearing, which would be to the detriment of their residential amenity. The proposal would

therefore be contrary to the Supplementary Guidance: 'The Householder Development Guide'; and Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan.

Daylight

Calculations, using the 25 and 45 degree rule in the Householder Development Guide, show that the proposed garage would not adversely affect the level of background daylight entering the windows of any habitable rooms of neighbouring properties.

Sunlight

Calculations, using the 45 degree in the Supplementary Guidance: 'The Householder Development Guide', show that the proposed garage would have a degree of overshadowing to approximately 16 sqm of garden ground of 36 Cairnfield Place and approximately 20sqm of garden ground to 32 Cairnfield Place. Because the affected areas would be minor relative to the total area of the affected gardens, and the spaces are areas of hard surface/driveways rather than used as private amenity garden ground, the impact on the level of sunlight afforded to these properties would not significantly adversely affect their level of amenity.

While the loss of sunlight afforded to 36 Cairnfield Place would not significantly adversely affect their level of amenity to a degree which would warrant the refusal of planning permission.

Matters Raised in the Letters of Objection

The material planning considerations raised in the letters of objection have been addressed in the above evaluation.

While the proposed garage may overshadow the rear lane, the level of overshadowing to the public road would not be a significant material consideration which would warrant the refusal of planning permission in this instance.

There would likely be alternative designs for domestic outbuildings in the rear of this dwelling which would address the concerns in this evaluation. However, the Planning Authority must determine the application based on the drawings which have been submitted.

As a change of use has not been included in this application, the application is assessed on the basis that the proposed garage is a domestic development associated with 34 Cairnfield Place. Any future or other intended use for commercial purposes would require a separate application for Detailed Planning Permission. Neighbours would be notified and given the opportunity to comment on such a proposal in the event that such an application is submitted.

Matters Raised by Roads Development Management

The proposed garage would be set back from the road and align with the garage at 36 Cairnfield Place. The existing hard surface area, which could be used parking provision would be unaffected by this proposal. As the comments in the consultation response have been addressed, Aberdeen City Council Roads Development Management has not objected to the application.

Matters Raised by Rosemount and Mile End Community Council

The matters raised by the local Community Council have been addressed in the above evaluation.

Summary

Due to its significant height and two storey appearance, the proposed garage would appear significant in terms of size, scale and massing on Mile End Avenue Lane and would appear incongruous to the established pattern of development in the surrounding area. It would therefore not be architecturally compatible in terms of design and scale in the context of the original building and the surrounding area. No details of external finishing materials have been submitted with the application. Had the Planning Authority been minded to recommend approval, it would have been subject to an appropriate condition relating to materials. The proposed garage would adversely affect the level of privacy to five neighbouring residential properties by way of an unacceptable level of overlooking into their rear gardens. The proposed garage would therefore adversely affect character and amenity of the surrounding area. The proposed garage would fail to comply with Policy D1 – Quality Placemaking by Design and Policy H1 – Residential Areas of the adopted Aberdeen Local Development Plan; and the Supplementary Guidance: ‘The Householder Development Guide.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed garage would have a two storey appearance which would be significant in terms of size, scale and massing and would be incongruous to the established pattern of development in the surrounding area. It would therefore not be architecturally compatible in terms of design and scale in the context of the original building and the surrounding area. The proposed garage would adversely affect the level of privacy to five neighbouring residential properties by way of an unacceptable level of overlooking into their rear gardens from the very large elevated window of its upper storey accommodation. The proposed garage would therefore adversely affect the character and amenity of the surrounding area. The proposed garage would fail to comply with Policy D1 – Quality Placemaking by Design and Policy H1 – Residential Areas of the adopted Aberdeen Local Development Plan; and the Supplementary Guidance: ‘The Householder Development Guide.

CONDITIONS

N/A

ADVISORY NOTES FOR APPLICANT

None

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