

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 30 September 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, the Depute Provost, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, 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 AUGUST 2021

1. The Committee had before it the minute of the previous meeting of 19 August 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained in the Committee business planner.

SITE AT FARBURN PLACE, DYCE, ABERDEEN - 210665

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

That the application for detailed planning permission for the erection of an energy storage facility with associated works at the site at Farburn Place, Dyce Aberdeen, be approved subject to the following conditions:-

Conditions

1. That in the event that any battery installed and commissioned fails to commercially operate as intended for a continuous period of six-months and there is no plan in place to bring the battery in to operation within a further period

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of six-months, then unless agreed in writing with the Planning Authority, the facility will be deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and its ancillary equipment will be dismantled and removed from the site, with the cells being appropriately disposed and/ or recycled/ re-purposed, and the ground being re-instated to the specification and satisfaction of the Planning Authority by the operator within the following three-month period.

Reason: to ensure that any redundant facilities are removed from the site, in the interests of safety, amenity and environmental protection.

2. That in the event of the development hereby approved not operating on a commercial basis to the grid network for a continuous period of 12 months, the company must immediately notify the Planning Authority in writing of the situation and shall, if directed by the Planning Authority decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site. In the interests of safety, amenity and environmental protection.

3. No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) hereby permitted has been submitted to and approved in writing by the Planning Authority. These details shall include: (a) design, power rating, sound power level modelled at the most sensitive receptor deviating from the Noise Impact Assessment accompanying the application), layout and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed and (b) the external colour and/ or finish of the battery storage containers (and ancillary infrastructure). Thereafter, the battery storage containers and associated infrastructure shall be installed and operate in accordance with these approved details and maintained in the approved colours, free from rust, staining or discolouration until such time as the development is decommissioned. All cables between the battery storage containers, metering building and any point of connection to the public network shall be installed and kept underground.

Reason: to ensure the Planning Authority is aware of the development details and to protect the visual amenity of the area.

4. That no development shall commence until details of the final drainage design has been submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity.

Reason: in order to ensure that the site is adequately drained.

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5. That no development shall take place 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:

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

The development hereby approved shall not be brought into use unless:

- a) 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
- b) 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 development hereby approved shall not be brought into use unless a report has been submitted and approved in writing by the planning authority 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.

6. That the development hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (CSP Acoustics Ref: 1584 001 JT V1.1 dated 7th May 2021), unless otherwise agreed in writing with the Planning Authority on the basis of an updated assessment. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing by the Planning Authority.

Reason: in the interests of residential amenity.

7. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

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- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new [trees, shrubs, hedges, grassed areas and water features]. - Delete as appropriate.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including [walls, fences, gates, street furniture and play equipment].
- (v) An indication of existing trees, shrubs and hedges to be removed.
- (vi) 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.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long-term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

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

- 8. That prior to the commencement of development, the Fire Safety Management Procedure shall be submitted to, and agreed in writing by the Planning Authority. Thereafter the plan shall be implemented and retained in perpetuity, unless otherwise agreed in writing by the Planning Authority.

Reason: in the interests of fire safety and in the amenity of the surrounding area.

- 9. That no development to which this planning permission relates shall take place unless a scheme in relation to the specification and colouring and final details of the proposed boundary treatments, including the proposed acoustic fencing has been submitted to and approved in writing by the Planning Authority and the development shall not be occupied unless the approved scheme has been implemented in its entirety.

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Reason: In order to preserve the amenity of the area.

10. That the development hereby approved shall not be occupied unless the car parking areas, accesses and associated areas of hardstanding hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 11641-0009-09 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

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 recommendation and therefore approve the application conditionally.

FORMER CULTS RAILWAY STATION, STATION ROAD, CULTS ABERDEEN - 210140

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

That the application for detailed planning permission for the change of use to class 3 (food and drink) with an outdoor seating area including alterations to a shop front, re-cladding, installation of doors, rooflights and roof repairs with associated works, at the former Cults Railway Station, Station Road Cults Aberdeen, be approved subject to the following conditions:-

Conditions

1. NOISE & ODOUR MITIGATION

That the use hereby approved shall not take place unless all mitigation measures recommended in the approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21) have been implemented in full. These must include:

1. The noise insulation measures detailed within section 3.6 and the related Appendix C – ‘Wall and Roof Construction Detail’
2. The noise and odour control measures detailed within section 6.2 and the related Appendix A (A4 to A5) – ‘Kitchen Extraction System Details’
3. That the outdoor customer seating areas as identified on approved drawing Site Plan 1008 – 1010 Rev C shall have a maximum capacity of 68 people as detailed within section 4.11 of the approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21), and at no time shall that capacity be

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exceeded

Thereafter the mitigation measures, or similar as may be agreed in writing with the Planning Authority, shall remain in place for the duration of the use.

Reason: In order to preserve the amenity of neighbouring properties from noise and odour emissions associated to the proposed use.

2. OPERATIONAL HOURS

That the use hereby approved shall not operate outwith the hours of Sunday to Thursday from 08:00 to 23:00 hours and Friday to Saturday from 08:00 to 23:30 hours for the internal space, and outwith the hours of Sunday to Thursday from 8:00 to 20:00 hours and Friday to Saturday from 08:00 to 21:30 hours for the outdoor space.

Reason: In order to preserve the amenity of neighbouring properties.

3. WASTE MANAGEMENT

That the use hereby approved shall not take place unless a waste management plan for the site has been submitted to and agreed in writing by the planning authority, including detail on the provision of external litter bins for customer waste during hours of operation, and the approved waste management plan fully implemented in accordance with the agreed details and remaining in place for the duration of the use.

Reason - In order to ensure suitable waste storage and collection arrangements are in place, including appropriate facilities for customers and to protect public health and the amenity of the area.

4. ELECTRIC VEHICLE CHARGING POINTS

That prior to development commencing on site, details of the type of electric vehicle charging station to be installed in association with the 2 EV car parking spaces identified on approved drawing Site Plan 1008 – 1010 Rev C have been submitted to and approved in writing by the planning authority, and thereafter the charging station is installed in accordance with the agreed detail prior to the use hereby approved commencing.

Reason: In order to encourage the use of electric vehicles.

5. BUS STOP UPGRADE

That the use hereby approved shall not take place unless works for the upgrading of the westbound bus stop nearest to the site on North Deeside Road as detailed on approved drawing no 140788/SK1002 Rev B (Fairhurst), or such other drawing as may subsequently be submitted to and agreed in writing by the planning authority, have been implemented in full and in accordance with the agreed scheme.

Reason: In order to upgrade the existing sub-standard bus stop to an acceptable standard and encourage the use of public transport as a sustainable mode of travel.

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6. PEDESTRIAN/VEHICLE ACCESS UPGRADES

That the use hereby approved shall not take place unless works for the upgrading of the pedestrian and vehicle access to the site along Station Road as detailed on approved drawings no 140788/SK1002 Rev B (Fairhurst) and 1008-1011 Rev A, or such other drawings as may subsequently be submitted to and agreed in writing by the planning authority, have been implemented in full and in accordance with the agreed scheme.

Reason: In order to provide an appropriate standard of pedestrian access to the site and encourage the use of alternative and sustainable modes of travel.

7. CAR PARKING

That the use hereby approved shall not take place unless all car parking has been constructed, drained, laid-out and demarcated and is available for use in accordance with approved drawing Site Plan 1008 – 1010 Rev C, or such other drawing as may subsequently be submitted to and agreed in writing by the planning authority.

Reason: In the interests of public safety and provision of adequate car parking and the free flow of traffic.

8. CYCLE PARKING

That the use hereby approved shall not take place unless full details of all cycle parking facilities indicated on approved drawing Site Plan 1008 – 1010 Rev C have been submitted to and agreed in writing by the Council as planning authority and thereafter constructed and available for use in full accordance with such approved details.

Reason: In order to encourage cycling as an alternative and sustainable mode of travel.

9. STAFF TRAVEL PLAN

That the use hereby approved shall not take place unless full details of a staff travel plan to include information on the accessibility of the site in terms of walking, cycling, and public transport have been submitted to and agreed in writing by the planning authority and thereafter the travel plan is displayed/distributed to all staff members in accordance with the approved details.

Reason: In order to encourage the use of alternative and sustainable modes of travel.

10. EXTERNAL LIGHTING

That no development shall take place unless full details of all new external lighting proposed for the site has been submitted to and approved in writing by the planning authority. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – to ensure that the site would be adequately lit at night in the interest of safety, and without detriment to the amenity of any existing or proposed residential properties.

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11. LANDSCAPING SCHEME

All landscaping shall be carried out in accordance with the approved scheme (as shown on approved drawing Ref No CRS-2106-LS, dated 25.6.21) and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

The use shall not take place unless the management and maintenance of the landscaping as shown on approved drawing Ref No CRS-2106-LS, dated 25.6.21, is being implemented.

Reason: To ensure a satisfactory scheme of landscaping which integrates with the proposed development and local landscape in the interests of the visual amenity of the area.

12. GLAZING

That the use hereby approved shall not take place unless the full height windows on the west elevation of the property are fitted with full height obscure glazing, at a minimum obscuration rating of 3.

Reason: In the interests of protecting the privacy of neighbouring properties.

The Committee heard from Jane Forbes, Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener moved, seconded by Councillor Greig:-

that the Committee refuse the application for the following reasons:-

1. The proposal would result in a scale of development that would be excessive for the site, constituting overdevelopment and intensification in the use of the site that would introduce additional noise and disturbance to the area especially in the evening and in relation to the introduction of outdoor seating, food serving van and play area. The proposal is, therefore, considered to be contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan in that it would not be complementary to residential use and in as far as it would conflict with, and result in nuisance to, the enjoyment of existing nearby residential amenity.
2. The proposed development would create a pedestrian safety hazard in that there would be no direct, safe and segregated footway access to the site from the main residential community of Cults and public transport on North Deeside Road. The proposal would, therefore, be contrary to Policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan which specifies that development must be accessible by a range of transport modes, with an

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emphasis on active and sustainable transport, and that links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Councillor Cooke moved as an amendment, seconded by Councillor Cormie:-
that the application be approved conditionally in line with the recommendation.

On a division there voted, for the motion (7) – the Convener, the Vice Convener and Councillors Allan, Copland, Greig, MacKenzie and Malik – for the amendment (2) – Councillors Cooke and Cormie.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

CRAIGSHAW HOUSE, CRAIGSHAW ROAD, ABERDEEN - 210015

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

That the application for detailed planning permission for the redevelopment of an existing site, including change of use to class 3 (food and drink) with the erection of two drive thru restaurants (sui generis) with associated infrastructure and car parking at Craigshaw House, Craigshaw Road Aberdeen, be approved subject to the following conditions:-

Conditions

1. Land Contamination

That 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:

- a) an investigation to determine the nature and extent of contamination
- b) a site-specific risk assessment
- c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and
- d) verification protocols to demonstrate compliance with the remediation plan

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No building(s) on the development site shall be occupied unless: 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 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(s) 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 fit for human occupation.

2. Car Parking

That neither of the units hereby approved shall be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. A-218848-PRO L001 T of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason: in the interests of public safety and the free flow of traffic, and to ensure compliance with Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

3. Electric Vehicle (EV) Spaces and Infrastructure

That the development hereby granted planning permission shall not be occupied unless Electric Vehicle spaces and associated infrastructure has been constructed, drained, laid-out and demarcated as shown on the approved site plan drawing No. A-218848-PRO L001 T.

Reason: in order to promote the decarbonisation of road transport and to ensure compliance with the Council's 'Transport and Accessibility' Supplementary Guidance.

4. Cycle Parking (Short and Long Stay)

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing no. A-218848-PRO L001 T have been fully installed and made available for use.

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Reason: in the interests of encouraging sustainable travel, as required by policy T3 (Sustainable and Active Travel).

5. Carbon Reduction and Water Efficiency

The building(s) hereby granted planning permission shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

The Energy Statement shall include the following items:

- Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and
- Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques, along with evidence that the required BREEAM standard has been achieved.

Reason: to ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

6. Noise Impact Assessment Compliance

That the units hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (Envirocentre Ltd Reference: Document Number: 9658, project Number: 374689, 30 July 2021) These shall include, but not be restricted to the following measures contained within the Noise Impact Assessment:

- A) The plant installed does not exceed the noise emission levels used within the noise modelling, specifically the A Weighted Sound Power Levels detailed within Tables 5-1 and 5-2; and
- B) The octave band sound pressure levels from the plant do not exceed the 'Proposed Specific Noise Level (internal)' detailed within Figure 6-1 Night-time NR Assessment.

Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.

Reason: in the interests of amenity.

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7. Odour Impact Assessment Compliance

That the units hereby approved shall not be occupied unless the odour mitigation measures have been installed in accordance with the conclusion and recommendations set out in the Odour Impact Assessment (Envirocentre Ltd Reference: Document Number: 9657, project Number: 374689, 30 August 2021). These shall include, but not be restricted to the following measures contained within the Odour Impact Assessment:

- A) Discharge of the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen; and
- B) Application of any one of the four recommended odour mitigation solutions for high level odour control: 1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time). 2. Fine filtration or ESP followed by carbon filtration and by carbon filtration and by counteractant/neutralising system to achieve the same level of control as 1. 3. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1; or Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as 1.

Reason: in the interests of the amenity of the surrounding area.

8. Restricted Use – Southern Unit

In relation to the southernmost hereby granted planning permission (as shown on drawing no: A-218848-PRO L001 T), no cooking/frying operations or hot food preparation shall be carried out on the premises other than the re-heating of pre-cooked produce by means of a microwave oven, unless the planning authority has given prior written approval for a variation.

Reason: due to the absence of a suitable Local Extract Ventilation (LEV system) the premises are considered unsuitable for unrestricted Class 3 uses.

9. Landscaping Scheme

That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. For avoidance of doubt this should include heavy standard trees and greater numbers than shown in the previous submissions to ensure an immediate impact.

Reason: in the interests of the amenity of the area.

10. Tree Protection Measures

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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 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.

11. Storage of Materials

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

12. Green Travel Plan

That neither of the units hereby granted planning permission shall be occupied unless there has been submitted to and approved in writing a detailed Green Travel Plan for staff, 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 and associated penalties for not meeting targets.

Reason in order to encourage more sustainable forms of travel to the development.

13. Gullies

That the development hereby granted planning permission shall not be brought in to use unless gullies are installed to the rear of any parking areas where the contours slope towards the rear. Details of such a scheme shall be submitted to, and approved in writing by the Planning Authority, and thereafter installed in accordance with the approved scheme.

Reason: to ensure that the site can be adequately drained.

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 recommendation and therefore approve the application conditionally.

LAND AT EAST OF A92 ELLON ROAD AT CLOVERHILL, MURCAR, BRIDGE OF DON, ABERDEEN - 210884

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

That the application for approval of matters specified in conditions 1 (phasing), 2 (detailed design), 3 (landscaping), 4 (drainage), 5 (archaeology), 6 (contaminated land(i)), 8 (safe routes to school), 9 (residential travel pack), 15 (noise), 16 (dust), 17 (species surveys), 18 (water), 19 (watercourses), 20 (SUDS), 21 (trees), 22 (tree care), 23 (carbon reduction and water efficiency), 25 (sports pitch), 26 (street design, parking), 27 (CEMP) and 28 (flood risk) of 191171/PPP in relation to the erection of 536 homes with associated landscaping, open space and infrastructure, at land at the east Of A92 Ellon Road At Cloverhill, Murcar, Bridge Of Don, Aberdeen, be approved subject to the following conditions:-

Conditions

1. Use as Social Rented Housing

The development hereby approved shall not be used other than as social rented housing (as defined in Aberdeen City Council's 'Affordable Housing' Supplementary Guidance), managed and operated by either Aberdeen City Council or by a Registered Social Landlord (RSL).

Reason: To ensure compliance with Aberdeen City Council's 'Affordable Housing' Supplementary Guidance and because the level of car parking provision within the approved development is based on standards for social rented housing specifically, as opposed to other forms of affordable housing.

2. Commercial Units – Use Classes

The ground floor commercial units hereby approved shall not be used for purposes other than those falling within classes 1 (shops), 2 (financial and professional services), 3 (food and drink) or 10 (non-residential institutions – including nursery).

Reason; In order to ensure that the development is served by facilities to meet the needs of residents and to allow for facilitate first occupation within acceptable use classes.

3. Rear Lane Access

No unit within the development hereby approved shall be occupied unless any path with no destination other than access to multiple rear gardens has been restricted through the use of lockable gates or other such equivalent measures to prevent access by non-residents. For the avoidance of doubt this requirement does not apply to paths fronting open space.

Reason: In order to restrict inappropriate access to rear lanes by non-residents and to 'design out' crime where practicable.

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

The Committee resolved:-

to approve the recommendation and therefore approve the application conditionally.

FORESTGAIT, 22 KING'S GATE, ABERDEEN - 210592

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

That the application for detailed planning permission for the erection of a residential development comprising 35 flats/apartments over 3 and 4 storeys, including the erection of ancillary structures and demolition of the existing redundant building, formation of car parking area, landscaping and alterations to the site access, at Forestgait, 22 King's Gate Aberdeen, be refused.

The Committee heard from Jamie Leadbeater, 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 with the following conditions. Consent to be withheld until completion of a Section 75 legal agreement to secure developer obligations towards community facilities/sport and recreation, open space, healthcare and transportation.

The reason for approval was as follows:-

Whilst the proposal would be larger in terms of scale and massing than surrounding buildings, its positioning - set back from the King's Gate frontage behind a screen of mature trees - means that it would not have a dominating impact on its surroundings when viewed from the street and would not have an adverse impact on the conservation area in this context. Whilst there is a tension with Policy NE5 (Trees and Woodland) of the Local Development Plan the resulting loss of mature trees would be compensated to some extent in the medium or long term by the replacement trees that are to be planted. Whilst restricted, sufficient amenity space is provided for the needs of new residents and there would be no additional impact on the privacy or amenity of adjoining residential properties. There is adequate close by amenity space at Victoria Park and Westburn Park. The proposal is considered compatible with Policy H1- Residential Areas in this regard. The setting of the category C-listed Richmondhill House has already been significantly affected by past development including the existing nursing. This factor combined with the distance from the listed building and intervening trees would mean that the proposal would not have a significant additional detrimental impact on the listed building. Sufficient car parking and satisfactory vehicular and pedestrian access is provided. The proposal is well connected by public transport links and is compliant with Policies

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T2 and T3 of the Local Development Plan in this regard. Taking into account the foregoing the proposal is considered to comply with the relevant Aberdeen Local Development Policy zoning (H1- Residential Areas) and other relevant development plan policies and all other material considerations.

Conditions**1. Tree Protection measures**

No development shall take place until all tree protection measures set out in the submitted Tree Protection Plan (Struan Dalgleish Arboriculture, August 2021) have been put in place. Once in place, they shall remain in situ until construction of the hereby approved development has been completed and all plant and machinery has been removed from the site. The said tree protection measures include utilising a 'no-dig' construction methodology for the formation of car parking spaces to the east of Richmondhill Court as set out in the Tree Survey Report.

Reason: To ensure the proposal complies with Policy T5 (Trees and Woodland) in the Aberdeen Local Development Plan 2017.

2. Cycle Parking and Bin Storage

No flats shall be occupied until all car parking spaces, bin and cycle stores laid out in drawing 11760-HFM-ZZ-ZZ-DR-A-P(90)004 REV I have been implemented in full.

Reason: In order to ensure the development is served by appropriate supporting infrastructure and encourages residents to make use of sustainable and active travel, to ensure compliance with policies R6 (Waste Management Requirements for New Development) and T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017.

3. EV charging points

No development shall take place until a scheme for EV (Electric Vehicle) charging points has been submitted to and approved by the Planning Authority. Once approved, no units shall be occupied until all EV charging points identified in the agreed scheme have been fully implemented and are operational.

Reason: To ensure the development encourages use of sustainable means of transport from the outset.

4. Details of wall alteration

No development shall take place, until a detailed methodology for the dismantling of the section of wall identified on Drawing No. 11760-HFM-ZZ-ZZ-DR-A-P(00)022 REV B and its re-assembly, including details of where the down-takings are to be stored in

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the interim. The methodology should include pointing details and the type of mortar to be used.

Reason: To ensure compliance with Policy D4 and D5 in the Aberdeen Local Development Plan 2017.

5. Samples of finishing materials

No units shall be occupied until, details/samples of the proposed external renders, granite and cladding have been submitted to and approved in writing by the Planning Authority. Once approved, the agreed finishes shall be implemented in accordance with approved plans.

Reason: To ensure the proposed development would be sympathetic to the site's setting in the Albyn Place/Rubislaw Conservation Area, to ensure compliance with Police D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017.

6. Energy-saving measures in construction and Water Saving Technologies

No units shall be occupied until full details of the energy efficiency rating of the building and details of water efficient technology to be installed in the built fabric of the hereby approved building have been submitted to and approved in writing by the Planning Authority. Once approved, the construction of the building shall be carried out to a standard which ensures the approved energy efficiency levels can be achieved.

Reason: To ensure compliance with Policy R7 (Low and Zero Carbon Buildings, and water efficiency) in the Aberdeen Local Development Plan 2017 and its associated Supplementary Guidance.

7. Residential Travel Pack

No units shall be occupied until a Residential Travel Pack (RTP) shall be submitted to and approved in writing by the Planning Authority following consultation with the Roads Service. The RTP shall then be issued to the occupants of each flat.

Reason: To ensure compliance with Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017.

8. Soft Landscaping

No units shall be occupied until all details of soft landscaping, including the soft landscaping buffers around the perimeter of the site, as well as details of the management and maintenance of the landscaping have been submitted to and approved in writing by the Planning Authority. Once approved, the scheme of soft landscaping shall be implemented in full prior to occupation of any unit. Any planting (including replacement trees planting), within a period of 5 years from the completion of

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the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants or trees of similar size and species to those originally required to be planted.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017.

9. Digital Infrastructure

No flats shall be occupied until the applicant/developer has submitted details to the Planning Authority demonstrating that the hereby approved flats could be served by up-to-date highspeed digital communications infrastructure.

Reason: To ensure compliance with Policy CI1 (Digital Infrastructure) in the Aberdeen Local Development Plan 2017.

10. Drainage

No units shall be occupied until the SUDS (Sustainable Urban Drainage System) scheme has been implemented in full.

Reason: To ensure the development is served by appropriate surface water drainage infrastructure to prevent localised flooding to neighbouring properties, to ensure compliance with Policy NE6 (Flooding, Drainage and Water Quality) in the Aberdeen Local Development Plan 2017.

Councillor Greig moved as an amendment, seconded by Councillor Cormie:-
that the application be refused in line with the recommendation.

On a division there voted, for the motion (6) – the Convener, the Vice Convener and Councillors Cooke, Copland, MacKenzie and Malik – for the amendment (3) – Councillors Allan, Cormie and Greig.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally. Consent to be withheld until completion of a Section 75 legal agreement to secure developer obligations towards community facilities/sport and recreation, open space, healthcare and transportation.

BAADS FARM, ANGUSTON ROAD, PETERCULTER, ABERDEEN - 210998

8. The Convener advised that this application had been withdrawn.
- **Councillor Marie Boulton, Convener**

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