

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 28 March 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig and Avril MacKenzie.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=5868&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.

UNION TERRACE GARDENS - ALTERATIONS AND EXTENSION TO GARDENS - 170497

1. With reference to article 9 of the Planning Development Management Committee of 22 February 2018, whereby it had been agreed to visit the site before determining the application, the Committee had before it a report by the Interim Chief Officer for Strategic, Place and Planning, **which recommended:-**

That the application for the alterations and extension to Union Terrace Gardens, including the restoration and renovation of structures/statues and toilets, development of buildings containing exhibition, retail, café and community hub space, provision of improved access and associated infrastructure and engineering works, be approved subject to the following conditions.

1) Photographic Survey

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

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

2) Further Details on Tree Retention

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That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority further detailed construction drawings for all the trees identified to be retained: as highlighted in green and amber on drawing no. 5442-AIA-004 (Existing and Proposed Tree Planting).

Reason- in order to ensure protection of trees onsite during the construction of the development.

3) Tree Protection

That no development shall take place unless a detailed tree protection plan has been submitted to and approved in writing by the Planning Authority and thereafter any recommended measures specified within that plan shall be implemented in full. Such plan should acknowledge the detailed construction methods proposed/ required and associated risks to existing trees.

Reason - in order to ensure adequate protection for the trees onsite during the construction of the development.

4) Removal of Trees

That the removal of trees, as agreed in terms of conditions on this permission, shall only take place outside the bird nesting season (that being mid-March until the end of August), unless otherwise agreed in writing with the planning authority.

Reason – In the interests of preserving wildlife.

5) Public Access during Constriction

That no development shall take place unless further details on temporary measures for public access and safety during construction has been submitted to, and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in the interest of public access and safety.

6) Bus Stop Improvement

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the design of and means of delivery for new bus stops serving Union Terrace has been submitted to and approved in writing by the planning authority. Thereafter such use of these

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buildings and enclosed areas shall not become operational until the bus stops are installed in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to encourage the use of public transport to the site and ensure the safety of pedestrians.

7) Disabled Parking Bays on Union Terrace

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the disabled parking bays on Union Terrace are submitted to and approved in writing by the planning authority. Thereafter such use of these buildings and enclosed areas shall not become operational until the bays so approved are available for use in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to ensure the safety of pedestrians.

8) Delivery Bays on Union Terrace

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the delivery bays for vehicles serving the commercial units on Union Terrace are submitted to and approved in writing by the planning authority. Thereafter such use of these buildings and enclosed areas development shall not become operational until the bays so approved are available for use in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to ensure the safety of pedestrians.

9) Play Equipment

That prior to commencement of the development, a scheme detailing the play equipment to be provided within the Gardens shall be submitted to and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity

10) Community Garden

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That prior to commencement of the development, a scheme detailing the interventions associated to the community garden and any associated building(s) shall be submitted to and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity

11) Re-use of Granite Downtakings

That no development shall take place unless further details are submitted on how granite downtakings associated with the hereby approved development, are to be reused within the wider scheme, unless otherwise agreed in writing with the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason: In accordance with Policy D5 – Our Granite Heritage

12) Inscriptions on Surfacing and Steps

That no development shall take place unless a detailed scheme setting out proposals of historic referencing on surfacing and steps, including detailed drawings, has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity and to respond to the layers of history associated with the site.

13) Lighting Feature

That no development shall take place unless further details the 'halo of light' feature (including the suspended ring and support poles) has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to preserve visual amenity.

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14) Lighting Mitigation Plan

That no development shall take place unless a lighting assessment/ mitigation plan, to address any potential impacts on wildlife, for the scheme of lighting proposed (based on the BCT Interim Guidelines for artificial light and wildlife) has been submitted to and approved in writing by the Planning Authority. The assessment should include the type of light used in all light sources (Spectral composition), whether use of directional lighting is proposed and where and whether some dark periods are to be provided in operation of the lights.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to balance the impact on ecosystems and control light pollution and reduce lighting energy consumption.

15) Building Materials

That no development pursuant to the planning permission hereby approved shall be carried out unless samples of all external materials and finishes associated to all built development, including but not limited to: buildings; walkways; paths; stairs; railings; and infill to the arched arcades have been submitted to, and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to protect the visual amenities of the area.

16) Environmental Noise Control

That prior to the commencement of any use, within the new buildings along Union Terrace, a noise impact assessment (s) shall be submitted to and approved in writing by the Planning Authority.

This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- b) Identify the likely sources of noise associated with the proposed development;
- c) Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences; and
- d) The methodology for the noise assessment should be submitted and agreed in writing with Aberdeen City Council Environmental Health Service in advance of the assessment.

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Such use(s) shall not thereafter commence unless the mitigation measures thereby approved have been implemented in their entirety.

Reason – in the interests of protecting the amenity of neighbouring properties.

17) Environmental Odour Control

That no cooking activities (including: oven cooking; boiling; stewing; grilling/broiling; deep fat frying or shallow frying) shall take place in any of the buildings hereby approved unless a Local Extract Ventilation System (LEV) has been installed and is operational in the premises, all permitted activities relating to hot foods must be limited to appropriate means of re-heating and hot holding precooked products only.

Reason – In the interests of protecting amenity of local residents and to remove the risk of malodour from cooking activities.

18) Local Extract Ventilation

Where any use is to commence inclusive of a commercial food service, where a Local Extract Ventilation (LEV) system is to be installed to remove food cooking odours and fumes, the following are required:

- a) A suitable extract ventilation assessment by a competent person, to establish the necessary air extraction flow rate based on the proposed cooking activities, the necessary specification of the LEV equipment and mitigation measures required to effectively; filter, neutralise extract and disperse cooking fumes produced at the premises. The assessment should be carried out in accordance with relevant standards, for example the DEFRA document Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems and associated references.
- b) The details of this assessment and its findings must be submitted to, and approved in writing by the planning authority, 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 cooking odour/fume control measures and their effectiveness.

Such commercial food services shall not become operational until such time as the LEV system thereby approved has been installed and is operational in the premises.

Reason – in the interests of protecting the amenity of neighbouring properties.

19) Implementation of Green Measures

That no development shall take place until a schedule of the green measures that will be implemented on site (for example green roofs, rain water harvesting/ sustainable

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water use measures, use of native plant species) have been submitted to, and approved in writing by the planning authority, in consultation with SEPA. Thereafter such measures shall be and implemented in full, in respect of the elements of development to which they relate.

Reason - to ensure adequate protection of the water environment and contribute to and enhance the natural environment.

20) Sustainable Urban Drainage Systems

That the development hereby approved shall not come into public use unless the Sustainable Urban Drainage Systems have been installed according to the Drainage Assessment (Ref: REP 0001- Issue 2). The said scheme should have a discharge of 40 litres per second or less to the Denburn in a 0.5% probability rainfall event.

Reason - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

21) Low and Zero Carbon Buildings and Water Efficiency

That the new buildings and enclosed areas within the arched arcades hereby approved shall not be brought into use until a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme have been implemented in full.

Reason - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

22) Waste Management

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless provision has been made within the application site for refuse storage and disposal in accordance with a detailed scheme including: the total number of waste bins, their sizes and collection arrangement by the business waste contractor, which has been submitted to and approved in writing by the planning authority.

Reason - in order to preserve the amenity of the neighbourhood and in the interests of public health.

ADVISORY NOTES FOR APPLICANT

1- Network Rail :

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Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent unauthorised and unsafe access to the railway.

If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

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

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer

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151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4087
E-mail: AssetProtectionScotland@networkrail.co.uk

- 2- The applicant is advised that the removal of the slip road on Union Terrace would require a stopping up order. The applicant should contact Doug Ritchie (DRitchie@aberdeencity.gov.uk) in this regard.
- 3- For the avoidance of doubt the planning consent hereby granted does not give or imply the granting of consent for any advertisement on the approved buildings and structures. If such advertisements do not benefit from deemed advertisement consent, a separate application for express advertisement consent should be submitted. For further advice please contact the planning authority.
- 4- For the avoidance of doubt the planning consent hereby recommended does not give or imply granting of consent for cleaning of any of the buildings with abrasive, chemical or high pressure water method above 50 p.s.i. For further advice please contact the planning authority.
- 5- Any CCTV system installed should be monitored and registered with the Information Commissioner's Office (ICO) to be compliant with current legislation including the Data Protection and Human Rights Acts. Further information can be obtained at the ICO website at www.ico.gov.uk to assist with this compliance.

Following the site visit, members returned to the Town House to deliberate and determine the application. The Committee heard from Kristian Smith, Team Leader, Development Management, who spoke in furtherance of the application and answered various questions from members. Laura Robertson, Senior Planner, and Kevin Wright, Environmental Planner, also answered questions in regards to the application. Members asked a number of questions which included the details on the height of the three proposed buildings, consultation with the relevant disability groups, the proposed planning condition in regards to the re-use of granite, the loss of trees and the Tree Protection Orders currently in place and also the proposed water feature.

The Committee resolved:-

to approve the application conditionally as contained within the report.

- **Councillor Marie Boulton, Convener**

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