

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

30 April 2020

ABERDEEN, 30 April 2020. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, Vice Convener, the Depute Provost; and Councillors Allan, Cooke, Copland, Greig, Henrickson (as substitute for Councillor Cormie), Avril MacKenzie and Malik.

**The agenda and reports associated with this minute can be found [here](#).**

**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 19 MARCH 2020**

1. The Committee had before it the minute of the previous meeting of 19 March, 2020, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

**MINUTE OF MEETING OF THE PRE DETERMINATION HEARING OF 13 JANUARY 2020**

2. The Committee had before it the minute of the Pre Determination Hearing of 13 January 2020, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

**MINUTE OF THE MEETING OF THE PRE DETERMINATION HEARING OF 15 JANUARY 2020**

3. The Committee had before it the minute of the Pre Determination Hearing of 15 January 2020, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

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**COMMITTEE PLANNER**

4. The Committee had before it a planner of future Committee business.

**The Committee resolved:-**

to note the information contained within the Committee business planner.

**CLOVERHILL ABERDEEN - 191171**

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for planning permission in principle for the erection of a residential led, mixed use development of approximately 550 homes, community and sports facilities, retail (Classes 1, 2, 3 and Sui Generis) with associated landscaping, open space and infrastructure, at Cloverhill Aberdeen, be approved conditionally with a legal agreement.

**Conditions****(1) PHASING**

That no development shall take place unless a phasing programme outlining the delivery of buildings, open spaces and roads infrastructure across the entire application site has been submitted to and approved in writing by the planning authority. For the avoidance of doubt, this scheme shall include details of trigger points for delivery of retail use to meet the local need generated by the new residential development, as well as community and sporting facilities.

Reason: in order to ensure development is progressively accompanied by appropriate associated infrastructure.

**(2) DETAILED DESIGN (BY PHASE)**

No development in connection with any individual phase of the planning permission hereby approved shall take place unless the following details for that respective phase have been submitted to the Planning Authority and agreed in writing. Thereafter, development within that phase of development shall be implemented in accordance with the approved details.

Unless otherwise agreed in writing with the planning authority, MSC applications shall include:

- a) siting, design and external appearance of the built development;
- b) a detailed landscape plan and strategy;
- c) details of the means of access

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- d) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- e) a detailed Drainage Plan, including details of the proposed means of disposal of surface water, including how surface water run-off shall be addressed during construction, incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
- f) details of the connection to the existing Scottish Water foul water drainage network;
- g) details of all cut and fill operations;
- h) the details of all roads, footpaths, cycleways and car parking provision;
- i) details of any screen walls/fencing/boundary enclosures;
- j) details of all landscaping, planting and screening associated;
- k) details of the layout, siting, design and finish of all residential properties;
- l) details of the layout, siting, design and finish of all non-residential properties, including but not limited to: retail and commercial premises, community facilities, sports pitch and pavillion; and,
- m) details of waste/recycling collection points, for residential and non-residential properties.

Reason: In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

### (3) LANDSCAPING INFORMATION

The landscaping details to be submitted pursuant to Condition 2 above (detailed design by phase) shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point;
- b) Existing landscape features and vegetation to be retained.
- c) Tree survey, including layout plan showing proposed development together existing trees;
- d) Existing and proposed services including cables, pipelines and substations;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A Biodiversity Action Plan;
- j) A Management Plan detailing appropriate management measures for all watercourse buffer strips;
- k) A programme for the completion and subsequent maintenance of the proposed landscaping.

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All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase 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 the interests of protecting trees and ensuring a satisfactory quality of environment.

**(4) DRAINAGE CONNECTIONS**

The details to be submitted pursuant to Condition 2 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided, is operational, and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme.

Reason: To protect the water environment and help reduce flooding.

**(5) ARCHAEOLOGY**

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

Reason - to safeguard and record the archaeological potential of the area. In the first instance a 7-10% archaeological investigation is envisaged to be suitable

**(6) CONTAMINATED LAND (i)**

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No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination
2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

**(7) CONTAMINATED LAND (ii)**

No building(s) within an individual phase of the development hereby approved shall be occupied unless the following matters have been agreed for that phase:

1. any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

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

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

**(8) SAFE ROUTES TO SCHOOL**

That no residential units shall be occupied unless safe routes to school have been provided in accordance with a scheme which has first been submitted to, and approved in writing by the planning authority. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school.

Reason: In order to provide safe routes for travelling to local schools by sustainable means.

**(9) RESIDENTIAL TRAVEL PACK**

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That no residential unit within the development shall be occupied unless a Residential Travel Pack, expanding on the principles set out in the agreed Travel Plan Framework and containing proposals for reducing dependency on the private car has been submitted to and approved in writing by the Planning Authority, and thereafter provided to residents on first occupation.

Reason: to be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport – in the interests of reducing travel by private car.

**(10) BUS STOPS**

That no residential units shall be occupied unless bus stops have been provided on the A92, in accordance with a scheme which has first been submitted to and agreed in writing by the planning authority.

Reason: In order to provide the necessary infrastructure to make the development accessible by public transport and to encourage travel by sustainable means.

**(11) TRAFFIC REGULATION ORDERS**

No buildings within the development hereby approved shall be occupied unless the necessary the necessary Traffic Regulation Orders have been obtained for the reduction of speed limits on the A92 to 40mph, including provision for temporary 20mph limits to accommodate safe travel to schools.

Reason: In order to facilitate safe access to schools and to reduce traffic speeds to a level appropriate for a residential area.

**(12) TOUCAN CROSSING SOUTH OF MURCAR ROUNDABOUT**

No buildings in the area shown shaded on Halliday Fraser Munro drawing ref 11085-SK-040 (or such equivalent drawing as has been submitted to and approved in writing by the planning authority as part of the final designed scheme) may be occupied unless a toucan crossing has been provided across the A92, at a suitable location north of the main site access and to the south of the Murcar Roundabout (or such equivalent alternative means of facilitating pedestrian/cycle crossing as agreed), in accordance with a scheme submitted to and approved by the planning authority.

Reason: to ensure that the site has appropriate pedestrian infrastructure to allow connection to local shops and services in the surrounding area and to ensure compliance with policies T2 (Managing the Transport Impacts of Development) and T3 (Sustainable and Active Travel) of the ALDP.

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**(13) ACCESS JUNCTIONS (i)**

That no unit within the site shall be occupied unless the main access junction (as shown in Appendix D to the Transport Assessment, drawing ref 123823/sk1012-Rev B, or any such other drawing as has been approved by the planning authority for this purpose, based on the finalised scheme) has been fully constructed and made available for use.

Reason: In order to ensure that the development is served by the necessary roads infrastructure and to ensure compliance with policy T2 (Managing the Transport Impacts of Development) of the ALDP.

**(14) ACCESS JUNCTIONS (ii)**

That no more than 150 units within the site shall be occupied unless both access junctions (as shown in Appendix D to the Transport Assessment, drawing refs 123823/sk1012-rev B and 123823/sk1013-revA, or any such other drawings as have been approved by the planning authority for this purpose, based on the finalised scheme) have been fully constructed and made available for use.

Reason: In order to ensure that the development is served by the necessary roads infrastructure and to ensure compliance with policy T2 (Managing the Transport Impacts of Development) of the ALDP.

**(15) NOISE ASSESSMENT AND MITIGATION MEASURES**

No works within a given individual phase of development shall commence unless a further noise assessment, based on the final design and layout approved for that phase via condition 2 (Detailed Design by Phase) and including details of any necessary noise mitigation measures, has first been submitted to and agreed in writing by the planning authority.

Thereafter, no residential unit within that phase of the development shall be occupied unless the approved mitigation measures have been implemented in full and a further Noise Impact Assessment has been submitted to and approved in writing, demonstrating that mitigation measures have delivered the anticipated noise reductions (or such other alternative arrangements as have been agreed in writing) by the planning authority.

In the event that the anticipated noise reductions are not achieved by the agreed mitigation measures, alternative mitigation must be agreed in writing with the planning authority and its efficacy verified prior to occupation of the affected units.

Reason: To ensure that a suitable residential environment is provided, and that potential noise impact is mitigated as necessary.

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**(16) DUSK RISK ASSESSMENT AND MANAGEMENT PLAN**

No development in connection with the planning permission hereby approved shall be carried out unless:

(i) An Air Quality (Dust) Risk Assessment, carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction" 2014, has first been submitted to and agreed in writing by the planning authority.

(ii) A site-specific Dust Management Plan, based on the outcomes of the Air Quality (Dust) Risk Assessment and detailing the necessary control measures to be implemented for each phase of the proposed works (demolition, earthworks, construction, and trackout), an example of the monitoring protocol and schedule to be implemented on-site, and the responsible person for dust control on-site, has first been submitted to and agreed in writing by the planning authority.

Thereafter, all works shall be carried out in accordance with the control measures so agreed.

Reason: In order to mitigate the impact of dust from construction activities associated with the development on local air quality.

**(17) SPECIES SURVEY AND MITIGATION**

No development in any individual phase of the development hereby approved shall take place unless pre-construction surveys for reptiles and protected species (red squirrel /bats /badgers) for that phase, including details of any necessary mitigation measures, have been carried out and submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place within the relevant phase of the development unless any necessary mitigation measures have been implemented as agreed

Reason: to ensure the protection of reptiles and protected species during construction works

**(18) PRIVATE WATER SUPPLIES**

No development in any particular phase of the development hereby approved shall take place unless it is demonstrated to the satisfaction of the planning authority, in consultation with SEPA, that any wells within/in the vicinity of that phase of works are avoided through appropriate buffers, as detailed in SEPA's guidance on 'Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems' or otherwise agreed with the owner of any PWS that they will be connected to the public supply to avoid disruption and negative impacts during the construction works.



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Reason: To protect the water environment and its users.

**(19) DE-CULVERTING OF WATERCOURSES**

Prior to commencement of any work in any individual phase a detailed scheme for the protection and enhancement of the water environment within that phase shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA.

As a minimum, this shall include:

- a) Demonstration of how the existing waterbodies on site have been incorporated into the layout of the development, including appropriate buffer zones
- b) Detailed information relating to the investigation of and realignment / de-culverting of any watercourses onsite
- c) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be bridging solutions or bottomless or arched culverts, designed to accept the 1 in 200 year flow unless otherwise agreed with the Planning Authority in consultation with SEPA.

All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority.

Reason: To protect the water environment and to prevent an increase in flood risk.

**(20) SUSTAINABLE URBAN DRAINAGE AND RELATIONSHIP TO THE WATER ENVIRONMENT**

That no development in any individual phase shall take place unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. This shall include an assessment to demonstrate how the layout and design has considered the feasibility of de-culverting any water courses within the site and also what measures are proposed to minimise impacts on the spring in the north east of the site, identifying reasonable compensatory measures or proportionate mitigation to the satisfaction of the planning authority. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control. A minimum 6m buffer shall be maintained between development including garden ground and property boundaries and the top bank of the Silver Burn and any proposals to de-culvert watercourses through the site.

Reason: To ensure adequate protection of the water environment from surface water run-off and to provide for enhancement of the natural environment.

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(21) TREE SURVEY AND PROTECTION MEASURES

That no development in any individual phase shall take place unless a plan showing those trees to be removed and those to be retained and 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.

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

(22) TREES – CARE AND MANAGEMENT

That no units within a given individual phase 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) for that phase has been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be carried out in accordance with such plan and report as may be so approved.

Reason: In order to preserve the character and visual amenity of the area.

(23) CARBON REDUCTION AND WATER EFFICIENCY

No units within a given individual phase of development shall be occupied unless a scheme detailing measures to ensure compliance with the Council's 'Resources for New Development' Supplementary Guidance (including water efficiency measures) within that phase has first been submitted to and agreed in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and reduction in water use have been implemented in full.

Reason: To ensure that this development complies with the requirements for carbon emission reductions and water saving measures set out in the Council's 'Resources for New Development' Supplementary Guidance.

(24) SPORTS PITCH – HOURS OF OPERATION

The approved sports pitch shall not be used outwith the hours between 09.00 and 22.00.

Reason - To ensure adequate protection of amenity to the residents of the development.

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**(25) SPORTS PITCH – NOISE ASSESSMENT AND MITIGATION**

No development relating to the formation of the approved sports pitch shall be undertaken unless a further noise impact assessment, including an assessment of adherence to 'Sportscotland Outdoor Sports Facilities - Planning Guidance/1002 - Siting of Synthetic Grass Pitches - Guidance on Noise and Floodlighting' and detailing any necessary noise mitigation measures, has first been submitted to and approved in writing by the planning authority.

Thereafter, the approved sports pitch shall not be brought into use unless all mitigation measures set out in the agreed noise impact assessment have been implemented in full.

works in any individual phase of development details of the proposed street design for that phase, which shall contain but not be limited to: a parking strategy; road geometry, dimensions and swept-path analysis; road junctions and visibility splays; traffic calming measures; cycleway provision; gradient; level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. No building shall not be occupied unless the streets and parking areas for the respective block are complete and available for use.

Reason: in the interests of road safety.

**(26) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)**

No development shall be carried out within any individual phase of the development hereby approved unless a site specific Construction Environmental Method Plan (CEMP) for that phase of works has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. Thereafter, 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 necessary demolition and construction works on the environment.

**(27) FLOOD RISK ASSESSMENT ON FINAL LAYOUT**

No development shall take place unless a matters specified in conditions application comprising a flood risk assessment (FRA) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The FRA shall be undertaken in accordance with SEPA's 'Technical Flood Risk Guidance for Stakeholders' and considers the flood risk from all sources which may affect the development.

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Thereafter all works on site must be undertaken in accordance with the approved FRA unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason - in order to protect the proposed development from flood risk.

(28) A92 STREETLIGHT UPGRADING

That no residential units within the development hereby approved shall be occupied unless streetlights on the A92, between Murcar Roundabout and The Parkway, have been upgraded to LED illumination.

Reason: In order to reflect the increased pedestrian travel along this route and to bring it up to current standards for streetlighting in residential areas.

The Committee heard from Mr Gavin Evans, who spoke in furtherance of the application and answered various questions from members.

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

to approve the application conditionally with a legal agreement.

## **ABERDEEN MARKET - 190312**

**6.** The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed planning permission for a major development consisting of demolition and redevelopment of the existing site to form a mixed use office-led development (Class 4) (circa 18,000 sqm), with retail (Class 1), financial and professional (Class 2), food and drink (Class 3), public house (Sui Generis) and assembly and leisure (Class 11) uses (circa 750sqm), landscaping, public realm, car parking and associated works, be approved conditionally, but to withhold consent until a legal agreement be secured to deliver developer obligations towards core paths, open space and provision of a car club vehicle.

### **Conditions**

#### **PRE-DEMOLITION**

(1) GEO-ENVIRONMENTAL INVESTIGATION

No development (including demolition or site setup) shall take place unless a scheme to deal with any contamination that may exist within the site has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be

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conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter the development shall not be brought into use unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and (ii) a report has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the site has been carried out, unless the planning authority has given written consent for a variation.

Reason – to sure that the site is fit for human occupation

**(2) ARCHAEOLOGY**

No development (including demolition or site setup) shall take place unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works.

Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason – to safeguard and record the archaeological potential of the area.

**(3) SURFACE WATER MANAGEMENT**

No development (including demolition or site setup) shall take place unless a demolition/construction phase surface water management strategy has been submitted to and approved in writing by the planning authority in consultation with SEPA. SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) must be used as a basis for the strategy. Thereafter demolition/development shall not be undertaken other than in accordance with the approved plan.

Reason – to minimise the impacts of demolition/construction works on the environment.

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**(4) SITE WASTE MANAGEMENT PLAN**

No development (including demolition or site setup) shall take place unless a demolition/construction phase site waste management plan (SWMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The SWMP must take account of the guidance available at the NetRegs website and specifically the Waste Management Plan template. Thereafter demolition/development shall not be undertaken other than in accordance with the approved plan.

Reason – to improve materials resource efficiency and ensure the appropriate management and disposal of waste from the development.

**(5) DUST MANAGEMENT PLAN**

No development (including demolition or site setup) shall take place unless a Dust Management Plan for the demolition/construction phase of development has been submitted to and approved in writing by the planning authority. The management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter demolition/development shall not be undertaken other than in accordance with the approved plan.

Reason – to control air pollution from dust associated with demolition and construction of the development.

**(6) SUSTAINABILITY MEASURES**

No development (including demolition or site setup) shall take place unless a scheme of sustainability measures to be implemented within the development has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme should investigate and where appropriate implement the use of rainwater harvesting, bio-retention, green/blue roofs, living green walls, renewable energy sources and other suitable sustainability measures.

Reason – To contribute to and enhance the natural environment and support Policy D1 (Quality Placemaking by Design)

**(7) NO. 6 MARKET STREET**

No development (including demolition or site setup) shall take place unless a scheme detailing the works to 6 Market Street has been submitted to and approved in writing by the planning authority. The scheme shall include detailed specifications featuring –

1. 1:10 elevation and section drawing detailing the proposed alteration to Market Street elevation shopfront including the new column details and positioning of the glazing.

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2. Details of the proposed new arched glazing.
3. 1:10 elevation and section showing how the new building will abut 6 Market Street
4. A sample of stone for the stone forming the new columns.
5. Details of the external finishing material for the East Green elevation

Thereafter demolition/development shall not be undertaken other than in accordance with the approved scheme.

Reason – to ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal.

### PRE-CONSTRUCTION

#### (8) DRAINAGE

No development shall take place unless a detailed scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the planning authority. Thereafter development shall not be brought into use unless the development has been implemented in accordance with the approved scheme and is available for use.

Reason – to safeguard water quality and to ensure that the development can be adequately drained.

#### (9) FLOOD MITIGATION

No development associated with the construction of the development shall take place unless a scheme for the provision of flood resilient doors has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be brought into use unless the approved scheme has been implemented.

Reason – to mitigate the residual risk to the building of surface water flooding.

#### (10) EXTERNAL FINISHING MATERIALS

No development shall take place unless a scheme detailing all external finishing materials of the proposed building has been submitted to and approved in writing by the planning authority. The scheme shall include –

1. Detailed specifications of all materials to be used on the external areas of the building
2. Elevational drawings clearly showing which materials are to be used on each part of the building
3. 1:20 construction drawings, showing the size of granite cladding blocks to be used

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4. 1:20 construction drawings, showing the detailing of points where there would be a change in the surface finishes (for example where glazed sections of frontage meet granite-clad sections)
5. Perforated translucent lattice grills to the East Green elevation of the car park.
6. Measures to prevent the nesting of birds on the external areas of the building.

Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal.

**(11) EXTERNAL LIGHTING STRATEGY**

No development associated with the construction of the development shall take place unless a scheme for the external lighting of the building (including the 'lantern tower') and its external areas has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be brought into use unless the approved scheme has been implemented and is operational.

Reason – to integrate the development into the surrounding streetscape and skyline.

**(12) MICRO-CLIMATE**

No development associated with the construction of the development shall take place unless a scheme for the provision of measures to mitigate the impact of the building on the surrounding microclimate (as recommended in Micro-climate study F1879 101 R01 (Rev.A) and addendum by Wilde) has been submitted to and approved in writing by the planning authority. Thereafter the measures shall be implemented as soon as practicably possible during the construction of the building. In any case, the building shall not be brought into use unless the approved measures have been implemented.

Reason – to mitigate the impact of the building on the surrounding micro-climate.

**(13) LOW AND ZERO CARBON GENERATING TECHNOLOGIES**

The building shall not be occupied unless (i) a scheme detailing compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) and associated supplementary guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to low and zero carbon generating technologies has been submitted to and approved in writing by the planning authority; and (ii) thereafter the approved scheme has been implemented and measures are available for use

Reason – to ensure the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary



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Guidance document, 'Low and Zero Carbon Buildings' or other guidance in force for the same purpose.

**(14) WATER EFFICIENCY**

The building shall not be brought into use unless (i) a scheme detailing compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) and associated supplementary guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to water efficiency measures has been submitted to and approved in writing by the planning authority. The scheme should consider the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development. Thereafter the building shall not be brought into use unless the approved scheme has been fully implemented and identified measures are available for use.

Reason – to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

**(15) EXTERNAL PUBLIC REALM AND LANDSCAPING**

No development associated with the construction of the development shall take place unless a scheme detailing all hard and soft landscaping has been submitted to and approved in writing by the planning authority. The scheme shall take account of the historic townscape context, functional purpose and micro-climate study and include detailed specifications of –

- a. Proposed finished ground levels and features designed to allow pedestrian movement from different levels, taking account of the changes in levels across the site and surrounding streets.
- b. Location, design and materials of walls, planters, railings and all other street furniture.
- c. Proposed, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting (including proposed green walls).
- d. Proposed hard surface finishing materials within the site and on pavements immediately adjacent to the site.
- e. The retention of the existing tree planters located on Hadden Street (unless their removal can be justified as being unavoidable)
- f. Arrangements for the management and maintenance of proposed public realm.

Thereafter the building shall not be brought into use unless the areas of public realm have been constructed and are available for use in accordance with the approved scheme. Such areas will thereafter remain in use as publicly accessible space for the life of the development.

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All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase 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.

Reason – to integrate the development into the surrounding streetscape and enhance the provision of public realm within the city centre.

PRE-OCCUPATION**(16) NOISE MITIGATION (MECHANICAL PLANT)**

No part of the building shall be brought into use unless a noise assessment considering the impact on nearby residential properties (existing and consented) of noise from mechanical plant associated with the development has been submitted to and approved in writing by the planning authority. This assessment should:

- Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- Identify the likely sources of noise associated with the proposed development.
- 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.
- The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment

Thereafter the building shall not be brought into use unless any identified mitigation measures have been implemented and are operational.

Reason – to protect residential properties from noise associated with the development.

**(17) TAXI RANK**

No part of the building shall be brought into use unless a scheme showing an amended taxi rank layout on Hadden Street which takes account of vehicular access and egress points to the development, has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority the building shall not be brought into use unless (i) any markings or signs associated with the taxi rank which require to be amended as a consequence have been implemented; and (ii)

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any necessary traffic regulation order is in place and licensing requirements are in place to ensure the amended taxi rank has effect.

Reason – to ensure that the impact of the development on the existing taxi rank is appropriately addressed.

**(18) CAR CLUB PARKING SPACES**

No part of the building shall be brought into use unless a scheme showing the location and delivery method of one 'car club only' parking space has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless (i) the car club only parking space has been constructed and/or marked out and is available for use and any associated signs or road markings have been implemented, and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to car club vehicles only.

Reason – To encourage modal shift away from the private car.

**(19) CAR PARKING**

No part of the building shall be brought into use unless the car parking area (including motorcycle & bicycle parking, showers and electrical charging points) has been constructed and laid out in accordance with HFM drawings 11131 P(00)18D and 11131 P(00)19D (or other such drawing as agreed for the purpose) and is available for use.

Thereafter the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those working at or visiting the building.

Reason – in the interests of public safety and the free flow of traffic

**(20) WASTE STORAGE**

No part of the building shall be brought into use unless the waste storage area shown on HFM drawing 11131 P(00)19D (or other such drawing as agreed for the purpose) has been constructed and is available for use.

Waste storage areas shall not thereafter be used for any other purpose other than the purpose of storing waste generated by the development. No waste storage containers shall be stored outside the building at any time.

Reason – to ensure there is sufficient space for the storage of waste and to maintain the amenity of the area.

**(21) TRAVEL PLAN**

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No part of the building shall be brought into use unless a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets has been submitted to and approved in writing by the planning authority.

Reason – to encourage more sustainable forms of travel to the development.

**PRE-OCCUPATION (SPECIFIC USES)****(22) COOKING ODOUR EXTRACTION**

No part of the building shall be brought into use for the purposes of Class 3 (Food and Drink) or public house uses unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from that part of the building has been submitted to and approved in writing by the planning authority. Thereafter the use shall not take place unless the approved scheme has been implemented in full and is ready for operation.

Reason – to ensure cooking odours do not adversely affect the amenity of the surrounding area.

**(23) PUBLIC HOUSE NOISE MITIATION**

No part of the building shall be brought into use for the purposes of public house use unless a detailed assessment of the likely sources and levels of noise arising within, and those audible out with, that part of the building has been submitted to and approved in writing by the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant and where necessary will specify a scheme of mitigation measures to ensure that the impact of the noise on surrounding residential properties is minimised. Thereafter the use shall not take place unless the approved scheme has been implemented in full and is ready for operation.

Reason – to ensure noise does not adversely affect the amenity of the surrounding area.

**ONGOING CONTROL****(24) CONTROL OF USES**

Each of the identified areas of the building on Level One and Level Two (as shown on HFM drawings 11131 P(00)19D and 11131 P(00)20D), as well as the entire floor space and terraces at Level Ten and Level Eleven, may be occupied for the purposes of Use Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Class 11 (Assembly and Leisure) (subject to the restrictions specified in condition 24), public house use; or a mixed-use activity comprising any of these uses.

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In the case of Levels Ten and Eleven, this provision is in addition to the underlying Class 4 (Business) use which applies to these floors.

For the avoidance of doubt, once initial occupation of any of the ground floor commercial units or Level Ten or Level Eleven has taken place, unless subject of permitted development rights under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), any further change of use will require planning permission.

Reason – to ensure an appropriate mix of uses which contribute to the vitality and viability of the city centre at ground floor and the opportunity for public uses at the upper floors.

**(25) RESTRICTION ON CLASS 11 (ASSEMBLY AND LEISURE) USE**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the uses permitted within Class 11 (Assembly and Leisure) does not include dance hall or discotheque (better now known as night club) or casino.

Reason – to ensure as far as possible that the building offers an active frontage with daytime activity which contributes to the vitality and viability of the city centre

**(26) SERVICING HOURS**

Unless otherwise agreed in writing by the planning authority, service deliveries or collections at the building by heavy goods vehicles shall be restricted to 0700 to 1900 Monday to Saturday and 0900 to 1900 on Sundays.

Reason – to prevent any adverse impact on amenity as a result of deliveries and servicing occurring at unsociable hours.

The Committee heard from Matthew Easton, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener moved, seconded by the Vice Convener:-

that the application be approved in line with the recommendation contained in the report.

Councillor Greig moved as an amendment:-

that the application be refused as he did not feel comfortable with the scale and massing of the proposed development and felt that it was intrusive to the neighbourhood.

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Councillor Greig's amendment failed to attract a seconder and was therefore not put to the vote.

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

to approve the application as contained in the report but with a revised condition 19, to read:-

#### **(19) CAR PARKING**

No part of the building shall be brought into use unless –

- (i) a scheme for the provision of electric vehicle charging points, showing at least ten spaces with active provision and five spaces with passive provision, has been submitted to and approved in writing by the planning authority; and
- (ii) the car parking area (including motorcycle & bicycle parking, showers and electrical charging points) has been constructed and laid out in accordance with HFM drawings 11131 P(00)18D and 11131 P(00)19D (or other such drawing as agreed for the purpose) and is available for use. Thereafter the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those working at or visiting the building.

Reason – in the interests of public safety and the free flow of traffic

### **17 SCHOOL AVENUE ABERDEEN - 200334**

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed planning permission for the erection of a shed at 17 School Avenue Aberdeen, be approved unconditionally.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

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

to approve the application unconditionally.

### **BAADS FARM ABERDEEN - 200040**

8. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

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That the application for detailed planning permission for the change of use of land for the erection of a chalet/mobile home at Baads Farm, Aberdeen, be refused.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

**The Committee resolved:-**  
to refuse the application.

### INCHGARTH ABERDEEN - 181224

9. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which recommended:-

That the application for planning permission in principle for a residential led development for the retired/elderly (including affordable housing), a 50 bedroom care home and approximately 500sqm of ancillary retail/community use, together with public open space and associated infrastructure including a link road at land at Inchgarth Road Aberdeen, be refused.

The Committee heard from Lucy Greene, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener moved, seconded by the Vice Convener:-

That the Application be approved subject to conditions as identified in the Committee Report and to withhold consent until a legal agreement is secured to deliver:-

1. payment of the developer obligations contributions and provision of affordable housing as identified in the Developer Obligations Team response;
2. an age restriction on occupation of the housing for over 55s only – on the basis that no contribution has been requested towards education;
3. infrastructure including the link road, community facility and public open space and their control through phasing to ensure that these elements are delivered prior to the first occupation of any residential unit on the application site.
4. maintenance of public open space within the development;
5. control on the height of the development – for example, to a maximum of 2.5 storeys; and  
improvement to the bus stop on North Deeside Road

Reason for approval was that the proposal would result in the provision of much needed retirement housing in the area which had a high proportion of retired people and that there would be community benefits delivered in terms of the community facility and by the link road which would reduce traffic and result in associated improvements to road safety, congestion and amenity on adjoining residential streets. The link road was considered to be supported by the Access

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from the South Study and the Strategic Infrastructure Plan. The proposal was not considered to have a significant detrimental impact on the landscape or the character of the conservation or on the amenity of the Deeside Way. Subject to conditions and a legal agreement, these material considerations outweigh the relevant Green Belt and other relevant planning policies of the Development Plan. Any further applications for approval of matters specified by condition or detailed applications on this site related to this planning permission in principle would be brought back to this Committee, with removal of the delegated power and conditions as follows:-

### **Conditions**

(1) Standard Matters Requiring Further Approval Condition for Planning Permission in Principle

Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the requirements, timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given by way of an approval of matters specified by condition consent, and the development shall be carried out in accordance with that approval.

Specified matters (where stated in further conditions below these may be submitted on a phase by phase basis):

- (a) Full details of the layout and siting of the proposed development;
- (b) Full details of the external appearance and all finishing materials, including samples where required, of the proposed development;
- (c) Full details of all existing and proposed landscape features, including trees to be retained and planted;
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (e) Full details of the proposed means of disposal of foul and surface water from the development;
- (f) Full details of the proposed means of access to the development, including the required visibility splays;
- (g) Full details of the proposed car parking/vehicle turning area for the development;

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) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, by way of an approval of matters specified by condition consent, site wide plans as follows:

- (a) Masterplan for the entire site, and showing the layout of all buildings, link road, footpaths, cycle routes, internal access roads, parking, landscaped and open space areas, SUDS features, watercourse and landscaped area designed



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for play. The layout shall be designed to prioritise footways and cycleways, in order to encourage and facilitate active travel; and,

(b) Phasing plan and schedule, showing the phasing of the site and the sequence in which development of all elements noted above shall be provided within each phase.

Thereafter the development shall be delivered in complete accordance with the plans as so agreed and details as approved by the conditions below.

Reason: To ensure delivery of all elements of the development that benefit residential amenity.

### (3) Trees and landscaping– Phased

Prior to development commencing within each phase, and notwithstanding documents submitted with the application, there shall be submitted to (by way of Matters Specified in Condition application) and approved in writing by the Planning Authority a scheme of hard and soft landscaping works.

#### Part A

Details of the scheme shall include:

- (i) Survey of trees and other existing landscape features and vegetation, showing those to be retained and those to be removed. The survey shall include any trees outside the phase boundary but within 15m of the boundary.
- (ii) The location of new trees, shrubs, hedges, grassed areas and water features: including SUDS measures and any existing watercourse and its landscaped buffers, found by the survey required in condition 8, ensuring that water features are fully incorporated into the landscape scheme to the benefit of biodiversity.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density – all designed to maximise the wildlife and recreational value of the site in line with planning policy for the Green Belt and Green Space Network.
- (iv) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment.
- (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be 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.

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Part B

- (i) 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 by way of an approval of matters specified by condition consent.

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.

(4) Tree Protection

That no development shall take place unless a plan showing those trees to be removed and those to be retained and 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 by way of an approval of matters specified by condition consent and any such scheme as may have been approved has been implemented.

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

(5) Trees – bird breeding season

That all tree work shall be carried out only outwith the bird nesting season, that season being 1<sup>st</sup> March to 31<sup>st</sup> August.

Reason: In the interests of protecting breeding birds.

(6) Trees – No storage

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.

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

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**(7) Trees – Necessary 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.

Reason: in order to preserve the character and visual amenity of the area.

**(8) Watercourse**

No development shall take place unless there has been submitted (by way of Matters Specified in Condition Application) to and approved in writing by the planning authority:

- a) a survey showing the existing route of the watercourse that is identified as crossing the site north east to south west; and,
- b) details of the watercourse including route, any realignment, daylighting (de-culverting) and buffer strips shown on the masterplan required by condition 2(a). Taking into account the guidance in Supplementary Guidance: Natural Heritage;

Reason: In the interests of reducing pollution, to provide wildlife habitats and ensure future maintenance of the watercourse.

**(9) Playable Space**

That the development shall not be occupied unless there has been provided playable space as part of the landscape design, in accordance with plans submitted to and agreed in writing by the planning authority by way of an approval of matters specified by condition consent. This should incorporate natural features such as re-use of trees, boulders and stone removed elsewhere on the site and earth mounds.

Reason: To provide for enhance the recreational environment.

**(10) Badgers**

That there shall be no development within each phase unless there has been submitted (by way of Matters Specified in Conditions applications) to and approved in writing by, the planning authority a badger survey for that phase. The survey shall identify the location of any setts within the site and its vicinity and shall be undertaken by an experienced badger surveyor. Thereafter no development shall take place within the phase unless detailed mitigation measures to safeguard all existing badger setts have been implemented in accordance with the agreed scheme.

Reason: To ensure the protection of badgers.

**(11) Bat boxes**

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That no development shall take place unless there been submitted to (by way of Matters Specified in Conditions applications) and approved in writing by, the planning authority a layout plan showing the locations of bat boxes and specification for the boxes. No development shall be occupied unless the bat boxes have been installed in accordance with the approved plans.

Reason: To help protect bats, as the development involves the removal of trees.

(12) Archaeological scheme

That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority by way of an approval of matters specified by condition consent.

Reason: in the interests of protecting items of historical importance as may exist within the application site.

(13) Air Quality - dust

That development within each individual phase shall not take place unless, there has been submitted to (by way of an approval of matters specified by condition consent), and approved in writing by, the planning authority:

- a) An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant is carried out in line with the IAQM 2014 Guidance entitled 'Guidance on the Assessment of Dust from Demolition and Construction' to predict the likely dust levels and impact on air quality including a determination of its significance.
- b) A Dust Management Plan produced in line with the aforementioned guidance (based on the outcome of the Dust Risk Assessment) detailing the necessary dust control measures to be implemented.

The development shall be carried out only in accordance with the plan as so agreed.

Reason: In order to prevent pollution and in the interests of residential amenity.

(14) Refuse storage

That the development hereby granted planning permission shall not be occupied unless provision has been made within the relevant phase of the development for refuse storage and disposal in accordance with a scheme, which shall include swept path analysis for refuse collection vehicles, which has been submitted to and approved in writing by the planning authority by way of an approval of matters specified by condition consent - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(15) Low and Zero Carbon

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That the buildings hereby approved shall not be occupied unless 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 by way of an approval of matters specified by condition consent, and any recommended measures specified within that scheme for the reduction of carbon emissions 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, 'Resources for New Development'.

### (16) Water saving technologies

That the buildings hereby approved shall not be occupied unless 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 by way of an approval of matters specified by condition consent, and any recommended measures specified within that scheme for water saving technologies 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, 'Resources for New Development'.

### (17) Housing Adaptability

That residential units shall be erected only in accordance with plans detailing how the design demonstrates accessibility and future adaptability for elderly and disabled residents, such as bedrooms on ground floor or accessible by lift.

Reason: To ensure that all housing is adaptable to suit all residents.

### (18) Electric Vehicle Charging Points, cycle and motorcycle parking

That development within each phase shall not take place unless there has been submitted to by way of MSC applications and approved in writing by, the planning authority details of electric vehicle charging points, cycle and motorcycle spaces and car parking provision. Individual buildings shall not be occupied unless the charging points and cycle / motor cycle / car parking spaces in accordance with the plans as so approved with have been implemented and are ready for use for the particular building.

Reason: To encourage sustainable travel and road safety.

### (19) Noise mitigation

That no building shall be occupied nor the proposed link road opened unless the relevant noise mitigation measures achieving at least an equivalent effect as those

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measures contained and recommended within the Noise Impact Assessment (Reference 165-R01-D Date: 21 September 2018) have been implemented in full on site.

Reason: To protect residential amenity.

(20) Details of Barriers

That no noise mitigation barriers or boundary treatments shall be implemented on site other than in accordance with plans and details submitted (by way of MSC applications) to, and approved in writing by the planning authority.

Reason: in the interests of visual amenity.

(21) Lepidoptera Protection

That no development shall take place unless there has been submitted (by way of MSC application) to and approved in writing by the planning authority a construction methodology that includes measures to securely separate a retained area of grassland within the northern field (north of the Deeside Way) from plant, machinery and storage of materials during the construction period. The details shall include a layout plan showing sufficient size of area to provide habitat for lepidoptera, and suitable barriers.

The construction shall be carried out in full accordance with the mitigation measures recommended in the Lepidoptera Survey 8 August 2019, or such other report as subsequently agreed with the planning authority, and measures implemented in full prior to occupation of any building or opening of the road.

Reason: To help ensure conservation of lepidoptera on site.

(22) Contaminated Land

That no development involving digging shall take place within 10m of the edge of the surfaced footpath on the Deeside Way, unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) on the development site shall be occupied unless

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1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and

2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

Reason: in order to ensure that the site is fit for human occupation

(23) Junctions

That no development shall take place unless there has been submitted to (by way of MSC applications) details as follows:

- a) Plans including layout plans and details of levels, of the junction of the proposed link road onto Inchgarth Road, including replacement provision for access to land to the south where necessary as a result of the development;
- b) Plans including layout plans and details of levels of the junction of the proposed link road with North Deeside Road.

Reason: In the interests of road safety

(24) Surface Water Drainage

That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority by way of an approval of matters specified by condition consent. This shall include how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. Thereafter works shall take place in complete accordance with the details and measures as so approved and no individual phase of the development shall be occupied unless the drainage for that phase has been installed in complete accordance with the said scheme.

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

(25) Soil conditions

That no development shall take place unless there has been submitted to (by way of MSC applications) and approved in writing by the planning authority:

- a) Assessment of soil conditions and if peat is found a Peat Management plan, which includes depth, details of avoidance and appropriate reuse;

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- b) Site Waste Management Plan; and,
- c) Japanese Knotweed Management Plan

Thereafter the development shall not be occupied unless the on-going measures within such plans have been implemented in full and carried out in complete accordance with the plans as so agreed.

Reason: in the interests of preventing pollution and preserving peat.

(26) Radon

That development shall take place fully in accordance with the conclusions and any mitigation measures identified in a report on the presence of radon on site, that has been submitted to (by way of MSC application) and approved in writing by the planning authority.

Reason: In the interests of the safety of future residents, and as the presence of radon to the south of the site is noted in the application submissions.

Councillor Cooke moved as an amendment, seconded by Councillor Greig:-  
That the application be refused.

On a division, there voted:- for the motion (7) - the Convener, the Vice Convener and Councillors Allan, Copland, Henrickson, MacKenzie and Maik; for the amendment (2) – Councillors Cooke and Greig.

**The Committee resolved:-**

to adopt the motion and therefore approve the application in line with the recommendation above.

**ENFORCEMENT ANNUAL REPORT - PLA/20/084**

**10.** The Committee had before it a report by the Chief Officer – Strategic Place Planning, which informed Members of the planning enforcement work that had been undertaken by the Planning Service from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020.

**The report recommended:-**

that the Committee note the contents of the report.

**The Committee resolved:-**

to approve the recommendation contained in the report.



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**PRE DETERMINATION HEARING REPORT - GOV/20/087**

**11.** The Committee had before it a report by the Chief Officer – Governance, which sets out the criteria for when Pre-Determination Hearings would be triggered, and the process that would follow for reporting to this Committee and referral to Full Council if appropriate.

**The report recommended:-**

that the Committee –

- (a) notes the contents of the report; and
- (b) agree that the Chief Officer – Strategic Place Planning would report to this Committee when a Pre-Determination Hearing was, or may be required, for any application with a recommendation as to:
  - whether a hearing should be held for the application and
  - whether it should be determined by this Committee or by Full Council.

**The Committee resolved:-**

to approve the recommendations contained in the report.

- **Councillor Marie Boulton, Convener**