

Public Document Pack



To: Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Boulton, Clark, Cooke, Copland, Crockett, Houghton, MacKenzie, McRae and Thomson.

Town House,
ABERDEEN 23 November 2022

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Council Chamber - Town House on **THURSDAY, 1 DECEMBER 2022 at 10.00 am.**

The meeting will be webcast and a live stream can be viewed on the Council's website. [View here.](#)

VIKKI CUTHBERT
INTERIM CHIEF OFFICER - GOVERNANCE

BUSINESS

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

MOTION AGAINST OFFICER RECOMMENDATION

1.1 Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

2.1 Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

- 3.1 Members are requested to intimate any declarations of interest or connections

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 3 November 2022 - for approval (Pages 7 - 18)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 19 - 22)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Detailed Planning Permission for the demolition of existing residential building and erection of replacement building to create 20 co-house apartments with associated bin and bike store and other associated works at Caranoc Whithorn, Cairnlee Road, Aberdeen (Pages 23 - 52)

Planning Reference – 220211

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Gavin Clark

- 6.2 Detailed Planning Permission for the change of use from class 2 (occupational health clinic) to class 11 (children's role play cafe) including installation of access ramp - 14 Victoria Street City Centre Aberdeen (Pages 53 - 72)

Planning Reference – 220613

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

DATE OF NEXT MEETING

7.1 Date of Next Meeting - Thursday 12 January 2023 - 10am

To access the Service Updates for this Committee please click [here](#)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 522123 or email lymcbain@aberdeencity.gov.uk

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Agenda Item 1.1

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 3 November 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener (for articles 1 to 9); and Councillors Blake, Boulton, Clark (for articles 1 to 9), Copland, Crockett (for articles 1 to 8), Houghton (for articles 1 to 9), MacGregor (as substitute for Councillor Alphonse), MacKenzie, Nicoll (as substitute for Councillor McRae), van Sweeden (as substitute for Councillor Cooke) and Thomson.

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.

ANNOUNCEMENT

1. The Committee heard from the Chief Officer – Strategic Place Planning who provided an update in relation to guidance on outdoor seating, which had been at the Committee previously, before commencing public consultation. Mr Dunne explained that he hoped to report back to the December meeting with any proposed revisions to the draft guidance. Mr Dunne also intimated that the Chief Planner for Scotland had recently written to local authorities regarding outdoor seating and the removal of the relaxed guidance in September 2022 following COVID-19. Mr Dunne advised that he would circulate the letter to members and asked that they make contact if they had any questions in relation to the content of the letter.

At this juncture, the Convener congratulated Mr Dunne on being appointed Chief Officer – Strategic Place Planning and wished him well with his role.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 29 SEPTEMBER 2022

2. The Committee had before it the minute of the previous meeting of 29 September 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

3. The Committee had before it a planner of future Committee business as prepared by the Interim Chief Officer - Governance.

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The Committee resolved:-

to note the information contained in the Committee business planner.

WEST LODGE, GREENWELL ROAD ABERDEEN - 220969

4. 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 change of use from class 4 (business) to class 10 (non residential institutions) at West Lodge Greenwell Road Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

(02) CAR PARKING

That the use hereby approved shall not be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. 142 - 201 B 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.

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

The Committee resolved:-

to approve the application conditionally.

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GRANVILLE, 58 VICTORIA STREET, DYCE, ABERDEEN - 220837

5. 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 partial change of use of existing guest house to class 3 (food and drink) including erection of side extension and associated works at Granville, 58 Victoria Street Dyce Aberdeen, be approved subject to the following conditions:-

Conditions**1. DURATION OF CONSENT**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason: In accordance with section 58 (duration of planning permission) of the 1997 Act.

2. HOURS OF OPERATION

The use hereby approved shall not operate outwith the hours of 08:00am and 07:00pm Monday to Friday; and 09:00am and 07:00pm Saturday and Sunday.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

3. NOISE

That the use hereby approved shall not be brought into use unless the noise mitigation measures set out in the approved Noise Impact Assessment (prepared by Couper Acoustics, Ref: 17720212313 – V3, dated July 2022) have been installed. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the existing levels of amenity are not impacted upon.

4. ODOUR

That the use hereby approved shall not be brought into use unless the odour mitigation measures set out in the approved Odour Impact Assessment (prepared by Couper Acoustics, Ref: 1720212313 – V3, dated July 2022) have been installed. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the planning authority.

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Reason: In order to ensure the existing levels of amenity are not impacted upon.

5. ACCESS

That the use hereby approved shall not be brought into use unless the existing internal doorway providing access to this unit from the guest house has been built up, as shown on drawing reference 3501 – 2/07 B, and the new pedestrian access along the western boundary and the associated path, as shown on drawings references 3501 – 2/02 Rev C and 3501 – 2/09 Rev C, have been formed and are fully operational. Once completed the works shall be retained in perpetuity.

For the avoidance of doubt the existing entrance to the guest house shall not be used for the purposes of accessing the Class 3 unit hereby approved.

Reason: In order to ensure the existing levels of amenity are not impacted upon.

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

The Committee resolved:-

to approve the application conditionally with an extra informative to be added to read:- for the avoidance of doubt no takeaway shall operate from this approved class 3 use unless it is a minor and incidental component of the business which does not affect environmental amenity as per Circular 1/1998 The Town and Country Planning (Use Classes) (Scotland) Order 1997.

14 VICTORIA STREET, CITY CENTRE, ABERDEEN - 220613

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 the change of use from class 2 (occupational health clinic) to class 11 (children's role play cafe) including installation of access ramp at 14 Victoria Street, City Centre Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

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(02) USE CLASS RESTRICTION

That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the premises shall only be used for that applied for in this application as a children's role play café. For the avoidance of doubt, express grant of planning permission from the Planning Authority shall be required for any other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Reason: To ensure that a good level of amenity can be maintained, and that any additional impacts arising from other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) can be suitably assessed.

(03) NOISE MITIGATION MEASURES

That the use hereby approved is not implemented until the critical noise mitigation measures as set out in section 7 of the Noise Impact Assessment by SK/AD Acoustics (Report No: SKAD-22-03091) are applied. These must include:

1. The plaster with laths of party walls within the proposed development between adjoining properties number 12 Victoria Street to the south and numbers 1 and 5 Waverley Place to the north should be removed entirely and replaced with a self-standing timber stud construction, fully independent and free from any connections with granite as described in table 12 (noise source side); and
2. The installation of the works should adhere to the specific requirements detailed within sections 7.1.1.6 to 7.1.1.10 and appendix C.

Reason – In the interest of residential amenity and to minimise any potential noise pollution arising from the hereby approved use.

(04) LANDSCAPING SCHEME

That the use hereby approved is not implemented until a detailed landscaping scheme for the area to the front of the building has been submitted in writing and approved by the Planning Authority. This shall include the finishing materials of the ramp and planting details. The agreed landscaping scheme shall subsequently be implemented in the first growing season following the implementation of the use hereby approved.

Reason – In the interests of the visual amenity of the conservation area.

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

The Committee resolved:-

to defer consideration of the application to a future meeting of Planning Development Management Committee in order to gather information on (1) the Chapel Street car

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park and how many spaces were available for members of the public to utilise; (2) disabled parking spaces and (3) the amount of on-street parking spaces that would be available in the local area for use.

328 STONEYWOOD ROAD ABERDEEN - 220880

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 garden room with wood burning stove flue to the front at 328 Stoneywood Road Aberdeen, be approved subject to the following condition:-

Condition

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

The Committee heard from Jemma Tasker, Planner, who spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the application conditionally.

AREA F3, PINWOOD, SITE ADJACENT TO COUNTESSWELLS ROAD, ABERDEEN - 211773

8. 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 17 houses with associated landscaping, access and infrastructure at area F3, Pinewood, site adjacent to Countesswells Road Aberdeen, be approved with a legal agreement and subject to the following conditions:-

Conditions

1. Car Parking

That the dwellings hereby approved shall not be occupied unless the approved areas of

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car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. F3_APL_100 – Rev K 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.

2. Connection to Public Sewer

That the dwellings hereby approved shall not be brought into use unless connection has been made to the public sewer system.

Reason: In order to ensure compliance with policy NE6 (Flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan, which does not permit connection to private wastewater systems in sewered areas.

3. Tree Protection

No development shall take place other than in accordance with the approved scheme of tree protection (Struan Dalgleish *Tree Survey Report, Arboricultural Impact Assessment and Tree Protection Plan*, dated December 2021) or such other Tree Protection Plan as has been submitted to and approved by the planning authority prior to commencement of development.

Reason: In order to secure adequate protection for all trees to be retained on the site during construction works and to ensure compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

4. Landscaping Works

That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason: In order to ensure that the approved landscaping works are carried out at an appropriate time and to offset the impact of tree losses necessary for development to occur.

5. Further Arboricultural Works

Any tree work not specified in the submitted Struan Dalgleish *Tree Survey Report*,

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Arboricultural Impact Assessment and Tree Protection Plan, dated December 2021, 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 ensure that existing trees are appropriately retained and protected where practicable.

6. Boundary Enclosures

That no dwelling within the development hereby approved shall be occupied unless the boundary treatments shown on drawing F3_APL_30 – Rev D have been delivered in full accordance with that plan, or any such substitute as has been submitted to and approved in writing by the planning authority for that purpose.

Reason: To ensure that boundary enclosures of an appropriate design, scale and materials to the local context are provided prior to first occupation, and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

7. Carbon Reduction and Water Efficiency

No dwelling hereby granted planning permission shall 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.

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.

8. Residential Travel Pack

That no residential unit within the development shall be occupied unless the approved Residential Travel Pack (or such other RTP as has been submitted to and approved in writing by the planning authority for this purpose) 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.

The Committee heard from Gavin Evans, Senior Planner, 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 and an extra condition added to read:-

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9. Footpath Connections

That no development pursuant to this planning permission shall be undertaken unless a construction methodology for the path link, between the eastern end of the new road and the existing footpath adjacent to the eastern site boundary, has first been submitted to and approved in writing by the planning authority.

Thereafter, no dwelling within the approved development shall be occupied unless all footpath connections shown on the approved site plan (ref F3_APL_100 K), or any other such plan which has been submitted to and approved in writing by the planning authority for this purpose, have been fully constructed and made available for use.

Reason - to ensure permeability through the development site and convenient links to local retail use and recreational routes.

LAND SOUTH OF NORTH DEESIDE ROAD, MILLTIMBER, ABERDEEN - 220865

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

That the application for approval of matters specified in conditions 1 (Design); 2 (Access Junction); 5 (Landscaping); 6 (Trees); 8 (Construction Environment Management Plan); 9 (Air Quality/Dust); 11 (Noise Impact Assessment); 12 (Low/ Zero Carbon Technologies Statement); 13 (Watercourse) ,14 (Watercourse, SEPA); 15 (Green Measures); 16 (Bird Hazard Management Plan); 17 (Archaeology); 18 (Badger Survey), 19 (Surface Water), 20 (Scottish Water); 21 (Residential Travel Pack) for erection of 75 residential units in connection with planning permission in principle ref. 200535/PPP – land south of North Deeside Road Milltimber Aberdeen, be approved subject to the following conditions:-

Conditions

1. Prior to the occupation of the 38th dwellinghouse, both the eastern and western footpath connections to the Deeside Way, illustrated on drawing ref BH222-BHL-ZZ-ZZ-DR-A-P (00)003 P03 shall be completed and brought into use. Thereafter, the said connections shall be retained in perpetuity.

Reason: in order to provide pedestrian access to the site from the Deeside Way.

2. That the use hereby approved shall not be brought into use unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (Noise Impact Assessment Ref: 9208/PR/SL Rev D – dated 18th August 2022. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.

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Reason: in the interests of amenity.

3. Prior to the occupation of the 75th dwellinghouse, the existing post and wire fencing located along the northern boundary of the application site shall be removed in its entirety.

Reason: in the interests of amenity and to open up the area of open space to the immediate south.

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 conditionally with extra conditions added to read:-

4. That prior to the completion of the 70th residential unit, the internal road network, as shown on Drawing No: BH222_BHL_XX_XX_DR_C_701 02, or any such drawing which may supersede this drawing, shall be completed in accordance with the approved plans. For avoidance of doubt this shall include:
 - the completion to the eastern site boundary line (marked red) of the internal road leading into the future residential/commercial development area to the east in a way that enables connection to be made for pedestrian and vehicular traffic by way of construction work that can take place entirely within that adjoining land.
 - allowance for the formation of a suitable access within the site to serve future commercial development, to comply with the agreed Masterplan and as shown by the line marked "Indicative location for east – west access connection identified in blue of Drawing No: BH222_BHL_XX_XX_DR_C_701 02.

Reason: to ensure that access can be provided to the future development areas to the east to comply with the requirements of the approved masterplan and planning permission in principle.

5. That prior to the commencement of development, notwithstanding the details as submitted in the approved Construction Environment Management Plan (Ref:) confirmation shall be submitted to, and agreed in writing by the Planning Authority of the neighbouring residential properties which are to be included within the required to and referenced full photographic dilapidation survey. Thereafter the works shall be carried out in full accordance with the scheme as approved.

Reason: to ensure that an accurate record is undertaken and that the proposed works would have no adverse impact on residential properties in the surrounding area.

6. That prior to the occupation of any dwellinghouse hereby approved, notwithstanding the details submitted in the approved Residential Travel Pack

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(Ref) further information shall be submitted to and approved in writing by the Planning Authority in relation to accessible walking and cycling routes, amenities and services found in the surrounding area along with transportation methods available in the surrounding area.

Reason: in the interests of promoting more sustainable modes of transport.

BIRCHWOOD HOUSE UPPER FLAT, 1 SOUTH AVENUE, ABERDEEN - 221070

10. 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 resurfacing of an external amenity area to form a parking/turning area retrospectively at Birchwood House, Upper Flat, 1 South Avenue Aberdeen, be refused for the following reasons:-

The development fails to adequately retain the level of amenity previously afforded to the ground floor neighbouring property due to the siting of the development directly adjacent their ground floor windows, having a notable detrimental impact on their privacy. Furthermore, the development fails to minimise the adverse impact caused to adjacent protected trees, namely Lime Tree T30, through the inappropriate siting of the developing, the construction methods utilised and the inadequate protection of the tree while this work was being carried out. Therefore, the proposal fails to accord with the fundamental aims of Policies H1 (Residential Areas) and NE5 (Trees and Woodlands) of the current Aberdeen Local Development Plan 2017; its associated Supplementary Guidance: ‘The Householder Development Guide’ and ‘Trees and Woodlands’; and Policies H1, D2 and NE5 of the Proposed Aberdeen Local Development Plan 2020.

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

The Committee resolved:-

to refuse the application.

REPRESENTATION PROCEDURE - COM/22/252

11. With reference to article 1 of the minute of Council of 25 August 2022, the Committee had before it a report by the Chief Officer – Strategic Place Planning, which sought approval for the procedure to allow interested parties to make representations on planning applications at Planning Development Management Committee.

The report recommended:-

that the Committee -

(a) approve the Procedure and Guidance notes at Appendix 1;

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- (b) note that the Procedure will take effect from 4 November 2022 and will apply to future Planning Development Management Committee meetings thereafter;
- (c) delegate to the Chief Officer – Strategic Place Planning, following consultation with the Convener and Vice-Convenor, to amend the Procedure; and
- (d) instruct the Chief Officer – Strategic Place Planning to report back to the Committee on the effectiveness of the Procedure by December 2023.

The Committee resolved:-

to approve the recommendations.

- **COUNCILLOR DELL HENRICKSON, Convener**

	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			01 December 2022						
4	Nothcote Lodge, Craighton Road - 220772	To approve or refuse the application for erection of nursery, including car parking, landscaping and associated infrastructure		Aoife Murphy	Strategic Place Planning	Place	1	D	Application deferred at request of applicant. Aiming for January 2023.
5	Caranoc Whithom, Cairnlee Road - 220211	To approve or refuse the application for the demolition of existing residential building and erection of replacement building to create 20 co-house apartments with associated bin and bike store and other associated works	On agenda	Gavin Clark	Strategic Place Planning	Place	1		
6	14 Victoria Street - 220613	To approve or refuse the change of use from class 2 (occupational health clinic) to class 11 (children's role play cafe) including installation of access ramp	On agenda	Dineke Brasier	Strategic Place Planning	Place	1		
7			12 January 2023						
8			09 February 2023						
9			09 March 2023						
10	Guidance on Outdoor Seating	At the meeting of PDMC on 1 September 2022, it was agreed to approve the content of the draft Guidance on Outdoor Seating; Instruct the Interim Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Guidance on Outdoor Seating document for a four week non statutory public consultation; and instruct the Interim Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Outdoor Seating to a subsequent Planning Development Management Committee within the next six months.		Donna Laing	Strategic Place Planning	Place	5		
11			20 April 2023						
12			25 May 2023						
13			22 June 2023						
14			24 August 2023						
15			21 September 2023						
16			02 November 2023						
17			07 December 2023						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
18	Procedure for Representations	At the meeting of PDMC on 3 November 2022, a new draft procedure was agreed for allowing representations to speak at Committee. It was agreed to instruct the Chief Officer – Strategic Place Planning to report back to the Committee on the effectiveness of the Procedure by December 2023.		Alan Thomson	Strategic Place Planning	Place	5		
19			Future applications to PDMC (date of meeting yet to be finalised.						
20	Former Treetops Hotel site - 211528	To approve or refuse the residential development of 89 units (including 25% affordable) comprising 54 houses and 35 flats over 3, 4 and 6 storey blocks and associated roads and parking, drainage infrastructure, open space and landscaping.		Matthew Easton	Strategic Place Planning	Place	1		
21	30 Woodend Place - 221257	To approve or refuse the application for the erection of a house		Robert Forbes	Strategic Place Planning	Place	1		
22	26 Hollybank Place - 211807	To approve or refuse the application for demolition of an existing commercial unit and erection of 11 no. residential apartments over 4 storey with associated hard and soft landscaping works		Roy Brown	Strategic Place Planning	Place	1		
23	Aberdeen Grammar School FP's Club, 86 Queens Road - 211806	To approve or refuse the application for erection of 3no. villas, 4no. apartments and 2no. maisonette apartments with associated works		Jane Forbes	Strategic Place Planning	Place	1		
24	Caledonia, Malcolm Road Peterculter - 220426	To approve or refuse the application for erection of 25 dwellings, road access and ancillary infrastructure / landscaping		Alex Ferguson	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
25	395 King Street - 221148	To approve or refuse the application for installation of EV charging points.		Robert Forbes	Strategic Place Planning	Place	1		
26	Zoology Building, University of Aberdeen - 220946	To approve or refuse the application for installation of 12no telecommunications antennae and ancillary equipment on rooftop		Alex Ferguson	Strategic Place Planning	Place	1		
27	56 Park Road - 221074	To approve or refuse the application for erection of 30 Flats		Robert Forbes	Strategic Place Planning	Place	1		
28	Summerhill Church Stronsay Drive - 220990	To approve or refuse the application for redevelopment of church and manse site for residential development (14 dwellings)		Lucy Greene	Strategic Place Planning	Place	1		
29	64 Devonshire Road - 221130	To approve or refuse the application for installation of replacement front windows and formation of putting green and driveway to front (partially retrospective)		Jemma Tasker	Strategic Place Planning	Place	1		
30	A944 Jessiefield Junction and Land South of A944 at Bellfield Farm, East Middlefield - 220536	To approve or refuse the application for variation of condition 10 (requiring condition 1 to be implemented in full prior to the occupation of the 1001st house constructed) of planning permission ref. P141888		Dineke Brasier	Strategic Place Planning	Place	1		
31	Baads Farm, Anguston Road - 221216	To approve or refuse the application for change of use of land to form a 1 pitch gypsy/traveller site to include one principal caravan, two touring caravans an amenity block and installation of drainage infrastructure and all associated works		Gavin Clark	Strategic Place Planning	Place	1		
32	Former Cordyce School, Riverview Drive - 221232	To approve or refuse the application for erection of 91 homes including associated infrastructure, open space and landscaping		Dineke Brasier	Strategic Place Planning	Place	1		
33	40 Woodstock Road - 220862	To approve or refuse the application for erection of 2 storey side extension and single storey rear extension		Rebecca Kerr	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
34	Former Braeside School - 221310	To approve or refuse the application for erection of 30 affordable residential units with associated infrastructure and open space		Matthew Easton	Strategic Place Planning	Place	1		
35	81 Brighton Place - 221086	To approve or refuse the application for erection of 2 storey extensions to side and rear and formation of door opening to form 2 semi detached dwelling houses		Dineke Brasier	Strategic Place Planning	Place	1		
36	198 North Deeside Road - 221146	To approve or refuse the application for erection of domestic detached garage		Roy Brown	Strategic Place Planning	Place	1		
37	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs			Andrew Brownrigg	Strategic Place Planning	Place	4 and 5		
38	PRE APPLICATION FORUM - Causewayend Bridge of Don - 201365 - date to be confirmed.	To hear from the applicant in relation to an application for Major residential development of approximately 350 units (at least 25% affordable) with associated infrastructure, open space and landscaping		Gavin Evans	Strategic Place Planning	Place			



Planning Development Management Committee

Demolition of existing residential building and erection of replacement building to create 20 co-house apartments with associated bin and bike store and other associated works

Caranoc Whithom Cairnlee Road, Aberdeen

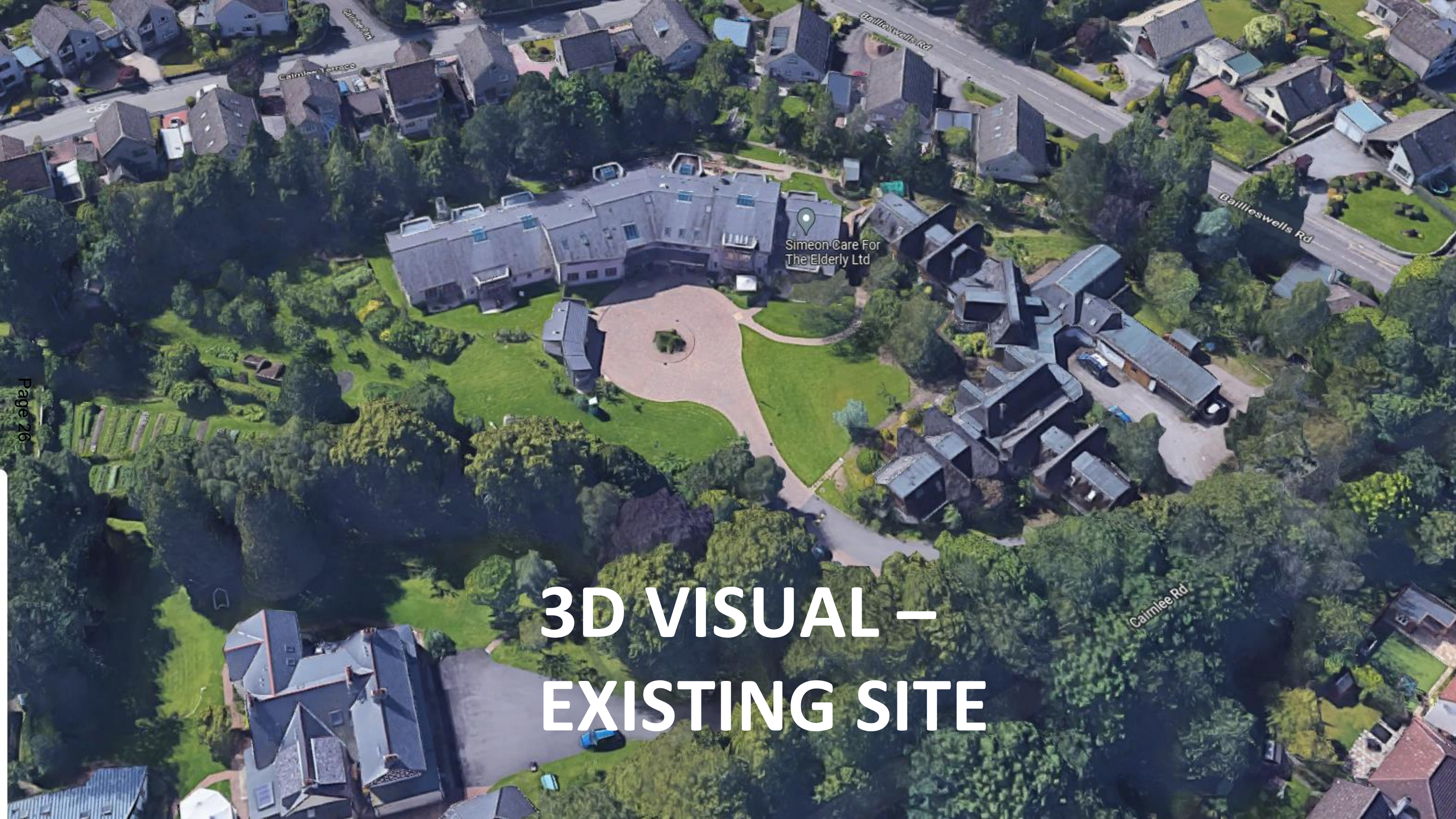
220211/DPP

LOCATION PLAN



SITE OVERVIEW

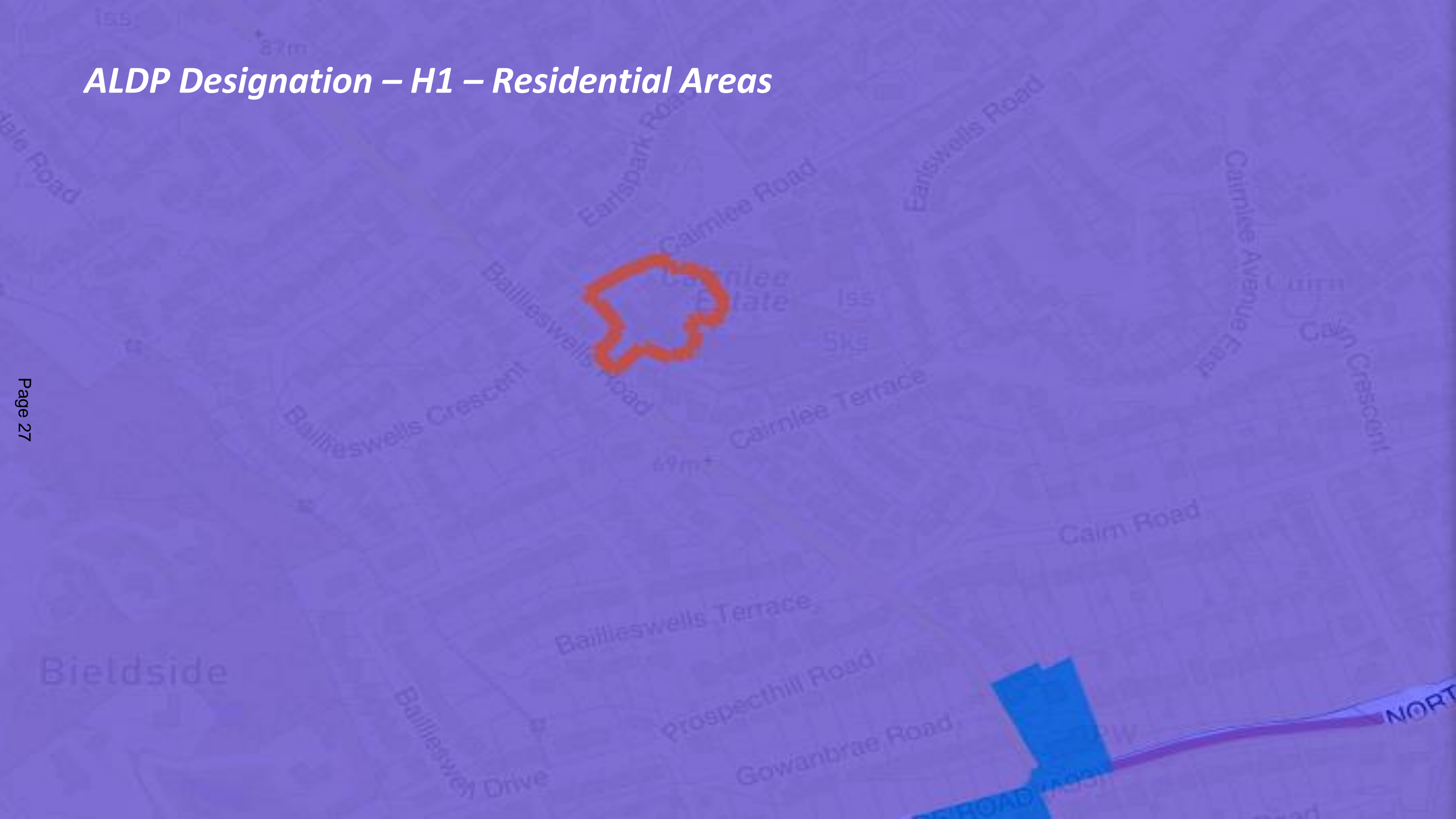




Simeon Care For
The Elderly Ltd

3D VISUAL – EXISTING SITE

ALDP Designation – H1 – Residential Areas



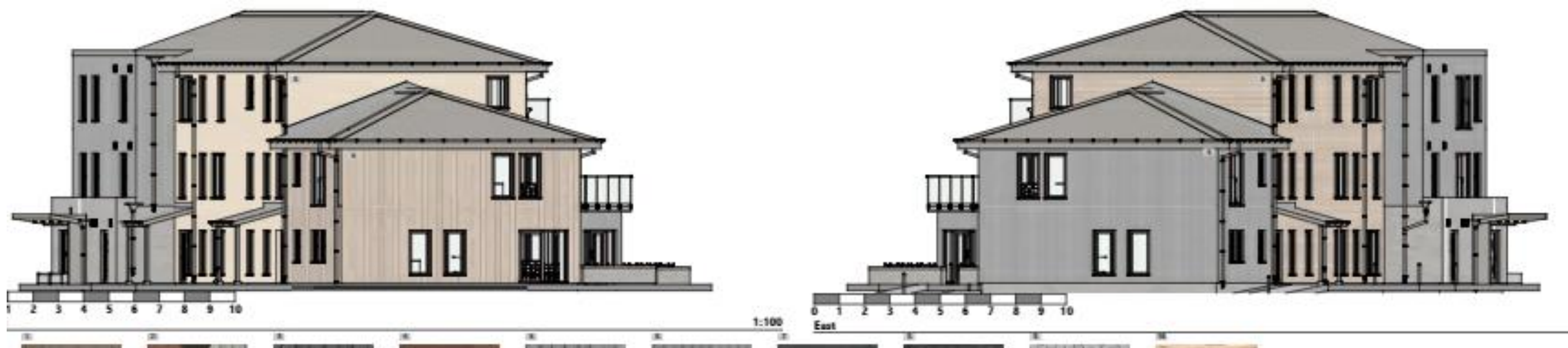
SITE PLAN
(PROPOSED)



Elevations (Proposed)



Side Elevations (Proposed)



Site Photos (Existing Site Access)



Site Photos (Existing Site)



SITE PHOTOS





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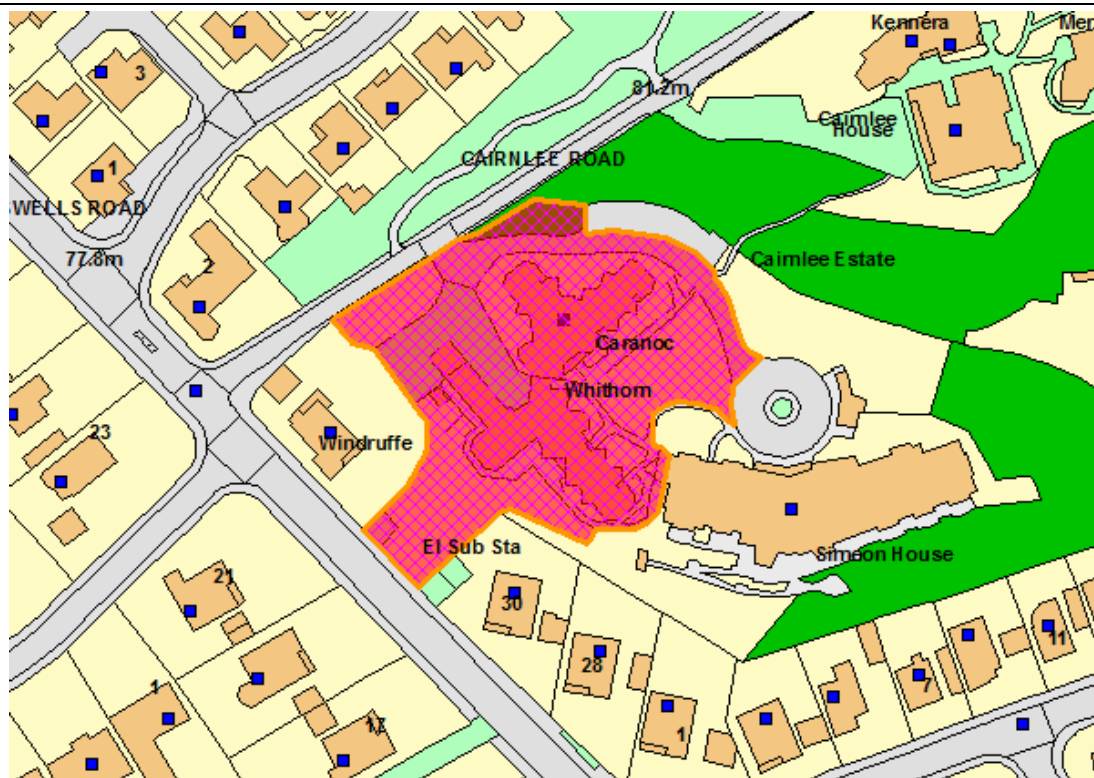


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1st December 2022

Site Address:	Caranoc Whithom, Cairnlee Road, Aberdeen, AB15 9BN
Application Description:	Demolition of existing residential building and erection of replacement building to create 20 co-house apartments with associated bin and bike store and other associated works
Application Ref:	220211/DPP
Application Type	Detailed Planning Permission
Application Date:	21 February 2022
Applicant:	Camphill Senior Co-housing Aberdeen
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Conditionally and Subject to Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site, which extends to approximately 4700sqm, contains an existing vacant single storey building is located within the settlement of Bieldside, within what would've originally been the grounds of Cairnlee House, which lies to the east. The existing building, known as 'Caranoc' and 'Whithorn' is largely single storey but with two storey elements and comprises 20 terraced apartments with a shared kitchen and lounge area. Simeon House is located to the immediate south of the application site and is also in the ownership of the applicant. This is a two-storey building of a similar architectural design to that proposed.

The site is bound by a large number of deciduous and evergreen trees and there are large areas of landscaping and woodland both within the applicant's ownership and bounding the application site boundary.

The surrounding area is predominantly residential in nature and includes a number of one-and-a-half and two storey dwellinghouses. Baillieswells Road is located to the west of the application property, with Cairnlee Road (where access is taken from) located to the north and Cairnlee Terrace located to the immediate south. The Caranoc and Whithorn existing building was constructed as residential accommodation for retired co-workers and others affiliated to the Camphill community, based at Newton Dee, 1 km southwest of the application site.

Relevant Planning History

In relation to the building to the immediate south of the application site boundary, planning permission (Ref: 110917) was approved in April 2012 for the redevelopment of a Simeon care for the elderly home to form a new care home and day care facility. This permission has been implemented and the buildings now occupied.

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks detailed planning permission for the demolition of the existing single storey residential building and erection of a replacement building to create 20 apartments with associated bin and bike store and other associated works. The building would be occupied by workers within the Camphill community solely and the applicant's supporting statement has advised that the proposal has been designed to "*address the needs of the ageing co-worker population dedicated to the service of Camphill Schools*".

The building would principally be three storeys in height, with two storey wings and a south facing principal elevation, although the main access would be taken from the northern elevation. The southern elevation would be extensively glazed and would include a number of balconies at second and third storey levels. Materials proposed would include a zinc metal roof, aluclad windows and doors, vertical larch boards and horizontal larch cladding, smooth render and concrete and natural stone setts.

The proposals would also include the provision of thirteen parking spaces, bin storage areas and areas of landscaping to the front of the property. Access would be taken from the existing access on Cairnlee Road to the immediate north.

Amendments

The proposed design of the building has been amended since the original submission to reduce its overall massing. This has included "hipping" both ends of the structure and making alterations to the northern elevation. Further information has also been submitted to address consultees'

concerns including an updated Bat Survey, and further details for colleagues in both Roads and Environmental Health.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R7NA9BBZKSD00>

- Bat Survey Report and Appendix
- Tree Survey and Management Brief
- Design and Access Statement
- Drainage Statement
- Transport Statement
- Affordable Housing Planning Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal has been subject to six or more timeous letters expressing comments of objection to the application. Subsequently, the proposal falls outwith the scheme of delegation. Cults, Bielside and Milltimber Community Council have also made comment on the development, but do not object.

CONSULTATIONS

ACC - Environmental Health – have no objection to the proposals following the submission of further information, and subject to a number of conditions. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Roads Development Management Team – have provided various comments in relation to the application. In summary they have raised no objection to the proposals subject to a number of planning conditions and their response will be discussed in greater detail in the evaluation section of this report.

ACC - Developer Obligations – have advised of the requirements for the proposed development. These matters will be discussed in greater detail within the below evaluation.

ACC - Waste and Recycling – have advised of the waste management requirements for the proposed development.

Scottish Water – unable to confirm capacity at the Mannofield Water Treatment Works. Confirm that there is sufficient capacity for foul only connection at the Nigg Wastewater Treatment Works.

Cults, Bielside and Milltimber Community Council – provided a number of comments in relation to the application:

1. Expected that the Planning Authority would request the submission of a Construction Environment Management Plan (CEMP) detailing how construction traffic would be controlled to ensure no inconvenience to existing road users and this would be conditioned as part of any approval.
2. Concerns about access to the proposed development and have suggested that attention be given to the visibility splays and the provision of “give way” road markings and signage.

3. Concerns in relation to the state of Cairnlee Road, which could be further damaged by construction traffic. Note that the applicant has indicated that they would be willing to re-surface part of the road but have suggested that this could be extended up to its eastern end.

REPRESENTATIONS

The proposal has been subject to seven public representations (five in support and two offering neutral comments but raising issues that would be considered as an objection). The matters raised can be summarised as follows:

1. The proposed three storey building would have an adverse impact on the character and amenity of the surrounding area, with buildings in the surrounding area all being of a similar height.
2. Matters raised in relation to screening along the northern boundary. Should the development proceed, the developer should be obligated to repair or replace any dead or damaged trees; or an alternative screening method installed.
3. Concerns in relation to the state existing access road and site access, and whether it would be suitable during the construction period, the level of development proposed (ensuring it complies with current requirements) and that it should remain open for the length of development.
4. Concerns raised regarding the neighbour notification procedures.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant – D1: Quality Placemaking by Design, D2: Landscape, I1: Infrastructure Delivery and Planning Obligations, T2: Managing the Transport Impact of

Development, T3: Sustainable and Active Travel, T4: Air Quality, T5: Noise, H1: Residential Areas, H5: Affordable Housing, NE5: Trees and Woodlands, NE6: Flooding, Drainage and Water Quality, NE8: Natural Heritage, R6: Waste Management Requirements for New Development, R7: Low and Zero Carbon Buildings, and Water Efficiency and CI1: Digital Infrastructure.

Supplementary Guidance (SG)

Planning Obligations, Affordable Housing, Transport and Accessibility, Trees and Woodlands, Flooding, Drainage and Water Quality and Resources for New Development.

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether – these matters have been subject to comment by the Reporter, and the relevance of these matters to the application under consideration.

The following policies are relevant – WB2: Air Quality, WB3: Noise , NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodlands, D1: Quality Placemaking, D2: Amenity, D4: Landscape, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, H1: Residential Areas, H5: Affordable Housing, I1: Infrastructure Delivery and Planning Obligations, T2: Sustainable Transport, T3: Parking and CI1: Digital Infrastructure.

EVALUATION

Principle of Development

In terms of the principle of development, Policy H1 (Residential Areas) of the ALDP advises that proposals for new development will be approved in principle if it: does not constitute over development; does not have an unacceptable impact on the character or appearance of the surrounding area; does not result in the loss of valuable or valued areas of open space and complies with Supplementary Guidance. These detailed issues are set out in the below evaluation.

Layout, Siting and Design

Policy D1 states that all development must ensure high standards of design and have a strong and distinctive sense of place, which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Also well considered landscaping and a range of transportation opportunities ensuring connectivity are required, compatible with the scale and character of the development.

The proposal is for a specific type of housing associated with the Camphill community and would provide accommodation for retired Camphill workers over the age of 55 (which would be controlled via the required legal agreement). The majority of the bedrooms within the building would therefore be one-bed to meet the requirements of the specific users of the premises. The general layout and mixture of property types is considered to be acceptable and, as discussed in more detail below, is considered to constitute an affordable housing development. The proposal would therefore comply with the general principles of Policies H4 (Housing Mix) and H5 (Affordable Housing) of the ALDP.

Generally, it is desirable for properties to have a dual aspect i.e., have windows which face out from two separate elevations/ in different directions. In this case the majority of the units would be single aspect, although the southern elevations would be extensively glazed with balconies for a

number of the properties on the upper floors and double doors for those on the ground floor. This is primarily due to the access to each of the rooms running along the northern elevation of the building. It should be noted that the building has been designed in such a way that the entrance door to each property would be located opposite a window on the northern elevation. The smaller of the units would be approximately 42sqm in size, leading up to 2-bed units of around 72 sqm. It is also noted that communal areas would be located on the ground floor of the properties. Given these, along with the levels of glazing proposed on the southern elevation. This arrangement is considered to be acceptable and each of the properties would allow for an appropriate level of amenity for the proposed occupiers.

The building would primarily be three storeys in height, with two storey wings at either end, with the roofs hipped to reduce the overall presence of the development. The building would also be angled to meet in the middle to reduce its required footprint. The building would therefore have a maximum overall height of approximately 11m for the three-storey element and 7.5m for the two-storey element. The massing and layout are considered acceptable in terms of how it would sit within the context of the surroundings. Whilst it is acknowledged that the general character of the area is one and a half storey and two storey dwellinghouses, the building would be located at the rear of the site and visually screened by a mature bank of trees; it would also sit to the immediate north of a two-storey building of a similar architectural design, the recent care home development. The massing has also been reduced since the original submission to hip either side of the building and reduce its overall presence. It is considered that the proposal would therefore not appear out of place or out of context. The nearest residential properties are located approximately 30m to the south-west, with the dwelling sitting adjacent (to the west) being within the control of the applicant. Those to the rear also sit behind a mature band of trees and the ground levels increases. In summary, it is considered that due to their location and siting the proposals would have no overbearing impact or adverse impact on privacy on existing residential properties in the surrounding area.

The building would also utilise a number of different materials including a zinc metal roof, aluclad windows and doors, vertical larch boards and horizontal larch cladding, smooth render and concrete and natural stone setts. The building is considered to have been designed with due consideration for its surrounding context and would have no adverse impact on the character and appearance of the surrounding area. The design of the building is therefore considered appropriate in this instance.

In summary, it is the view of the Planning Authority that the building would sit comfortably within its surroundings, in terms of their general scale, it has been designed with due consideration for its context and would therefore comply with the general principles of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the ALDP.

Developer Obligations/ Affordable Housing

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. The level of infrastructure requirements and contributions will be outlined by the Council, through the Developer Obligations Assessment and will relate to the development, in line with Policy I1 - Infrastructure Delivery and Planning Obligations. In addition to the above, Policy H5 Affordable Housing advises that housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

In respect of the above, the applicants have submitted an Affordable Housing Planning Statement in support of the application. The proposed units would provide affordable housing units for retired Camphill co-workers and others with an affiliation to the Camphill community who otherwise may struggle to access suitable housing. The statement sets out that the proposed development is an 100% affordable development in that the proposed co-housing units would be rented at the Local Housing Allowance rate, as per the definition of Mid-Market Rent housing in the SG, with the development to be bound by a legal agreement to ensure that the units are retained as affordable housing in perpetuity.

The Planning Service have reviewed the above document in consultation with colleagues in Developer Obligations and Housing and are content that subject to the conclusion of a legal agreement which: restricts the units to use by Camphill Estates and to be occupied by employees or former employees over the age of 55, the proposal is acceptable. Also necessary is the insertion of a clause in any agreement that if occupancy or ownership of the land/development changes then a notification clause would be included to advise the Planning Authority of any such change with an option to review the occupancy clause at that time. The applicants have agreed to the above. It is therefore considered that the proposed development would comply with Policy H5 (Affordable Housing) of the ALDP and its associated SG: Affordable Housing.

In terms of other planning obligations required the Developer Obligations Assessment Report has noted a requirement for contributions towards the Core Path Network (£5059), Healthcare Facilities (£7847) and Open Space (£2489). There is no requirement for contributions towards primary education, secondary education, community facilities or sports and recreation. The above contributions would also be tied to the required legal agreement and subject to the conclusion of this the proposed development would comply with Policy I1 and its associated SG: Planning Obligations.

Natural Heritage

Policy NE8 advises that direct and indirect effects on sites protected by natural heritage designations, be they international, national, or local, are important considerations in the planning process and will need to be carefully considered in planning applications.

In their initial consultation response colleagues in Natural Environment Policy (NEP) noted the content of the content of the Species Protection Plan (SPP) but requested the submission of an updated Bat Survey. This document concluded that a bat mitigation licence (from NatureScot) would be required prior to the commencement of development, 2 bat boxes should be erected within 100m of the site, so that any bats found could be safely relocated, contractors should be made aware of the potential presence of bats, a licenced bat worker should be present for any works within 5m of a known bat roost, and alternative bat roosts are accommodated by maintaining two external bat boxes after work has completed. It is also proposed to insert a condition requiring the submission of a full landscaping plan that should be implemented.

The above SPP was reviewed and considered to be acceptable to colleagues in NEP. A condition is recommended to be applied to any approval to ensure that works are undertaken in accordance with the recommendations of this assessment. Subject to the above the proposals would comply with Policy NE8 (Natural Heritage) of the ALDP.

Trees and Woodland

Policy NE5 notes a presumption against all activities and development that will result in the loss of, or damage to, trees and woodland that contribute to nature conservation, landscape character, local amenity or climate change adaptation or mitigation. In addition, the Town and Country Planning Scotland Act 1997 (as amended) advises that there is a duty on the Planning Authority to ensure, whenever it is appropriate, that in granting planning permission for any development

adequate provision is made, by the imposition of condition, for the preservation or planting of trees.

In relation to the above, a Tree Survey and Management Brief was submitted in support of the application. This report concluded that 12 trees were proposed for removal as they were either in a poor condition or pose an unacceptable risk to persons or property and that a number of trees would need to be crowned. Colleagues in NEP have reviewed the information as submitted and note that the development has been positioned reasonably sympathetically to avoid significant tree loss or impacts. They consider the level of tree loss to be acceptable; the majority of trees proposed for removal are lower quality and add little to the overall impact of the wider group. They did, however, suggest that the garden/ bike store could be relocated to allow for the retention of three of the trees proposed for removal, which would increase the overall number of trees to be retained and retain a degree of boundary screening between the proposed development and neighbouring properties.

In regards of the above, an updated site plan was submitted to move the bike store/ garden store away from the above-mentioned trees. The information was reviewed by colleagues in NEP and considered to be acceptable. Subject to the implementation of the works as defined in the Tree Survey and Management Brief the proposed development would comply with the general aims of Policy NE5 (Trees and Woodlands) of the ALDP along with its associated SG: Trees and Woodlands.

Transport

Policy T2 advises that *“new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel”*. In addition, Policy T3 advises *“new development must be accessible by a range of transport modes with an emphasis on active and sustainable transport”*.

The proposal has been reviewed by colleagues in Roads Development Management. In their initial consultation response colleagues in Roads sought clarification on the type of development proposed, noting that a 20 flat development would usually require 30 parking spaces. The proposals are for 13 parking spaces along with 3 electric vehicle parking spaces and one disabled parking space. The above would therefore result in an under provision of parking facilities when assessed against the Transport and Accessibility SG.

Typically, the Planning Authority would require a car club contribution to mitigate against the above under provisions. In this instance the applicants are proposing two internal shared electric vehicles to mitigate against the shortfall in development. This is considered acceptable and would be included within the required legal agreement to ensure that these facilities are provided in perpetuity. Subject to the above, colleagues in RDM are content with the proposed parking arrangements.

In terms of the site access from Cairnlee Road, colleagues in RDM also note that this is not changing, with the new building covering a similar sized footprint to what exists currently. The current arrangement is considered to remain acceptable. Waste storage facilities are also proposed to be on a similar level to what existed previously. The proposal also includes the provision of 8 visitor cycle stands as well as eight lockers for bikes and this arrangement is also considered to be acceptable. The submission of a Green Travel Plan will also be conditioned.

It is noted that the site is located approximately 550m from the nearest bus stop on North Deeside Road, which is more than the recommended 400m. Given the proposals however relate to the replacement of an existing building, which would have had similar issues, it is considered to be acceptable in this instance.

The proposal would therefore not conflict with Policies T2 (Managing the Transport Impact of Development) or T3 (Sustainable and Active Travel) of the ALDP and its associated SG relating to Transport and Accessibility. Similarly, the waste management requirements would be similar to what exists currently, and the proposals would comply with Policy R6: Waste Management Requirements for New Development and its associated SG: Resources for New Development.

Drainage/ Flooding

As per the requirement of Policy NE6 - Flooding, Drainage and Water Quality, a Drainage Statement was submitted in support of the proposed development. The above statement notes that it is proposed to treat and partly infiltrate surface water run-off on site using a surface water soakaway, which would connect to an existing Scottish Water sewer to the west of the site. The statement has been reviewed by colleagues in RDM, who are content with its findings, and have no objection with regards to the drainage or flooding elements of the proposed development. The proposals are considered to comply with Policy NE6 if the ALDP and its associated SG: Flooding, Drainage and Water Quality.

Noise/ Air Quality

In terms of noise and odour, colleagues in EH required the submission of further information in relation to the proposed centralised central heating and ventilation systems and centralised kitchen. The agent responded to this by advising that the heating systems would be located within the northern side of the building, with mechanical ventilation within the building. The kitchen would also be communal for all users of the premises, with the mechanical ventilation designed to deal with this. This information was further reviewed by colleagues in EH. They are content that, as the finalised system is not known, further information could be submitted at a later date. They are content that this information could be controlled via an appropriately worded planning condition. Subject to the insertion of this the proposal would comply with Policy T5 (Noise) of the ALDP and its associated SG: Noise.

In terms of dust management and control, colleagues in EH noted that there is a potential for the development to have an adverse impact on the amenity of nearby residents due to dust associated with each phase of the proposed works (e.g., earthworks/ construction). They have therefore requested the submission of an Air Quality Dust Risk Assessment and a site-specific Dust Management Plan to mitigate against this. They are content that the above matters can be controlled via an appropriately worded planning condition(s). Subject to the insertion of this the proposal would comply with Policy T4 (Air Quality) of the ALDP and its associated SG: Air Quality

Carbon Emissions and Water Efficiency

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of application through the installation of low and zero carbon generating technology. Whilst no details have been submitted in this regard, this matter can be controlled via an appropriately worded planning condition to ensure compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP and its associated SG.

Digital Infrastructure

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located within the settlement of Bielside, and a check of the OFCOM website confirms that the site has access to standard and superfast broadband. The proposal would therefore comply with Policy CI1 of the ALDP.

Matters Raised by the Community Council

1. The requirement for the submission of a CEMP, including how construction traffic will be dealt with has been included within Condition 9 of this consent.

2. The access to the site has been reviewed as acceptable to colleagues in Roads Development Management. The access is not changing and there is no requirement for the provision of additional signage.
3. The Planning Authority would have no control over whether the road had to be closed during construction and this would likely be a civil matter between relevant parties. Likewise, the Planning Authority cannot insist on the road network out with the application site being repaired. It is noted that the applicant is willing to do this, although it would be outwith the scope of this planning application.

Matters Raised in Representation

1. The design of the proposal has been discussed in the above evaluation and is considered to be acceptable.
2. The screening along the northern boundary of the site is proposed to be retained and protected during development so there should be no tree removal in this location. If there is damage, then it is expected to be replaced on a like-for-like basis.
3. Roads matters have been largely discussed in the transport section above, with the access not changing and considered to be acceptable. The Planning Authority would have no control over whether the road had to be closed during construction and this would likely be a civil matter between relevant parties. Likewise, the Planning Authority cannot insist on the road network outwith the application site being repaired.
4. Correct neighbour notification procedures were undertaken, with all properties within 20m of the application site boundary notified of the proposed development.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally and Subject to Legal Agreement

REASON FOR RECOMMENDATION

Given the character of the surrounding area, it is considered that this proposed development could be satisfactorily accommodated within the site, replacing existing buildings without negatively impacting on the character and appearance of the surrounding area; it would not result in the loss of open space nor constitute over development of the site. Thus, is considered in accordance with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan.

The proposal is considered to have been designed with due consideration for its context, utilising a palette of materials that would be similar to that found within the site and act as an assertive contrast to residential properties found within the surrounding area. The proposals would therefore comply with Policy D1 (Quality Placemaking by Design) and D2 (Landscape).

With regards to the requirements of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) an adequate level of parking would be provided within the site, with the provision of two electric vehicles (which would be controlled via legal agreement) and given the proposal relates to the replacement building is considered to be in a sustainable location.

All other technical matters have been resolved or are to be controlled via appropriately worded planning conditions or the required legal agreement. Subject to these being complied with, the

proposals would also comply with Policies I1: Infrastructure Delivery and Planning Obligations, T4: Air Quality, T5: Noise, NE5: Trees and Woodlands, NE6: Flooding, Drainage and Water Quality, NE8: Natural Heritage, R6: Waste Management Requirements for New Development, R7: Low and Zero Carbon Buildings, and Water Efficiency and CI1: Digital Infrastructure of the Aberdeen local Development Plan as well as its Supplementary Guidance relating to Planning Obligations, Affordable Housing, Transport and Accessibility, Trees and Woodlands, Flooding, Drainage and Water Quality and Resources for New Development.

For similar reasons the proposal would also comply with Policies WB2: Air Quality, WB3: Noise , NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodlands, D1: Quality Placemaking, D2: Amenity, D4: Landscape, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, H1: Residential Areas, H5: Affordable Housing, I1: Infrastructure Delivery and Planning Obligations, T2: Sustainable Transport, T3: Parking and CI1: Digital Infrastructure of the Proposed Aberdeen Local Development Plan.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason: in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) CAR PARKING

That no units hereby approved shall be brought into use unless the approved areas of car parking, including the proposed EV parking and charging facilities have been constructed, drained, laid-out and demarcated in accordance with drawing No. 168 (L)90003 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.

(03) CARBON REDUCTION AND WATER EFFICIENCY

That the units hereby approved shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable to them 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.

(04) LANDSCAPING SCHEME

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:

- i. Existing landscape features and vegetation to be retained.
- ii. The location of new trees, shrubs, hedges, grassed areas and water features
- 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.

(05) TREE PROTECTION MEASURES

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 and immediately outwith the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented in its entirety.

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

(06) 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.

(07) CYCLE PARKING FACILITIES

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing no. 168 (L)90003 have been fully installed and made available for use.

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

(08) RESIDENTIAL TRAVEL PACK

That no residential unit hereby approved shall be occupied unless a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the Planning Authority. Thereafter the pack shall be provided to each property on occupation.

Reason - In order to encourage use of more sustainable modes of transport.

(09) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

That development (including site stripping, service provision or establishment of site compounds) shall commence on site until a site-specific Construction Environmental Management Plan(s) has been submitted to and approved in writing by the Planning Authority. The CEMP must address the following issues (i) site waste management including details of re-use on-site and off-site disposal of demolition materials and (ii) how construction vehicles are to enter and exit the site along with how any damage to the surrounding road network would be repaired should damage occur. Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason - In order to minimise the impacts of necessary demolition / construction works on the environment.

(10) DUST MANAGEMENT PLAN

That no development (including site stripping or service provision) shall take place unless a Dust Management Plan (based on the outcomes of the Air Quality Dust Risk Assessment) for the construction phase of development has been submitted to and approved in writing by the planning authority in consultation with colleagues in Environmental Health. This site-specific Dust Management Plan must include in detail the necessary control measures to be implemented for each phase of the proposed works (demolition, earthworks, construction), an example of the monitoring protocol and schedule to be implemented on-site, and the responsible person for dust control on-site. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan.

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

(11) AIR QUALITY ASSESSMENT

That no development (including site stripping or service provision) shall take place unless an Air Quality (Dust) Risk Assessment is 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 and thereafter submitted to and approved in writing by the Planning Authority in consultation with colleagues in Environmental Health. Thereafter development (including demolition) shall be undertaken in accordance with the approved document.

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

(12) FINISHING MATERIALS

That no development, beyond foundation level, shall take place on the hereby approved building unless a scheme detailing all external finishing materials to the roof and walls of such building has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be finished in accordance with the approved scheme.

Reason - In the interests of visual amenity.

(13) BAT SURVEY COMPLIANCE

That the development hereby approved shall not be implemented unless the proposed mitigation measures as specified in the submitted Bat Survey (Ref: 220211-01 dated 6th June 2022) are implemented in their entirety, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

(14) HEATING AND VENTILLATION SYTEMS

That no development (including site stripping or service provision) shall take place unless finalised details of the proposed heating and ventilation systems for the proposed development are submitted to and approved in writing by the Planning Authority in consultation with colleagues in Environmental Health. For avoidance of doubt this information could include manufacturers specifications or the requirement for a full Noise Impact Assessment, dependant on the system proposed.

Reason: In the interests of residential amenity.

ADVISORY NOTES FOR APPLICANT

1. To protect the amenity of the occupants of existing nearby residential properties, any development works at the proposed development (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours: Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours.

2. Due to the presence of bats within the surrounds, which are a European protected species, the applicant will be required to obtain a licence prior to any works commencing on site. Nature Scot Licensing Team will be able to issue you with your licence providing the bat survey accompanying your approved planning application is less than 18 months old and you are able to follow the mitigation and compensation measures outlined in the bat survey report. To issue your licence NatureScot will need the following information: the likely start and finish date of the works, your name, postal address and email address and the name, postal address and email address of the ecologist or bat consultant that you will be using and to whom you wish a copy of your licence to be sent. To obtain your licence please contact NatureScot Licensing Team either by telephone or email giving your planning reference and site address. Tel: 01463 725364 Email: Licensing@nature.scot.
3. In terms of Condition 14, the applicants should contact colleagues in Environmental Health directly prior to the submission of the required information to agree the full scope of the required works.

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Planning Development Management Committee

Change of use from class 2 (occupational health clinic) to class 11 (children's role play café) including installation of access ramp)

14 Victoria Street, Aberdeen

Detailed Planning Permission
220613/DPP

Parking survey

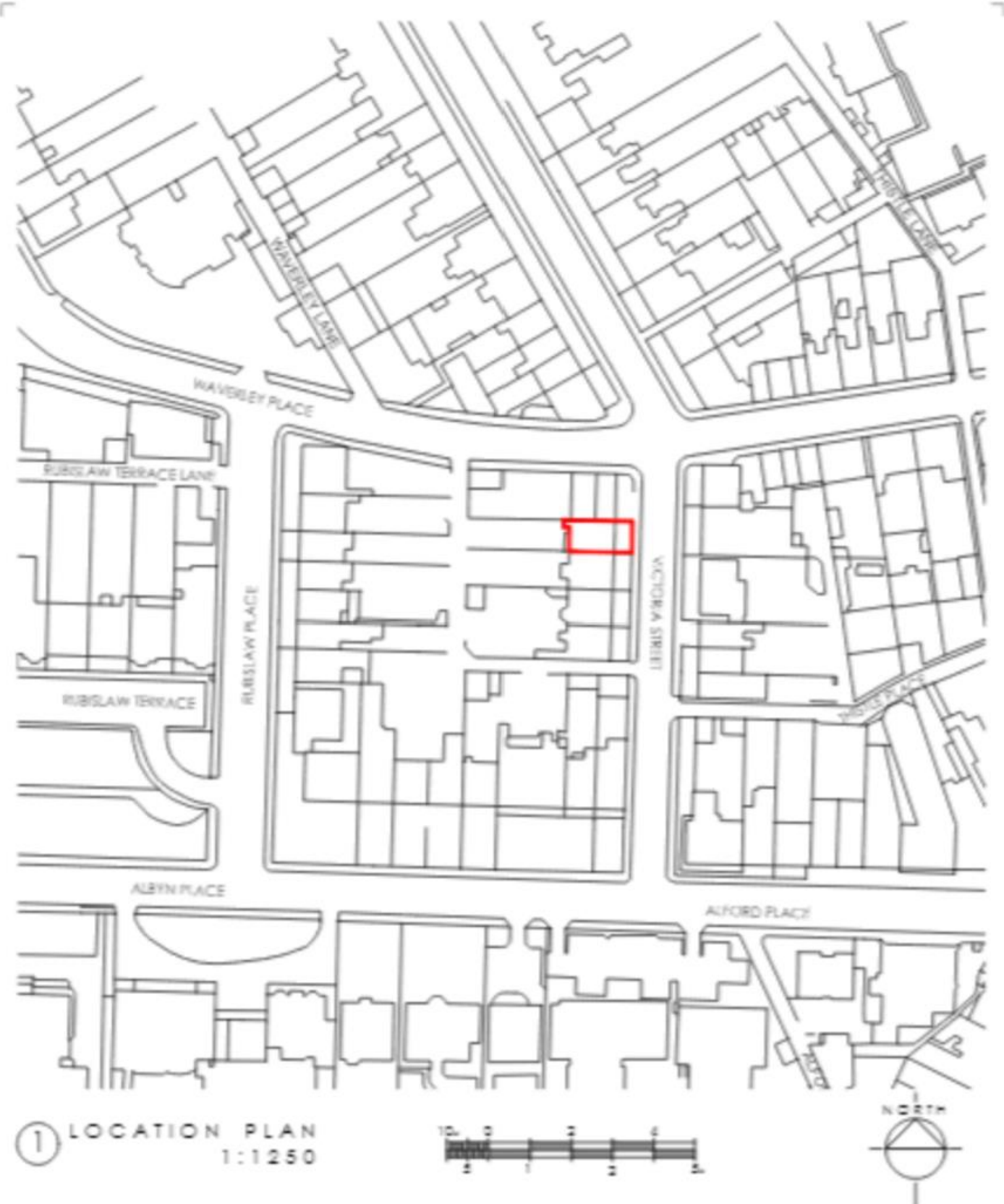


Streets included:

- Albert Street
- Albert Terrace
- Rose Street
- Rubislaw Place
- Rubislaw Terrace
- Thistle Street
- Victoria Street
- Waverly Place

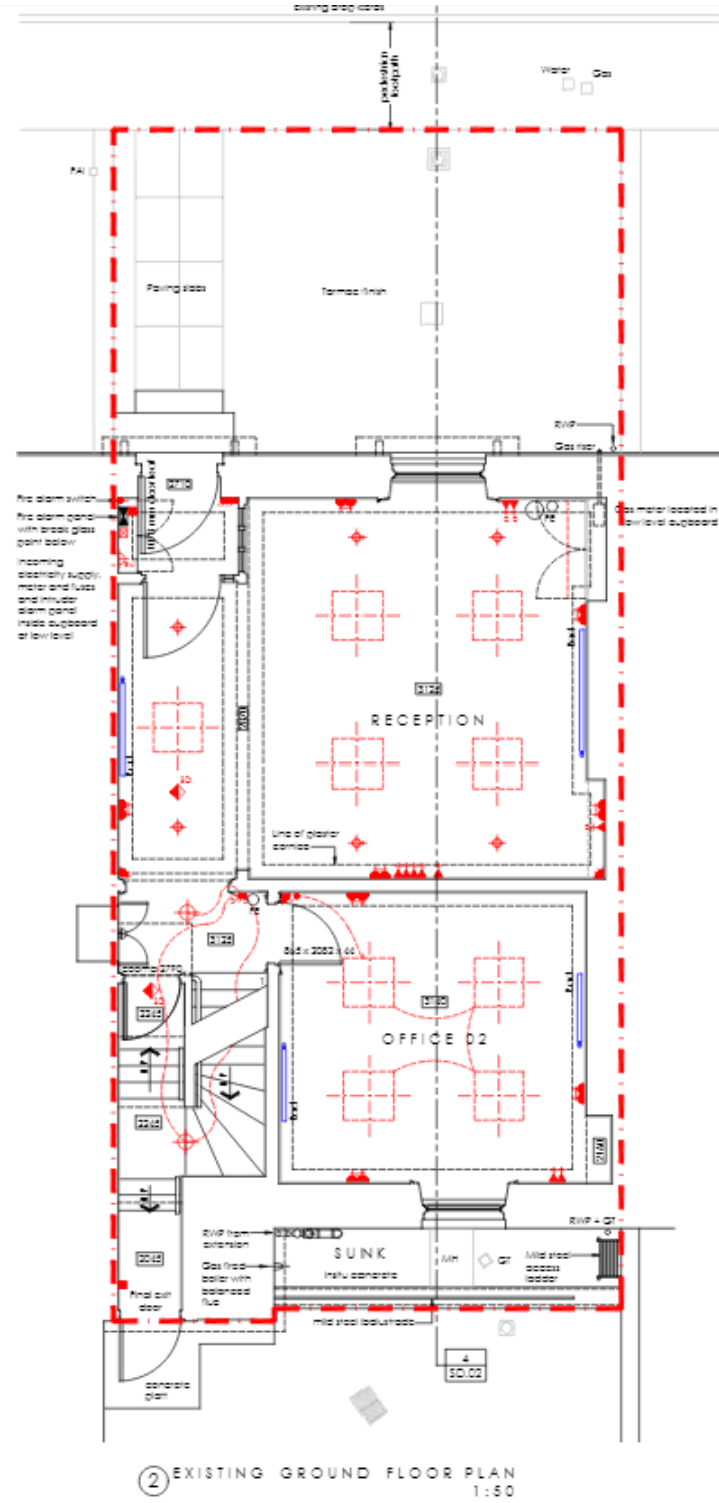
Survey Time		Parking Spaces
Friday 04/11/2022	AM	51 spaces
	PM	47 spaces
Monday 07/11/2022	AM	38 spaces
		40 spaces
Minimum		38 Spaces

Location Plan

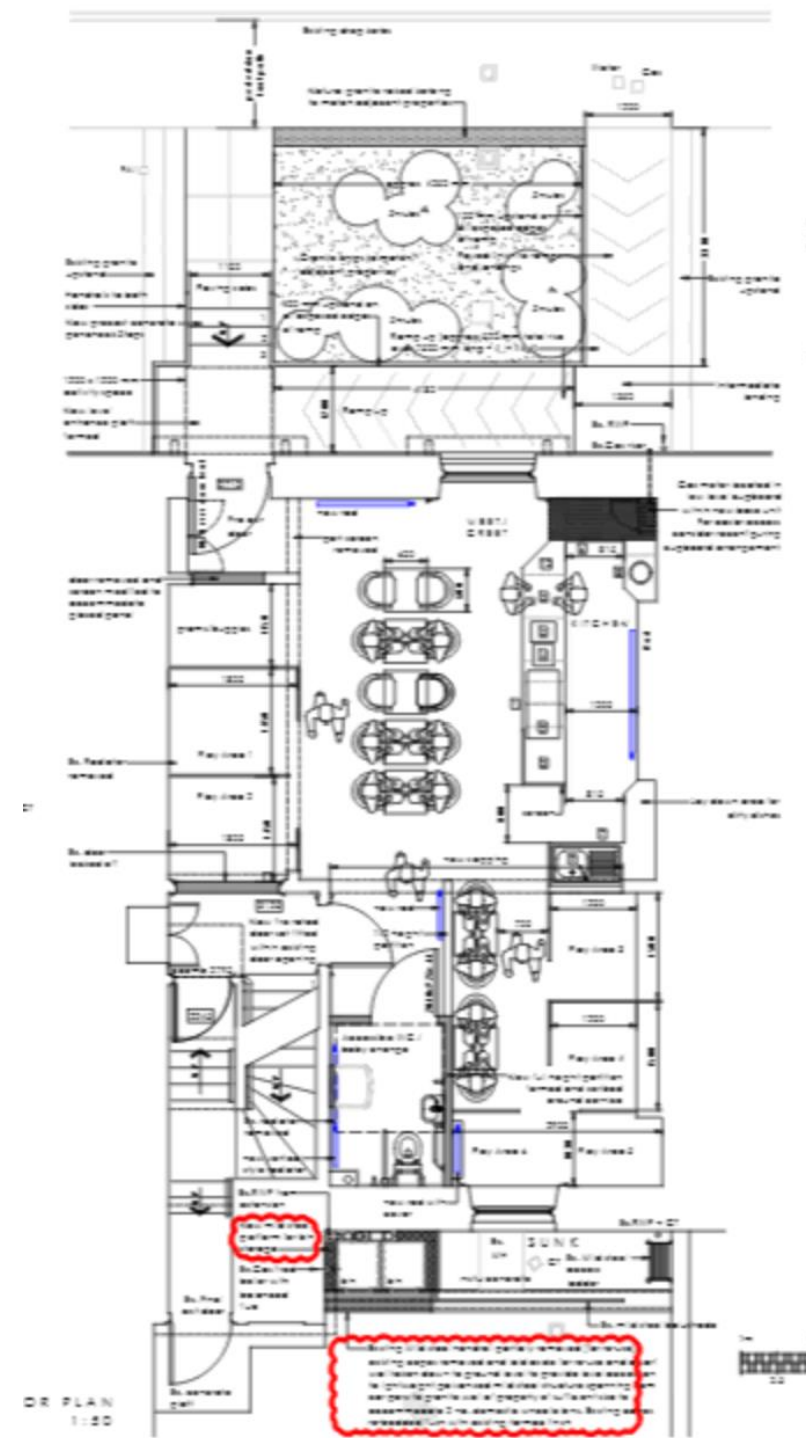


Site and Ground Floor plans

Existing

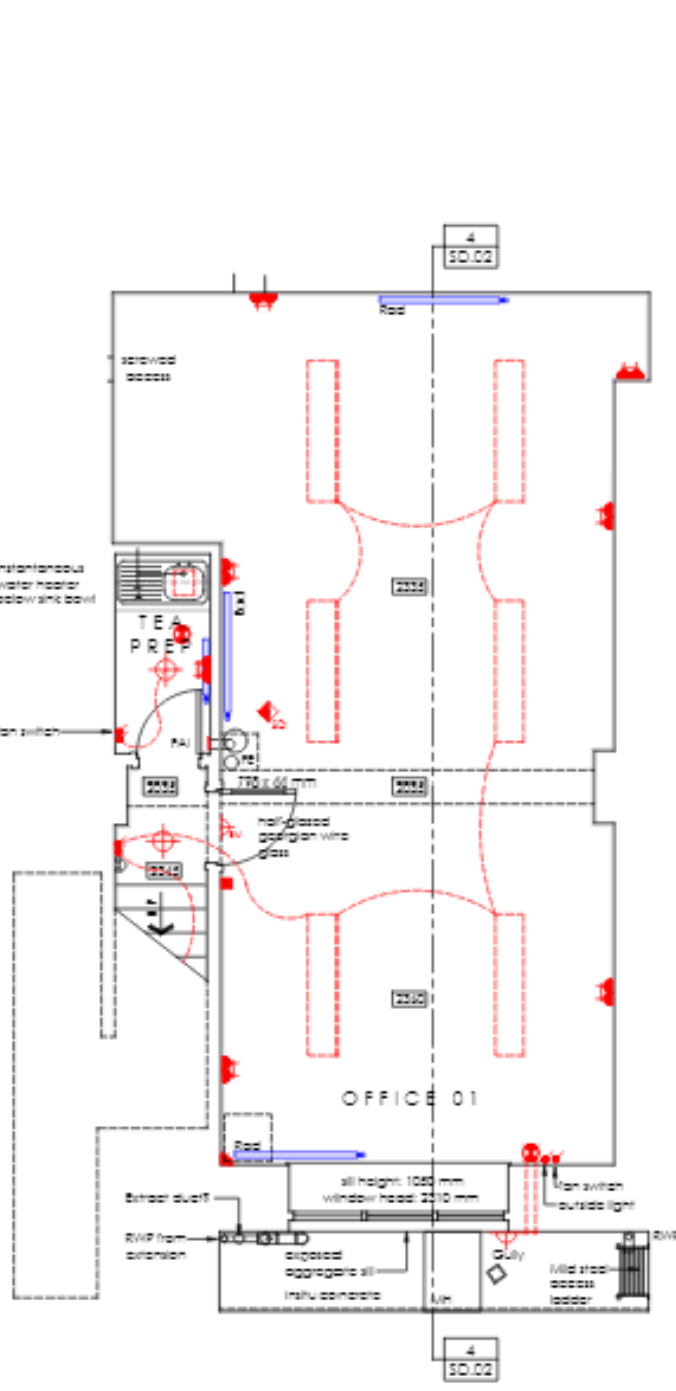


Proposed

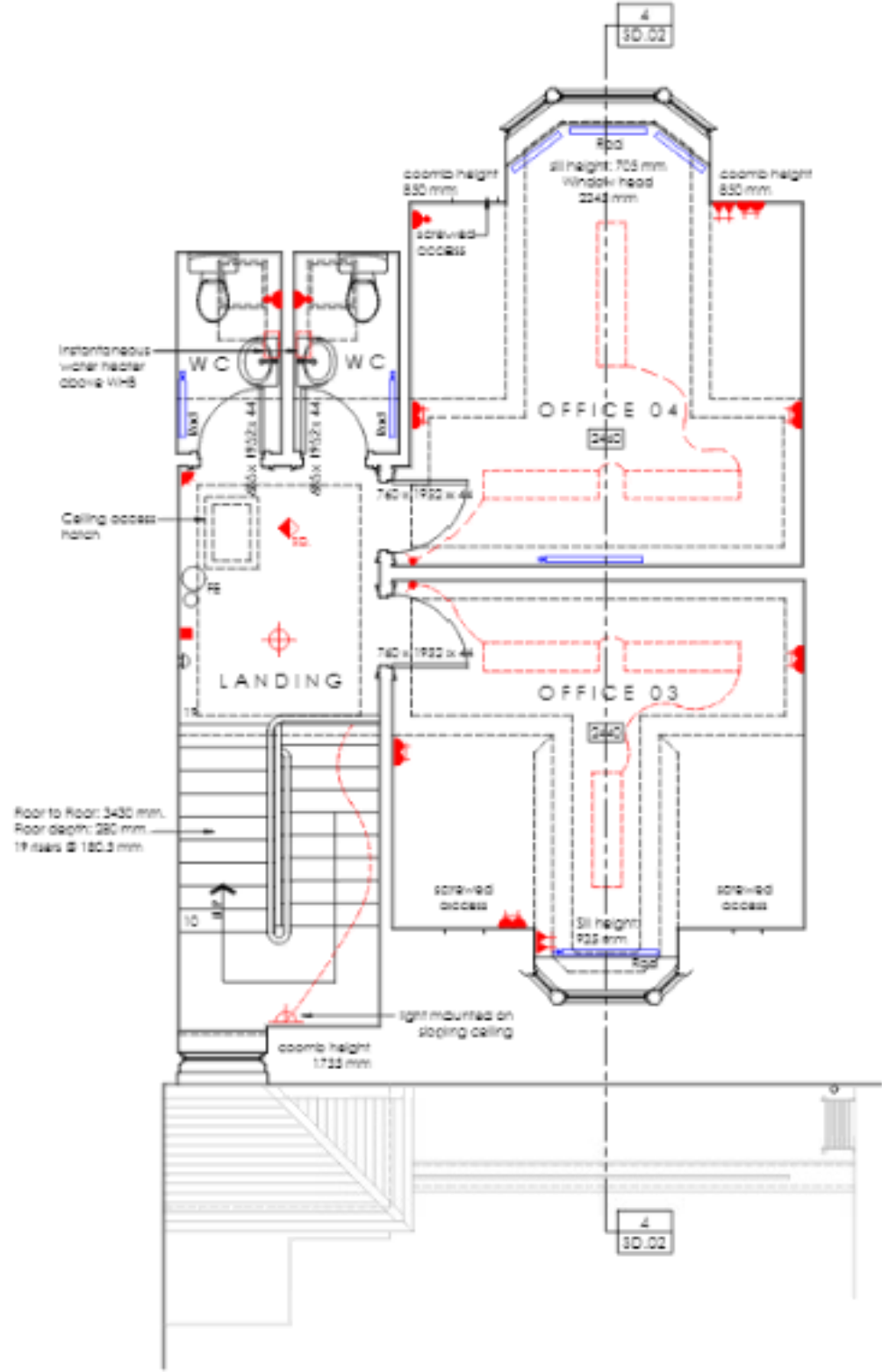


Basement and First Floor plans

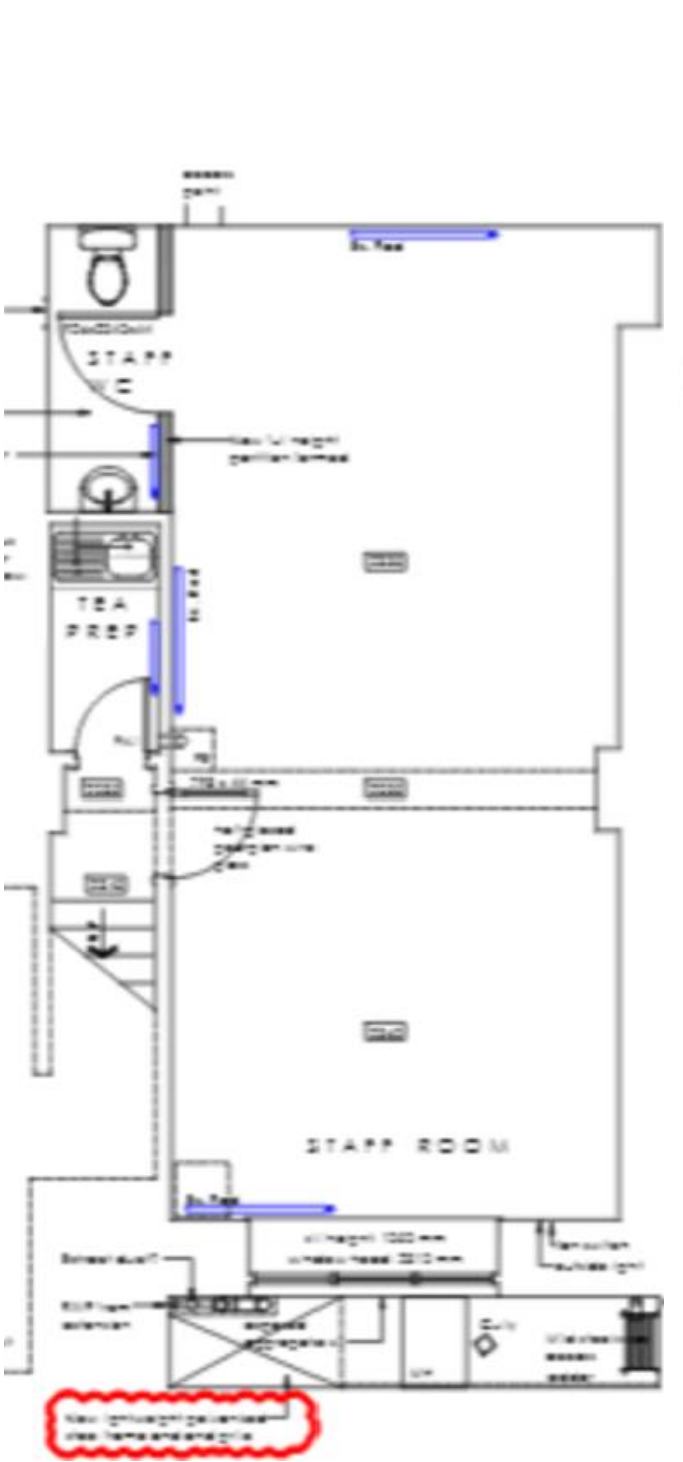
Page 57



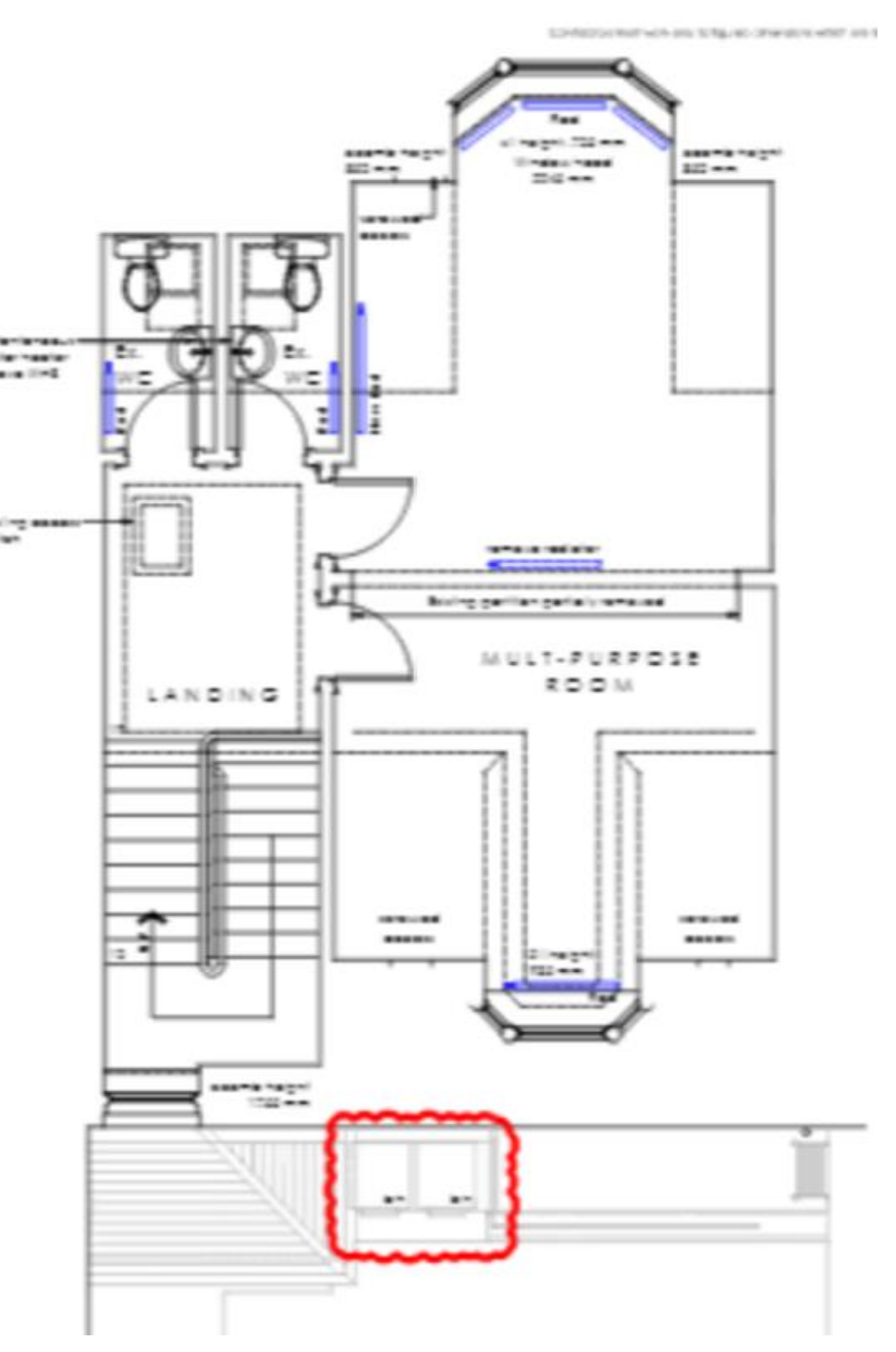
Existing basement plan



Existing first floor plan



Proposed basement plan

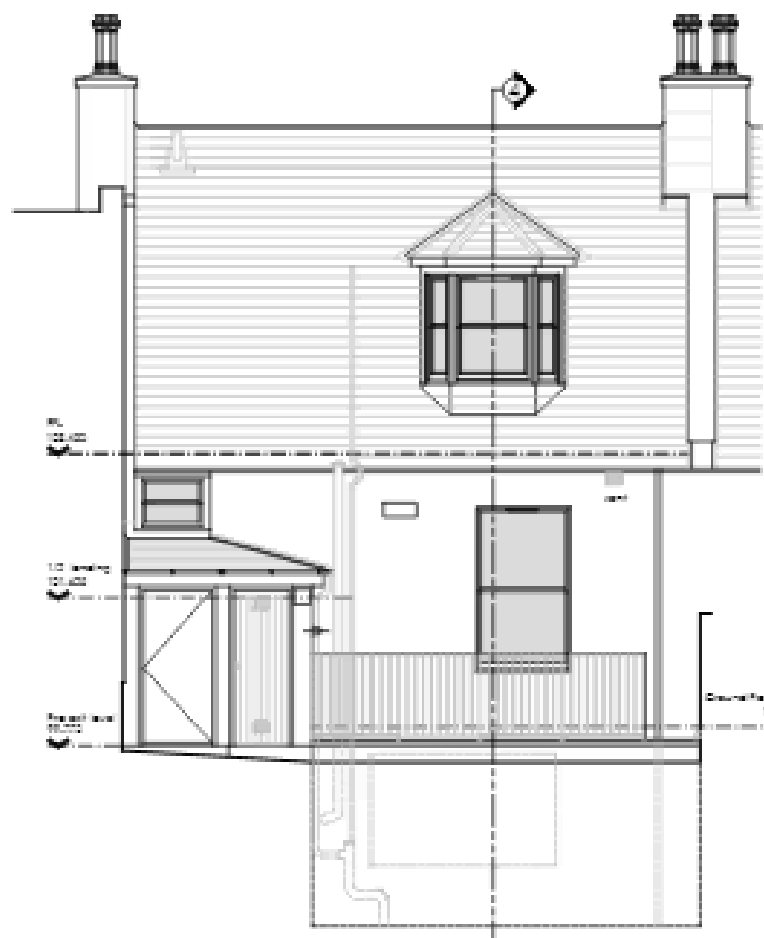


Proposed first floor plan

Existing and Proposed Elevations



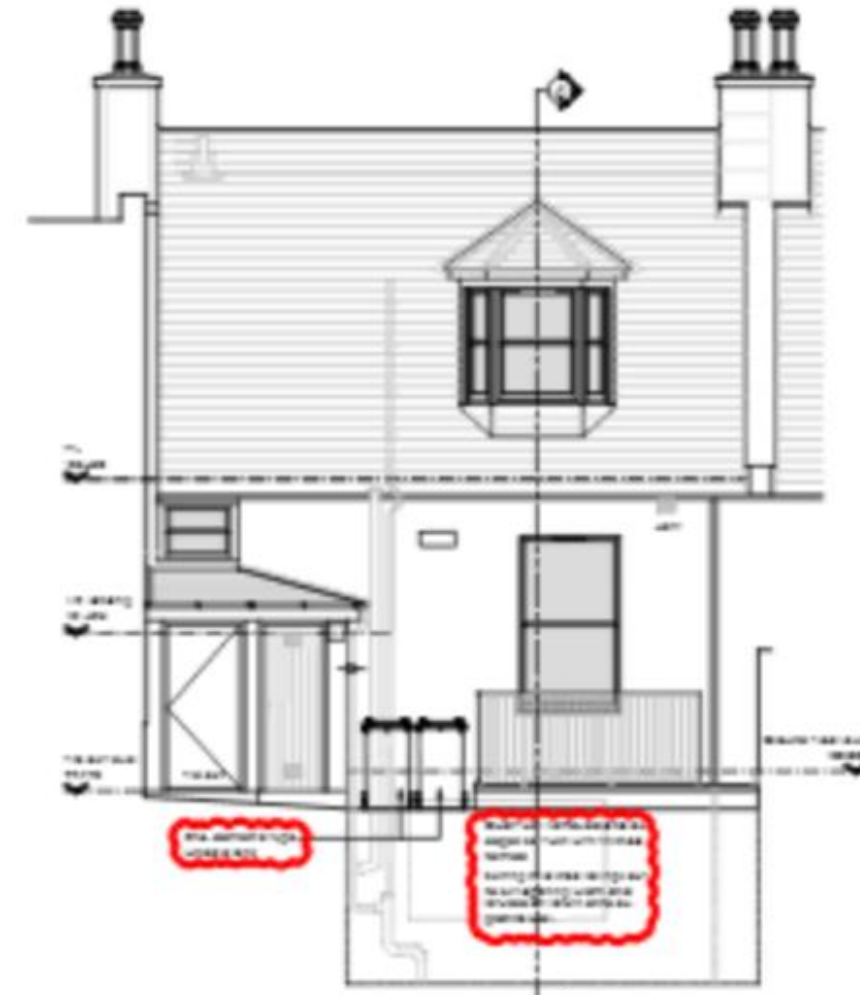
Existing front elevation



Existing rear elevation



Proposed front elevation



Proposed rear elevation

Site Photo





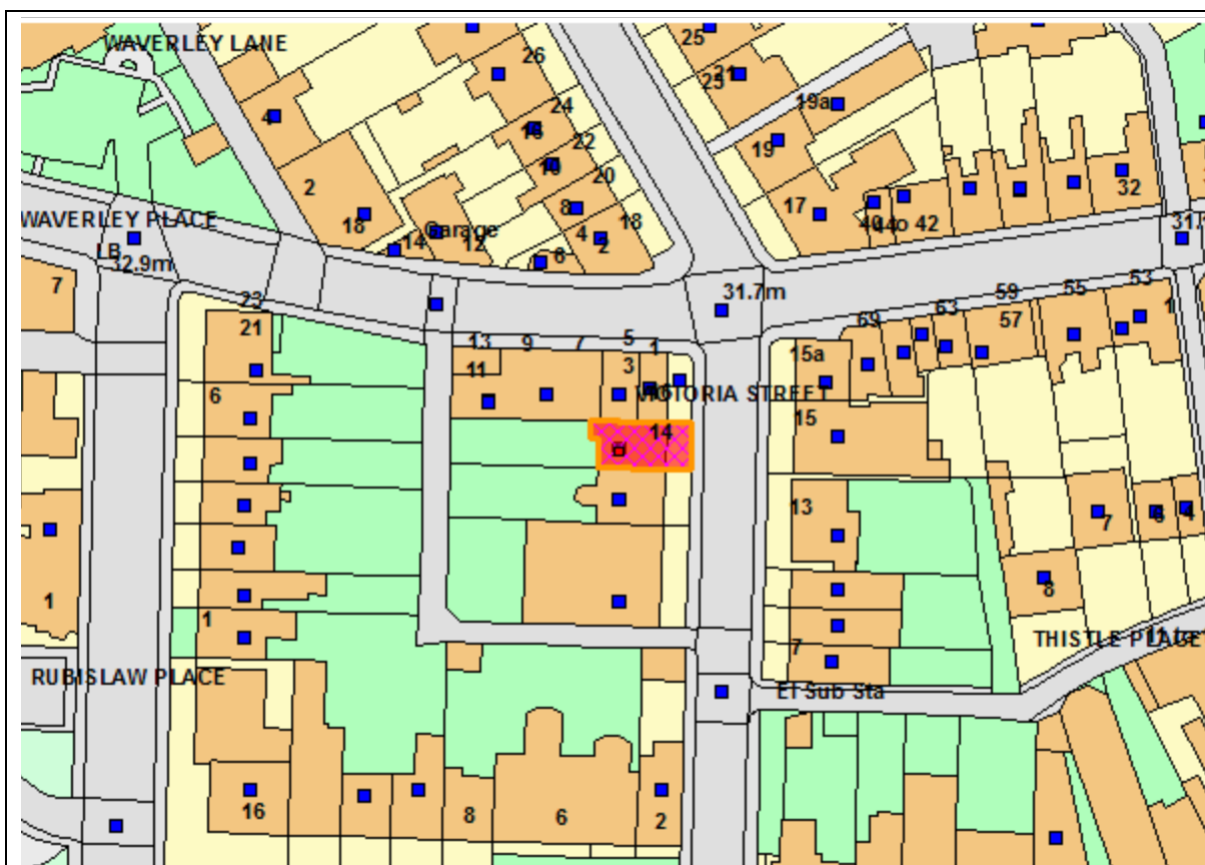


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 3 November 2022

Site Address:	14 Victoria Street, City Centre, Aberdeen, AB10 1XB
Application Description:	Change of use from class 2 (occupational health clinic) to class 11 (children's role play cafe) including installation of access ramp
Application Ref:	220613/DPP
Application Type	Detailed Planning Permission
Application Date:	16 May 2022
Applicant:	Robert Whitelaw (Aberdeen) Ltd
Ward:	Mid Stocket/Rosemount
Community Council:	Queen's Cross and Harlaw
Case Officer:	Dineke Brasier



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RECOMMENDATION

Approve Conditionally

UPDATE

This application was deferred from the Planning Development Management Committee on 3rd November 2022 as further information was requested on parking availability within the vicinity of the proposed development, namely:

- Capacity and availability of on-street parking spaces in the Controlled Parking Zone;
- Capacity and availability of public parking within Chapel Street car park; and
- Location of disabled spaces.

In support of the application and to address these points, the agent submitted a further Parking Survey covering the surrounding streets where parking is available on a 'pay and display' basis. Streets covered in the survey included:

- Albert Terrace;
- Rose Street;
- Thistle Street;
- Rubislaw Place;
- Rubislaw Terrace;
- Victoria Street; and
- Waverley Place.

All spaces surveyed are within 250m of the application property, and thus nearer than the long-stay Chapel Street multi-storey car park, which is 470m by car from the application property. Two mid-morning and two mid-afternoon surveys were undertaken, all during weekdays, at times when the proposed role play café is expected to be at its busiest. During the surveys, a minimum of 38 spaces were available in these immediate surrounding streets. Given the capacity of the role play café is 20 children, and taking consideration that the maximum number of parking spaces as set out in the Supplementary Guidance on Transport and Accessibility is 3, it is considered adequately demonstrated that sufficient on-street parking is available in the immediate surrounding area to adequately serve the proposed development.

In relation to the Chapel Street multi storey public car park, this has been closed since April 2022 and is in the process of refurbishment. As such, no recent figures are available in relation to its usage. The car park's capacity is 500 spaces, all of which will be publicly available at weekends, whilst during the week 100 spaces will be available to the public, the remainder for the use of Shell, following their occupation of the Silver Fin office on Union Street. However, as set out above, it has been adequately demonstrated that sufficient on-street pay and display parking is available closer to the application site than the Chapel Street car park, and availability of spaces in this car park is therefore not directly relevant to this current application.

The nearest blue badge parking would be on Rose Street. However, if safe to do so, blue badge holders can park on single yellow lines, (Monday – Saturday 8am – 6pm) available immediately outside the application property on Victoria Street. Given that outside these designated hours, parking is allowed in principle, it is considered safe to do so for 'blue badge' holders, and accordingly this area could be used for disabled parking.

Updated comments from Roads Development Management are set out in the Consultation Section of this report below, confirming that they have no objections to the proposed change of use, and consider that the site is readily accessible by sustainable transport means and that there is adequate nearby available parking provision to serve parents/customers which is typical of other such uses in this area of the city that requires customer turnover.

APPLICATION BACKGROUND

Site Description

The application site comprises a one and a half storey mid-terraced property with basement accommodation. The property is of a traditional design, constructed of granite with a slated roof and a single piended dormer to the front and rear. There is a driveway to the front with space for the parking of a single car. The car park to the rear is not within control of the applicant and falls outwith the application site. The premises are currently vacant but were most recently in use as an occupational health clinic.

The site is located within the Albyn Place/Rubislaw Conservation Area and is within the West End Office area. The surrounding area is characterised by buildings of a similar age and general design, some of which have been extended, containing a mix of uses, including residential, offices and healthcare facilities.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

A change of use is sought from class 2 (occupational health clinic) to class 11 (children's role play café) and the installation of a ramp leading up to the front door.

The proposed floorplans indicate that the front of the ground floor would be split into 6 different 'themed play areas' that would be equipped to facilitate a variety of role plays, such as a play kitchen, shop or a vets. These play areas would be supplemented by a small café in the centre of the ground floor with a kitchen and toilets. Each play area would comprise approximately 2.6m² floorspace. The first floor would be a larger multi-purpose room and would be used for parties to be booked in conjunction with the play areas. The basement would provide a storage area and staff room. The role play café would have an overall operating capacity of no more than 20 children (up to a maximum of 7 years old) at one time and children will need to be accompanied by an adult. Adults would use the central café area whilst children would use the adjacent play areas. The facility would operate three or four 90-minute sessions daily with a 30-minute turnaround time in-between sessions. Anticipated opening hours would be from 9.30-17.30.

The only external alteration to the building would be the construction of a ramp to the front. This ramp would run from the edge of the pavement of Victoria Street to a landing at the front of the building for a length of c.3.3m, would then turn a 90° corner and continue for a further length of c.4.2m to a landing at the front door. The ramp would be formed of natural paving slabs, and would have dark brown painted galvanised mild steel handrail and uprights. Soft landscaping would be introduced between the street and the front elevation of the building.

Amendments

In agreement with the applicant, the following amendments were made to the application:

Application description altered from Change of Use from Class 4 Office to Class 10 children's role play café) to Change of use from Class 2 (occupational health clinic) to Class 11 (children's role play cafe). This resulted in renotification of neighbours.

Introduction of additional landscaping to the front of the building;

Waste storage to rear.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RB YRHTBZFTF00>

- Noise Impact Assessment by SK/AD Acoustics, dated 21st September 2022;
- Parking Statement by THE, dated 20th July 2022; and
- Planning Statement by THE, dated 12th May 2022.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than six timeous letters of objection have been received.

CONSULTATIONS

ACC - Environmental Health – No objections. The Noise Impact Assessment by SK/AD Acoustics associated with the proposed development has been reviewed and considered sufficient. In relation to noise, this Service accepts the report and the proposed development provided the critical noise mitigation measures achieving at least an equivalent effect of those measures detailed within Section 7 of the assessment area applied. These must include:

- A. The lath and plaster party walls within the proposed development between adjoining properties number 12 Victoria Street to the south and 1 and 5 Waverley Place to the north should be removed entirely and replaced with self-standing timber stud construction, fully independent and free from any connections with granite as described in Table 12 (Noise source side); and
- B. The installation of the works should also adhere to the specific requirements detailed within sections 7.1.1.6 to 7.1.1.10 and appendix C.

ACC - Roads Development Management Team – The site is located in the inner city boundary but Victoria Street is the boundary between the city centre/inner city zones. The site is located in controlled parking zone C. The site is well served in terms of direct access onto the existing adopted footpath network on Victoria Street, which provides connectivity to the wider area and city centre to the east and south of the site, which in turn provides connection to the nearest public transport services of which there is multiple, all located within c.200m of the site. The site is thus well served in terms of sustainable transport.

It is noted that the site has two existing parking spaces, which shall be removed as part of the proposal to provide an access ramp. The site will therefore have no directly associated parking provision. While the site is considered to be well served in terms of public transport and walking, given the proposed volumes within classes/sessions and to be accompanied by an adult as advised within the 'Planning Statement', it is considered unrealistic that all would travel by such methods and therefore shall incur associated parking demand. There is only a short section of existing on-street Pay & Display on Victoria Street and then further provision upon surrounding street. However, such provision is already extensively occupied and therefore the anticipated visitors to the proposed use would exacerbate the problem and would be unlikely to find available space to park which could lead to unsafe dropping off/picking up in the area. Additionally, with no associated parking area, this does not provide scope to provide suitable disabled/accessible parking provision which would also be sought for use of this nature.

Roads Development Management has reservations in regard to this proposal given no associated

parking provision as per the comments above.

Updated ACC – Roads Development Management Team – No objections. The site has two existing parking spaces, which will be removed to provide suitable level access into the building. The closes maximum parking standard for the proposed use, as per ACC Supplementary Guidance, is considered to be public hall/function room (1 space per 50m²) and café (1 space per 30m²). The GFA for both aspects is 31m² and 34m² respectively, equating to an associated parking provision of 2-3 spaces. As no parking is proposed, this would equate to the volume of the shortfall.

Previously, RDM comments raised concerns that through providing no associated parking, this could have a negative impact on Victoria Street and adjacent streets. However, a supporting 'Parking Survey' has been submitted. The site is located within a CPZ and it has been evidenced there are sufficient 'Pay&Display' parking bays along Victoria Street and the surrounding streets which allow suitable turnover of customer parking. The submitted parking survey provides acceptable evidence (inc. photos) of available parking upon surveyed streets, all within an acceptable 400m walking distance of the site. A minimum volume of available spaces was 38 spaces within the surveyed area.

It is further noted that the Chapel Street car park is located within 400m walking distance. This car park has a maximum capacity of 500no. spaces, but during the week (Mon-Fri) only 100no. of these shall be available to the general public and short term turnover as the remainder is leased out to private businesses. This car park shall also provide designated disabled parking and electric vehicle charging. Unfortunately it is not possible to provide volume/capacity details of this car park as it has been closed for refurbishment since April this year. It is anticipated to be reopened imminently.

It is considered that both between the on-street 'Pay&Display' and additional public parking in the Chapel Street car park that there is more than adequate parking provision to serve the site which, as stated, only has a low associated parking requirement as per ACC standards and the maximum capacity of such sessions.

In terms of disabled parking provision there shall be designated provision within the Chapel Street car park and further on-street bays on Rose Street and Chapel Street. Such provision may be deemed an unsuitable distance. However, under the highway code 'Blue Badge' holders are allowed to also park upon parking restrictions (single, double yellow lines etc) if not causing an obstruction or safety issue. In this case, there is a single yellow line (Mon-Sat 8am – 6pm) directly outside the property along the west side of Victoria Street, which, in principle, allows parking outwith the designated hours so is not considered unsafe to do so. Therefore 'Blue Bade' holders (if necessary) could also use this location to park.

In conclusion, RDM have no objections to the proposed change of use. It is considered that the site is readily accessible by sustainable transport means and that there is adequate nearby available parking provision to serve parents/ customers which is typical of other such uses in this area of the city that requires customer turnover.

ACC - Waste and Recycling – General comments in relation to waste collection associated to commercial premises

Queen's Cross and Harlaw Community Council – None received

REPRESENTATIONS

A total of seven timeous letters of objection have been received in relation to the application, with a further neutral letter raising serious concerns to the application. In addition, one of the original respondents raised additional comments following a second round of neighbour notifications due to a change in description. These letters raised the following matters:

1. Impact on residential amenity due to noise coming from children playing;
2. Impact of noise from children playing on existing tranquil ambience in neighbouring healthcare premises. This could result in distraction to consultants carrying out procedures and increase stress for clients;
3. Impact of noise on office environment;
4. Due to the proposed system of 90-minute play sessions, the proposed children's role play café would generate a constant parking requirement, generating more traffic, more often and over a longer period of time compared to its existing use as class 4 (offices). This will have an adverse impact on existing parking provision on Victoria Street, which is already very congested. No proposed cycle or car parking is proposed. The proposal could thus result in safety and traffic issues in an already busy part of the city;
5. Previous construction works by the applicant took place during unsociable hours;
6. Objection to the appearance of the access ramp to the front of the property. If it is essential that this is to the front, then some form of landscaping scheme should be included to allow the ramp to be less prominent;
7. Proposal for a change of use to use class 11 would open door for premises to be used for other uses falling within that use class in addition to a children's role play café.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- D1: Quality Placemaking by Design
- D4: Historic Environment
- B3: West End Office Area
- NC1: City Centre Development – Regional Centre
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- R6: Waste Management Requirements for New Development

Supplementary Guidance and Technical Advice Notes

- Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following policies are relevant –

- D1: Quality Placemaking
- D2: Amenity
- D6: Historic Environment
- VC1: Vibrant City
- VC6: West End Area
- T3: Parking
- T2: Sustainable Transport
- WB3: Noise

EVALUATION

Principle of Development

The site is located within the West End Office area. Policies NC1 (City Centre Development – Regional Centre) and B3 (West End Office Area) of the 2017 Aberdeen Local Development Plan apply. Policy NC1 sets out that development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre, and that it is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development. Given that the proposal is for a role play café, as a commercial leisure use that would assist in attracting additional visitors to the area, it is considered that the proposal complies with the general intention of this policy.

Policy B3 (West End Office Area) sets out criteria in relation to either a change of use to or expansion of existing office buildings, or for a change of use to a residential development. This current proposal is for a change of use from an occupational health use (class 2) to a children's role play café (class 11) and thus would not fall within either category. As such, this policy does

not apply to the current proposal.

Impact on Conservation Area

The site is located within the Albyn Place/Rubislaw Conservation Area. Policy D4 sets out that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy and SHEP (now Historic Environment Policy for Scotland - HEPS) and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plans. High quality design that respects the character, appearance and setting of the historic environment will be supported. Scottish Planning Policy sets out in paragraph 143 that proposals that do not harm the character or appearance of a conservation area should be treated as preserving its character or appearance. HEPS sets out in HEP3 that plans should be approached in a way that protects and promotes the historic environment, and that any detrimental impact on the historic environment should be minimised.

Proposed external alterations to the building consist of the construction of a ramp providing disabled access to the front entrance of the building. The ramp would run from the edge of the pavement along the southern site boundary for a length of c.3.3m before reaching a landing, would then make a 90° turn before running for a further length of c.4.2m along the front elevation to reach a further landing in front of the main entrance into the building. The ramp would have a dark brown painted mild steel handrails and uprights and would be constructed of paving. Amended drawings have included a landscaping scheme to the front of the building to soften the overall impact of this structure. This scheme would include the planting of shrubs to soften the overall impact of the ramp on the character and appearance of the wider conservation area. This proposed landscaping scheme would be considered to have a positive impact as this area is currently completely hard surfaced due to its previous use as parking spaces. Details of proposed landscaping and ramp materials can be secured through a suitably worded condition. Given its essential nature to provide disabled, level access to the building and the proposed landscaping plan the installation of the ramp is accepted and considered to have a neutral impact on the character and appearance of the conservation area in line with policy D4 and relevant parts of SPP and HEPS.

Impact on amenity

Several letters of objection raised concerns in relation to potential noise generation arising from the proposed use of the building as a role play café and the proposed number of customers in the building at any one time (up to 20 children and accompanying adults). Immediately neighbouring uses include a residential upper floor flat, a dental clinic and an eye care clinic. A Noise Impact Assessment was submitted by the applicant, which was assessed by the Environmental Health Service. This document sets out that there is the potential for some noise to transfer between the various properties. However, recommendations are included that would mitigate any noise transfer to be within acceptable levels. These recommendations, which include improvements to noise insulation of party walls, are accepted by Environmental Health. It is therefore considered that, subject to a suitably worded condition ensuring implementation of the proposed mitigation measures, the proposal would not result in an unacceptable level of noise pollution to neighbouring uses.

It is acknowledged that under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) Class 11 (Assembly and Leisure) features a wide variety of uses, including the proposed role play café, but also cinemas, concert halls, bingo halls, casinos and nightclubs. It is considered that, in comparison to the use proposed, these additional uses could result in much greater noise disturbance in this relatively quiet part of the city. As such, a suitably worded condition restricting the use of the building to that currently proposed only is recommended to ensure that the additional impact on amenity of any alternative uses falling within the same use class are suitably assessed.

Access and Parking

The building currently has a driveway to the front which has sufficient space to park two cars. Following the proposed construction of the access ramp, these spaces will be removed due to insufficient depth of the remainder of the area to the front, and the remainder of the driveway proposed to be landscaped. The proposal will thus result in the loss of two parking spaces and no on-site spaces will be provided.

The site is located in a sustainable location on the edge of the city centre, and is easily accessible by walking and cycling. Various bus routes run in close proximity with the nearest stops on Rubislaw Place immediately to the west and Alford Place to the south serving multiple routes.

Sessions are intended to be 90 minutes, with a maximum number of 20 children accompanied by an adult, not necessarily on a one-to-one ratio. It is expected that there would be 3 to 4 sessions a day. Compared to the previous office use, it is expected that the proposed use would result in an increase in traffic movement and increased demand for parking in the immediate vicinity. Parking on Victoria Street is on-street pay and display, which is very well used. The nearest long-stay public car park is the multi-storey on Huntly Street, which is c.400m from the application site.

Initial comments from Roads Development Management set out that the proposal could result in unsafe dropping off/picking up in the area given the pressure on existing on-street parking spaces and the associated potential that no legal on-street parking spaces are available in this stretch of Victoria Street for visitors, which could result in indiscriminate parking. However, given the proposed use would include both parents and children staying at the premises for a considerable amount of time, it is considered likely that parents would find a suitable parking space first before leaving the car and walking to the premises. As such, given the longer duration of visits, it is likely that parents would be willing to walk a bit further and park in surrounding streets to ensure a safe parking space. It is acknowledged that no disabled parking would be provided on-site. However, various blue badge disabled parking spaces would be available within 400m of the premises.

A further consideration is that in policy T3 (Parking) of the 2020 Proposed Local Development Plan, the emphasis in relation to on-site parking shifts somewhat in that the principle of 'zero parking' shall be applied with respect to all new development in the city centre. Limited vehicle parking will only be permitted when demonstrated as necessary for the servicing/ operation of businesses and buildings, and for customer drop off/pick up arrangements. In this case, due to the small size of the business, no issues are expected in relation to servicing/deliveries to the premises. In addition, as set out above, due to the nature of the proposed business where children will need to be accompanied by an adult, it is considered that the number of drop off/ pick ups will be extremely limited to the extent that they are unlikely to have an impact on the existing parking situation on Victoria Street.

As such, due to the relatively small scale of the proposed development; the sustainable location of the building; the proximity to a range of public bus routes; the need for parents to accompany their children during visits – thus minimising drop offs and pick-ups; and the location of existing blue badge disabled parking spaces in relative close proximity to the building, it is considered that the proposal would not result in an unacceptable detrimental impact on parking in the surrounding area and would generally be in compliance with policies T2 (Managing the Transport Impact of Development) of the 2017 ALDP and T3 (Parking) of the 2020 PLDP.

Waste

Sufficient space for storage of waste bins is located to the rear of the building, with a storage area accessed through the rear door. Bins can be taken out to the lane to the rear, which can be serviced by refuse vehicles.

Matters Raised in Letters of Representation

Material matters in relation to noise generation; parking and access; and the impact of the proposed ramp on the character and appearance of the conservation area are assessed in the above evaluation. Similarly, as set out above, it is recommended that the use of the building would be limited to that proposed as part of the current application only to ensure the impact of any alternative uses falling within the same use class are suitably assessed.

Issues in relation to previous construction works taking place during unsociable hours are not a planning matter.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

Policy D2 (Amenity) is concerned in ensuring a good quality level of amenity is achieved for both existing future uses. As discussed above, and following evaluation of the Noise Impact Assessment, it is considered that this policy will be suitably met.

Policy T3 (Parking) further emphasises the potential for car-free development within the city centre. This is discussed in the evaluation above.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed children's role play café would provide an additional visitor attraction to the city centre. Subject to implementation of the recommendations as set out in the submitted Noise Impact Assessment by SK/AD Acoustics (Report No: SKAD-22-03091) the proposal would not result in unacceptable noise pollution to neighbouring properties. Given the sustainable location of the premises; the proposed use and the relatively small scale of the business, the absence of parking is considered acceptable in this instance. Subject to a condition on the implementation of a landscaping scheme to the front of the building, the proposed ramp would not have a detrimental impact on the character and appearance of the Albyn Place/ Rubislaw Conservation Area.

The proposal is thus considered to be in compliance with policies D1 (Quality Placemaking by Design); D4 (Historic Environment); B3 (West End Office Area); NC1 (City Centre Development – Regional Centre); T2 (Managing the Transport Impact of Development); T3 (Sustainable and Active Travel); T5 (Noise); and R6 (Waste Management Requirements for New Development) of the 2017 Aberdeen Local Development Plan; policies D1 (Quality Placemaking); D2 (Amenity); D6 (Historic Environment); VC1 (Vibrant City); VC6 (West End Areas); T2 (Sustainable Transport); T3 (Parking); WB3 (Noise) and R5 (Waste Management Requirements for New Development) of the 2020 Proposed Local Development Plan and relevant sections of Scottish Planning Policy and Historic Environment Policy for Scotland.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) USE CLASS RESTRICTION

That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the premises shall only be used for that applied for in this application as a children's role play café. For the avoidance of doubt, express grant of planning permission from the Planning Authority shall be required for any other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Reason: To ensure that a good level of amenity can be maintained, and that any additional impacts arising from other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) can be suitably assessed.

(03) NOISE MITIGATION MEASURES

That the use hereby approved is not implemented until the critical noise mitigation measures as set out in section 7 of the Noise Impact Assessment by SK/AD Acoustics (Report No: SKAD-22-03091) are applied. These must include:

1. The plaster with laths of party walls within the proposed development between adjoining properties number 12 Victoria Street to the south and numbers 1 and 5 Waverley Place to the north should be removed entirely and replaced with a self-standing timber stud construction, fully independent and free from any connections with granite as described in table 12 (noise source side); and
2. The installation of the works should adhere to the specific requirements detailed within sections 7.1.1.6 to 7.1.1.10 and appendix C.

Reason – In the interest of residential amenity and to minimise any potential noise pollution arising from the hereby approved use.

(04) LANDSCAPING SCHEME

That the use hereby approved is not implemented until a detailed landscaping scheme for the area to the front of the building has been submitted in writing and approved by the Planning Authority. This shall include the finishing materials of the ramp and planting details. The agreed landscaping scheme shall subsequently be implemented in the first growing season following the implementation of the use hereby approved.

Reason – In the interests of the visual amenity of the conservation area.

ADVISORY NOTES FOR APPLICANT

None

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