

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 29 June 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Bouse, Vice Convener; ; and Councillors Alphonse, Blake, Boulton, Clark, Cooke, Copland, Farquhar, Lawrence (for articles 1 to 15), Mrs Stewart (as substitute for Councillor Crockett), Radley 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 Convener advised Members that the Council had won Planning Authority of the Year at the Royal Town Planning Institute Scotland Awards, and had been shortlisted for the City Centre and Beach Masterplan.

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

to congratulate officers on their success at the awards.

### **DECLARATIONS OF INTEREST OR CONNECTIONS**

2. The Committee noted the following transparency statements:-

- In relation to item 6.1, Draft Energy Transition Zone Consultation, Councillor Blake advised that she was a member of Aberdeen Climate Action and a number of the members of the group were also involved with Save St Fitticks, however she was not involved with that group. Therefore she did not consider the connection required a declaration of interest, and indicated that she would remain in the meeting for consideration of the item.
- In relation to item 7.4 on the agenda, International School Aberdeen, Councillor Boulton advised that when she was the Planning Convener and before any planning application was submitted, she attended a meeting with all interested parties. However she did not consider the connection required a declaration of interest, and indicated that she would remain in the meeting for consideration of the item.
- In relation to item 8.1 on the agenda, land at 10 Queen's Terrace Aberdeen, Councillor Radley advised that she was a Board Member on Visit Aberdeenshire with the applicant, however she did not consider the connection required a declaration of interest, and indicated that she would remain in the meeting for consideration of the item.

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

- Also in relation to item 8.1, Councillor Cooke advised that he knew some of the individuals who were due to speak in relation to the application, however, did not consider the connection required a declaration of interest and indicated he would also remain in the meeting for consideration of the item.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 1 JUNE 2023**

3. The Committee had before it the minute of the previous meeting of 1 June 2023, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 8 JUNE 2023**

4. The Committee had before it the minute of the Planning Development Management Committee (Visits) minute of 8 June 2023, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### **COMMITTEE PLANNER**

5. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance (Legal).

**The Committee resolved:-**

to note the planner.

### **DRAFT ENERGY TRANSITION ZONE MASTERPLAN - CONSULTATION - PLA/23/210**

6. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which presented the draft Energy Transition Zone (ETZ) Masterplan. The report sought approval to undertake public consultation on the document, with the results of the consultation and any recommended revisions to the document subsequently reported back to this Committee within 6 months for approval of the Masterplan as non-statutory Aberdeen Planning Guidance (APG).

**The report recommended:-**

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

that the Committee -

- (a) approves the content of the draft ETZ Masterplan (Appendix 1);
- (b) instructs the Chief Officer – Strategic Place Planning to, subject to any minor drafting changes, publish the draft ETZ Masterplan for a six week period of non statutory public consultation; and
- (c) instructs the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed revisions to the draft ETZ Masterplan to a subsequent Planning Development Management Committee within the next six months.

The Committee heard from Rebecca Kerr, Planner, who spoke in furtherance of the report and answered various questions from Members.

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

- (i) to request that a Service Update be issued to Members regarding the consultation and actions being taken in regards to the consultation by both ETZ Ltd and Aberdeen City Council;
- (ii) to endorse the content of the draft Energy Transition Zone (ETZ) Masterplan;
- (iii) to instruct the Chief Officer – Strategic Place Planning to, subject to any minor drafting changes, publish the draft ETZ Masterplan for an eight week period instead of six weeks of non statutory public consultation; and
- (iv) to approve recommendation (c).

### **ABERDEEN PLANNING GUIDANCE: OUTDOOR SEATING - PLA/23/217**

7. With reference to article 12 of the minute of 1 September 2022, the Committee had before it a report by the Chief Officer – Strategic Place Planning, which sought approval to adopt the Aberdeen Planning Guidance (APG): Outdoor Seating.

### **The report recommended:-**

that the Committee –

- (a) note the findings of the consultation on the Draft Outdoor Seating Guidance Document, and subsequent responses and revisions proposed by Officers to the Draft document (refer Appendix 1) and
- (b) approve the Aberdeen Planning Guidance: Outdoor Seating (Appendix 2) as non-statutory planning advice.

The Committee heard from Donna Laing, Senior Planner, who spoke in furtherance of the report and answered various questions from members.

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

- (i) to request that officers investigate preparing a visual diagram to highlight actions required for applicants in terms of what would and would not require planning permission;

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

- (ii) to request that officers look at creating a frequently asked question (FAQ) section on the website in order to make the process easier for applicants in terms of outdoor seating;
- (iii) to request that officers clarify the seasonable consent section in the document in regards to the 28 day limit; and
- (iv) to approve the recommendations.

**WALLACE TOWER, TILLYDRONE ROAD ABERDEEN - 221380**

**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 change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community cafe, with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works at Wallace Tower, Tillydrone 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) EXTERNAL MATERIALS DETAILS**

That no development shall take place unless a scheme/samples detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason - in the interests of visual amenity.

**(03) GREEN WALL**

That no development shall take place unless a scheme providing details and a maintenance scheme of the green wall to be installed to the west elevation of the extension hereby approved has been submitted to, and approved in writing by the

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – in the interests of visual amenity.

**(04) LANDSCAPING DETAILS**

That no development shall take place unless a landscaping scheme providing details of all soft and hard landscaping has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed. For the avoidance of doubt, the landscaping scheme shall consider the reuse of granite to be removed from the existing boundary wall and north elevation.

Reason – in the interests of visual amenity.

**(05) METHODOLOGY STATEMENT (SLAPPING)**

That no development shall take place unless a methodology statement providing details of the slapping to the north elevation of the original building and the finishing of the boundary wall has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – In the interest of the special character of the listed building and the Old Aberdeen Conservation Area.

**(06) EXTERNAL LIGHTING SCHEME**

That no development shall take place, and notwithstanding any information contained within drawing PL(00)005, unless details of an external lighting scheme have been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed. For the avoidance of doubt, this external lighting scheme shall take account of the recommendations contained within the Bat Survey prepared by Countrywise, dated 4<sup>th</sup> June 2023, which specifies that no lighting should be directed at the roof.

Reason – To ensure the development has no adverse impact on protected species.

**(07) INTERIOR BUILDING SEARCH – PROTECTED SPECIES**

That prior to the commencement of the development hereby approved no works within the listed building shall take place until a further interior search of the Wallace Tower for bats and bat roosts has been carried out.

Reason – To ensure the development has no adverse impact on protected species.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

**(08) TREE REMOVAL – PROTECTED SPECIES**

That prior to the commencement of the development hereby approved no trees shall be removed until those proposed to be felled have been checked for signs of protected species.

Reason – To ensure the development has no adverse impact on protected species.

**(09) TREE REPLACEMENT SCHEME**

That prior to the commencement of the development hereby approved no trees will be removed from within or outside the site unless details of a suitable tree replacement planting scheme have been submitted to, and approved in writing by the Planning Authority in consultation with Environmental Services. For the avoidance of doubt, replacement trees shall be located within the boundary of Seaton Park, and the details to be submitted shall include a specification of their locations, number, species, sizes and stage of maturity at planting.

Reason – In the interest of visual amenity and to ensure appropriate tree cover will remain in Seaton Park.

**(10) TREE PROTECTION MEASURES (1)**

That no development shall take place until tree protection barriers as shown on drawing 'Tree Survey Drawing' by Struan Dalgleish, April 2023 have been erected. Once in place, these tree protection barriers shall remain in situ until construction of the hereby approve development has been completed and all plant and machinery have been removed from site.

Reason – In the interest of protection of trees

**(11) TREE PROTECTION MEASURES (2)**

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the scheme of tree protection as shown on drawing 'Tree Survey Drawing' by Struan Dalgleish, April 2023 - without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

**(12) COOKING RESTRICTIONS**

That no cooking or frying operations (including but not limited to deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling or broiling) shall be carried out on the

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

premises, unless a suitable Odour Impact Assessment (including a Local Extract Ventilation needs assessment) by a competent person, in line with relevant guidance, has been submitted to and approved in writing by the Planning Authority in consultation with Environmental Health, and subsequently the Local Extract Ventilation system has been installed in accordance with the approved details.

Reason – In the interest of amenity.

**(13) INSTALLATION BIN AND BIKE STORE**

That the development hereby approved shall not be occupied until the bin store and bike stands as specified on drawings PL(00)003B and PL(04)003A have been installed and are available for use unless otherwise agreed in writing.

Reason – In the interest of public health and to promote sustainable transport methods.

**(14) DISABLED PARKING SPACE**

That the development hereby approved shall not be occupied until details of a disabled parking space to be provided in the bellmouth off Tillydrone Road have been submitted and agreed in writing by the Planning Authority, and subsequently the disabled parking space shall be installed in accordance with the approved details.

Reason – To ensure accessible access to the development.

**(15) PHOTOGRAPHIC SURVEY**

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

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

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

The Committee then heard from Steven Berry, representing Old Aberdeen Community Council and Margaret Sleeman, representing Friends of Seaton Park, who both objected to the planning application.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

The Committee then heard from the agent for the application, Stephen Martin, who answered questions from Members in regards to the proposed application.

**The Committee resolved:-**

to approve the application conditionally in line with the officer recommendation.

**WALLACE TOWER, TILLYDRONE ROAD ABERDEEN - 221379**

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

That the application for Listed Building Consent for the conversion of existing building to form community cafe with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; internal alterations; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works at Wallace Tower, Tillydrone Road Aberdeen be approved subject to the following conditions:-

**Conditions****(01) EXTERNAL MATERIALS DETAILS**

That no development shall take place unless a scheme/samples detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason - in the interests of visual amenity.

**(02) GREEN WALL**

That no development shall take place unless a scheme providing details and a maintenance scheme of the green wall to be installed to the west elevation of the extension hereby approved has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – in the interests of visual amenity.

**(03) METHODOLOGY STATEMENT (SLAPPING)**

That no development shall take place unless a methodology statement providing full details of, and a methodology for the formation of the slapping to the north elevation of the original building and the finishing of the boundary wall has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

Reason – In the interest of the special character of the listed building and the Old Aberdeen Conservation Area.

(04) INTERNAL DOORS

That no development shall take place unless detailed drawings and sections (scale of 1:10) of the proposed replacement internal doors have been submitted to, and approved in writing by the Planning Authority, and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – In the interest of the special character of the listed building.

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

The Committee then heard from Steven Berry, representing Old Aberdeen Community Council and Margaret Sleeman, representing Friends of Seaton Park, who both objected to the planning application.

The Committee then heard from the agent for the application, Stephen Martin, who answered questions from Members in regards to the proposed application.

**The Committee resolved:-**

to approve the application conditionally in line with the officer recommendation.

**FORMER STONEYWOOD SCHOOL SITE, STONEYWOOD ROAD ABERDEEN - 230428**

**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 erection of supported living accommodation (Class 8 - residential Institutions), comprising eight residential units and ancillary staff office building, new vehicular access, car parking, infrastructure, open space and landscaping at the former Stoneywood School site, Stoneywood Road Aberdeen, be approved with a legal agreement and subject to the following conditions:-

**Conditions**

(1) 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.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

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

### (2) NOISE MITIGATION

The hereby approved dwellings shall not be occupied unless noise mitigation measures achieving at least an equivalent effect of those measures contained within section 7 of the approved Noise Impact Assessment (Sandy Brown: 23055-R01-B – 21 March 2023) have been applied, including;

- a) Installation of windows throughout the development with a minimum sound insulation performance of  $R_w + C_{tr}$  40 dB;
- b) The external wall and roof constructions must have a minimum sound insulation performance of  $R_w + C_{tr}$  48 dB;
- c) Installation of essential mechanical means of ventilation to allow a closed window strategy for noise control;
- d) Installation of a mechanical ventilation system which complies with NR 25 internally within dwellings, with demonstration of this to the satisfaction of, and agreed in writing by, the Council's Environmental Protection Service.

Reason: In order to ensure that external sources of noise from the operations of Aberdeen International Airport are suitably mitigated to allow a satisfactory residential amenity to be created within the new dwellings.

### (3) LANDSCAPING SCHEME

Prior to the occupation of any of the hereby approved dwellings, a scheme of hard and soft landscaping covering all hard surfaces, areas of public and private open space and landscaped buffer spaces within the development as shown on approved drawing 2274-MRT-XX-XX-LD-A 90001 Rev D (Proposed Site Plan) shall be submitted to and approved in writing by the Planning Authority. The scheme shall increase biodiversity on the site and include details of:

1. Those areas reserved as private space and those areas that will be freely accessible for all residents;
2. Proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
3. A method statement outlining how any landscaping or other works within the root protection areas of existing trees shall take place whilst protecting and retaining the existing tree rooting environment;
4. Arrangements for the management and maintenance of the proposed open space and landscaped areas; and
5. All proposed hard-surface finishing materials.

All hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed prior to the occupation of the first dwelling. All soft landscaping shall be planted in accordance with the approved scheme by no later than the first planting scheme following the occupation of the first dwelling. Any planting which, within a period of 5 years from the completion of each phase of the

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

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

Reason: In order to ensure that residents would have adequate access to high quality external amenity space, thus creating a suitable living environment.

**(4) BIN STORAGE**

The hereby approved dwellings shall not be occupied unless the bin store shown on approved drawings 2274-MRT-XX-XX-LD-A 90001 Rev D (Proposed Site Plan) and 2274-MRT-XX-XX-AD-A 92010 (Proposed Bin Store Details), or similar as may be agreed in writing with the Planning Authority, has been formed in accordance with the approved details and the necessary bins provided within it, ready for use by the occupants of the dwellings and the staff office building upon entry.

Reason: In the interests of ensuring a satisfactory means for the storage and collection of waste.

**(5) DRAINAGE**

The development hereby approved shall not be occupied unless it is drained in accordance with the details contained in the approved Drainage Assessment (Fairhurst Drainage Assessment – ACC Stoneywood Complex Care – Project Ref: 153870 Issue 2 – May 2023) and the associated Drainage Strategy Layout (153870/2100 Rev B), or such similar drainage details as may otherwise be agreed in writing with the Planning Authority.

Reason: In order to ensure that the development would be adequately drained, would not itself be at risk of flooding and would not increase the risk of flooding to other properties or the Scottish Water sewer network.

**(6) CYCLE STORES & EV CHARGE POINTS**

The dwellings hereby approved shall not be occupied unless further details of the proposed EV charge point and cycle locker to be installed adjacent to the staff office building have been submitted to, and agreed in writing with, the Planning Authority and the EV charge point, cycle locker, Sheffield cycle stands and passive EV charge point provision are all be installed in accordance with the approved details.

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

**(7) TREE PROTECTION**

No development shall take place unless the tree protection fencing detailed in the approved Tree Survey (Astell Associates – Ref: FAS-2302-TR – 21 March 2023) and

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

the associated Tree Protection Site Plan (FRS-2303-TP) is in place in accordance with the approved details.

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

**(8) LOW AND ZERO CARBON BUILDINGS**

No development associated with any particular building shall take place unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no building shall be occupied unless any recommended measures specified within that scheme for that building for the reduction of carbon emissions have been implemented in full.

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

**(9) WATER EFFICIENCY**

No development associated with any particular building shall take place unless a scheme of water efficiency for the development has been submitted to and approved in writing by the Planning Authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings. Thereafter no building shall be occupied unless the approved measures have been implemented in the construction of the development.

Reason - In order to reduce pressure on water abstraction from the River Dee and the impact on water infrastructure.

**(10) EXTERNAL LIGHTING**

No development shall take place unless a scheme of external lighting for the development has been submitted to and approved in writing by the Planning Authority. Thereafter no building shall be occupied unless the external lighting covering the car parking spaces, footpaths and communal areas has been implemented in accordance with the approved details.

Reason - In order to create a suitable residential & visual amenity and ensure public safety.

**(11) FULL FIBRE BROADBAND**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

No unit shall be occupied unless a full fibre broadband connection to each dwelling has been installed.

Reason: In order to provide all dwellings with access to high-speed communications infrastructure, in accordance with the requirements of Policy C11 (Digital Infrastructure) of the Aberdeen Local Development Plan.

(12) **SITE INVESTIGATION AND RISK ASSESSMENT**

No development shall take place unless a scheme to deal with any contamination on or within the site has been submitted to and approved in writing by the Planning Authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include:

- (i) an investigation to determine the nature and extent of contamination;
- (ii) a site-specific risk assessment; and
- (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter no building shall be occupied unless:

- (i) any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- (ii) a report has been submitted and approved in writing by the Planning Authority that verifies that remedial works to fully address contamination issues have been carried out.

Reason - In order to ensure that the site is fit for human occupation in accordance with Policy R2 - Degraded and Contaminated Land.

The Committee heard from Alex Ferguson, 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 in line with the officer recommendation.

**INTERNATIONAL SCHOOL OF ABERDEEN, NORTH DEESIDE ROAD, CULTS - 230405**

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

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

That the application for Detailed Planning Permission for the installation of floodlighting to the existing 3G pitch (part retrospective) at International School of Aberdeen, North Deeside 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) RESTRICTION ON HOURS

That the floodlights hereby approved shall only be in use between 15:00 and 21:00 hours Monday to Friday and shall not be used on Saturdays and Sundays. The floodlights shall only be used during hours of low light or darkness.

Reason – in the interest of residential amenity

(03) INSTALLATION IN ACCORDANCE WITH DETAILS

That the development hereby approved shall be installed in accordance with the details as set out in the 'International School Aberdeen Proposed Floodlighting Lighting Impact Study' by Halliday Lighting, dated 30<sup>th</sup> May 2023; and associated drawing HLS5540 forming part of this application, and shall be retained as such.

Reason – in the interest of residential amenity

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

The Committee then heard from Val Milne, representing Braeside and Mannofield Community Council and Jan Robertson, who both objected to the proposed planning application.

The Committee then heard from Ian Williamson, applicant, who spoke in support of the application.

**The Committee resolved:-**

to approve the application conditionally in line with the officer recommendation.

**30 WOODEND PLACE ABERDEEN - 230601**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

**12.** 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 detached dwellinghouse and associated works at 30 Woodend Place 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) GRANITE / SLATE USE**

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority a detailed scheme for the re-use of granite dowlings on site and details of the finish, appearance and coursing / size of proposed granite facing blocks and slate to be used as external materials. The development hereby approved shall not be occupied unless such scheme as may be approved has been implemented in its entirety.

Reason: In the interest of visual amenity and to ensure granite re-use within the development.

**(03) PLOT / BOUNDARY TREATMENT**

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority a detailed scheme for the alteration of the existing boundary walls, and proposed fencing / walls. The development hereby approved shall not be occupied unless such scheme as may be approved has been implemented in its entirety.

Reason: In the interest of visual and residential amenity / privacy.

**(04) TREE/ HEDGE / SOIL PROTECTION**

No development shall take place unless the tree protection measures specified in drawing no. WPA3-2305-TP of the approved arboricultural assessment have been implemented on site and are retained on the site for the duration of construction works. No materials, supplies, plant, machinery, spoil, changes in ground levels or construction

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

activities / soil compaction shall be permitted within the tree protection area 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 trees / hedges / soil on site during the construction of the development.

**(05) DRAINAGE**

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority a scheme for sustainable surface water drainage for the site, including the proposed driveaway. This shall include details of surface water SUDS measures and associated maintenance measures as required on site. The building hereby approved shall not be occupied unless the approved surface water drainage system has been implemented in full and is permanently retained thereafter in accordance with the approved maintenance scheme. The building hereby approved shall not be occupied unless foul drainage is connected to the public foul drainage network.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of protection of water quality.

**(06) BIODIVERSITY / LANDSCAPING PROVISION**

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority a further detailed scheme of landscaping and biodiversity enhancement for the site. This scheme shall include details of bird / bat boxes, proposed planted / herbaceous areas, areas of any tree / shrub / climbing planting including details of numbers, densities, locations, species, sizes, stage of maturity at planting and establishment / protection measures and management arrangements. 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 planted areas which within a period of 5 years from the completion of the development, are removed or become seriously damaged shall be replaced in the next planting season with others of an extent 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 the interests of protection of the amenity of the area, to ensure a suitable landscape treatment and amenity for occupants and deliver compensatory planting of biodiversity value.

**(07) PROVISION OF CYCLE STORAGE / EV CAR PARKING**



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

No development shall take place unless there has been submitted to and approved in writing by the Planning Authority a scheme detailing secure cycle storage provision and on-site electric vehicle parking and charging for the development. The development shall thereafter be implemented in full accordance with said scheme.

Reason: In the interests of encouraging more sustainable modes of travel.

**(08) RENEWABLE ENERGY / WATER SAVING MEASURES**

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority an Energy and Water Saving Statement for the building. The statement shall include the following items:

- a) Full details of the proposed water efficiency measures and renewable technologies to be incorporated into the development;
- b) 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 (Renewable and Low Carbon Energy Developments) of the Aberdeen Local Development Plan 2023.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy and Water Saving Statement. The carbon and water reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions and water efficiency.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

The Convener moved, seconded by the Vice Convener:-

That the application be approved conditionally in line with the officer recommendation.

Councillor Mrs Stewart, moved as an amendment, seconded by Councillor Boulton:-

That the application be refused for the following reasons.

It was overdevelopment of the area and in contravention of Policy H1 and D1 of the Aberdeen Local Development Plan and Policy 16 of National Planning Framework. The proposal would conflict with the Interim Aberdeen Planning Guidance 2023: Sub-division and Redevelopment of Residential Curtilage. The proposal would conflict with Policy H1 and result in a detrimental impact on the adjacent residential amenity. Concerns about road traffic and safety which included entry egress over a pavement which could pose an issue in terms of pedestrian safety. The proposal would create an undesirable precedent for similar proposals for other corner plots.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

On a division there voted – for the motion (10) – the Convener, the Vice Convener and Councillors Alphonse, Blake, Cooke, Copland, Clark, Lawrence, Radley and Thomson – for the amendment (3) – Councillors Boulton, Farquhar and Mrs Stewart.

**The Committee resolved:-**

to adopt the motion and therefore approve the application conditionally.

**40 WOODSTOCK ROAD ABERDEEN - 230398**

**13.** 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 two storey side extension and single storey rear extension at 40 Woodstock 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) MATERIALS AND DETAILS

No works in connection with the development hereby approved shall commence unless a detailed specification of new and reused granite (including coursing, tooling, finish and local source wherever possible) to be used in the external finish for the approved development have been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be carried out in complete accordance with the approved specification.

Reason: To ensure the proposed development is architecturally compatible with the existing dwelling and in the interests Policy D7 (Our Granite Heritage) and retaining granite on site.

The Committee heard from Rebecca Kerr, Planner, who spoke in furtherance of the application and answered questions from Members.

The Committee then heard from William Hutchison, who objected to the application.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

The Committee then heard from Victoria Goldie, applicant, who spoke in support of the application.

**The Committee resolved:-**

to approve the application conditionally in line with the officer recommendation.

**52 THE GREEN ABERDEEN - 230437**

**14.** 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 timber glazed pavilion for an outdoor seating area retrospectively at 52 The Green Aberdeen, be approved subject to the following conditions:-

**Conditions**

(1) 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.

(2) TIME LIMITED CONSENT

The temporary building hereby granted planning permission shall not remain on the site after a 3- year period expiring on 30/06/2026.

Reason: The character and siting of the structure is not such as to warrant its retention on a permanent basis – in the interests of preserving visual amenity and the character and appearance of the conservation area.

(3) OPENING HOURS & PROHIBITION OF AMPLIFIED MUSIC

The hereby approved temporary building shall only be used between the hours of 10am and 10pm on any given day and no amplified music or other such noise generated by speakers shall be played within the structure.

Reason: In order to preserve the amenity of the area in relation to noise emissions.

The Committee heard from Alex Ferguson, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

The Committee then heard from Steven Bothwell, applicant, who spoke in support of the application.

**The Committee resolved:-**

to approve the application conditionally with condition 3 amended to read:-

3) OPENING HOURS & PROHIBITION OF AMPLIFIED MUSIC

the hereby approved temporary building shall only be used between the hours of 9am and 11pm on any given day and any amplified music or other such noise generated by speakers shall only be played within the structure between the hours of 9am and 10pm.

Reason: In order to preserve the amenity of the area in relation to noise emissions.

**ABERDEEN HYDROGEN HUB - HARENESS ROAD AND NESS FORMER LANDFILL SITE, COAST ROAD, ABERDEEN**

15. 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 hydrogen production and vehicle re-fuelling facility, solar farm and underground solar grid connection (Aberdeen Hydrogen Hub) at Hareness Road and Ness Former Landfill Site, Coast 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) HARENESS ROAD

That no development shall take place at the Hareness Road / Hydrogen Hub site unless there has been submitted to and approved in writing by the Planning Authority, a detailed plan showing the site layout, including location of Sustainable Urban Drainage (SUDS) and access from the adopted road, in relation to the Hareness Road / Coast Road/Access to the South Harbour improvement works/ widening plan, if available. The proposal shall thereafter be implemented only in accordance with the plan, or

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

subsequent plan as so agreed, unless otherwise agreed in writing with the Planning Authority.

For the avoidance of doubt, the Hareness Road/Coast Road improvement plan shall be as provided by the Council at the time of discharge of the condition.

Reason: In the interests of ensuring safe access and location of SUDS in relation to the proposed road improvements.

**(03) COAST ROAD**

That the solar farm shall not be brought into operation unless there has been installed on site the sub-stations, transformers, inverters, monitoring house and storage in accordance with a layout plan submitted to and agreed in writing with the Planning Authority. For the avoidance of doubt, any of the listed components may be removed from the development and not included in the layout plan if no longer required. The location of the equipment shall be shown in relation to the Coast Road / Access to the South Harbour/ replacement of railway bridge improvement plan, if available from the Council at the time of discharge of the condition.

Reason: To help ensure efficient implementation of the development and road/bridge improvement project.

**(04) Construction Environmental Management Plan (CEMP)**

That no development shall take place on either site unless there has been submitted to and approved in writing by the Planning Authority a CEMP for that site. The CEMP shall include the regular checking during the bird nesting season (March to August) of the solar site for nesting birds by a qualified ecologist and measures to be implemented where nesting is found. Thereafter the developments shall be carried out in complete accordance with the relevant plan unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of protecting the environment and wildlife.

**(05) BADGER SURVEY**

That no development shall take place at either site (a. Hareness Road and b. Ness Landfill) unless surveys have been carried out by a suitably qualified expert within the 3 months prior to commencement of development in accordance with recommendations of the Preliminary Ecological Survey Report by AECOM June 2022 and the results together with any recommended mitigation measures submitted to and approved in writing by the Planning Authority. The measures shall thereafter be implemented in full on site.

Reason: To protect badgers.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

**(06) EXTERNAL LIGHTING**

No permanent lighting shall be installed unless there has been submitted to and approved in writing by the Planning Authority details of the lighting including an assessment of the extent of light spill. Light spill shall not occur outside the Ness site (boundary fence) and any impact on remaining scrub at Hareness Road site shall be minimised. Thereafter lighting shall be installed only fully in accordance with the details as so agreed.

Reason: In the interests of the protection of nature.

**(07) INVASIVE NON-NATIVE SPECIES MANAGEMENT PLAN**

That no works shall take place at either site (a. Hareness Road, b. Ness Landfill, c. Coast Road corridor) unless a survey for INNS has taken place on that site and a management plan has been submitted to and approved in writing by the Planning Authority. Any mitigation measures as so agreed shall be implemented in full in accordance with the plan.

Reason: In order to avoid the spread of INNS.

**(08) LAYOUT OF PANELS**

That no works to install solar panels hereby approved shall take place at the solar farm unless there has been submitted to, and approved in writing by the Planning Authority a revised detailed layout that avoids the siting of solar panels within the area of the highest ground level (66m OAD). The panels shall thereafter be installed in accordance with the plan as so approved, or such other as may be subsequently approved.

Reason: In order to protect the setting of the Crab's Cairn, a Scheduled Ancient Monument.

**(09) NOISE**

That no plant and equipment shall be installed at the Hydrogen Hub or the solar farm other than with mitigation measures in place in accordance with details that have been submitted to and approved in writing by the Planning Authority. The submission shall include details of the critical noise mitigation measures achieving at least an equivalent effect of those measures contained within section 5.01 of the Aberdeen Hydrogen Hub Noise Impact Assessment (AECOM, 10<sup>th</sup> March 2023, AHH-ACM-PH1-ZZ-RP-EN-011) takes place, including but not limited to:

- a) Installation of plant and equipment which complies with the noise emission data on which the assessment was based and contained within appendix D2, namely;
  - I. Table C.6.7 Sound power levels per m<sup>2</sup> of plant at Hydrogen Production and Refuelling Facility,

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

- II. Table C.5 Sound power levels per unit of plant at Hydrogen Production and Refuelling Facility,
- III. Table C.6 Sound power levels per m<sup>2</sup> of Transformers at Solar Farm Table C.7 Sound power levels per m<sup>2</sup> of Inverters at Solar Farm

Reason: In order to protect the amenity, health and well-being of the occupiers of nearby buildings.

(10) SUDS – SOLAR SITE

That no development shall take place on the solar site unless there has been submitted to and approved in writing by the Planning Authority (in agreement with Flooding Team) an assessment of the development's impact on surface water run-off rates and where required, mitigation measures needed to achieve no impact to the existing run-off rates, unless otherwise agreed in writing with the Planning Authority. The development shall not become operational unless the mitigation measures have been implemented in full in accordance with the details as so agreed.

Reason: In the interests of avoiding flooding and pollution.

(11) SUDS – HYDROGEN SITE

That no development shall take place on the hydrogen site unless there has been submitted to and approved in writing by the Planning Authority (in agreement with Flooding Team) an updated Drainage Strategy to show that no water will leave the site in scenarios up to the 1 in 200 years event and increase flood risk to the public road (Hareness Road). The development shall not be brought into use unless any mitigation measures recommended in the Drainage Strategy have been implemented in accordance with the strategy as so approved.

(12) HARENESS ROAD BUS STOP RE-LOCATION

Unless otherwise agreed in writing with the planning authority, the hydrogen hub site shall not be brought into operation unless there has been installed on site a re-positioned bus stop and length of footway in accordance with plans submitted to and approved in writing by, the Planning Authority (in consultation with Roads DM Team). The submitted information shall include a detailed layout plan for the re-locating of the bus stop on the east side of Hareness Road and the laying of footway from the existing location to the new location where necessary.

Reason: In the interests of ensuring public transport provision and road safety.

(13) LANDSCAPE PLANTING AND MAINTENANCE (SOLAR FARM)

All landscaping proposals shall be carried out in accordance with the approved scheme as shown on AAH-ACM-PH1-S2-DR-LA-000001 A Solar Site - Landscape Plan or such other as may be subsequently approved in writing through this condition, and shall be

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a long term habitat management regime and maintenance of all the approved landscaped areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped 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.

(14) LANDSCAPE PLANTING AND MAINTENANCE (HYDROGEN HUB)

That no works in connection with the development hereby approved shall take place unless a scheme landscaping works has been submitted to and approved in writing by the Planning Authority. Gorse on the west side of the Hareness site shall be retained where possible for the proposed development to maintain existing wintering sites for woodcock.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained;
- (ii) The location of new native trees, shrubs, hedges, grassed areas.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) An indication of any existing trees, shrubs and hedges to be removed.
- (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. 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.



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

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.

(15) SOLAR PANEL FOUNDATIONS/PINS

That no development shall take place on the solar site unless there have been submitted to and approved in writing by the Planning Authority, details of the required anchoring system for the solar panels. Thereafter the scheme shall be implemented in accordance with plans as so approved unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of safety and visual amenity.

(16) BIRD NESTING SEASON – VEGETATION CLEARANCE

That any vegetation clearing on either site should take place outside the bird nesting season, namely beginning of March to the end of August, unless a suitably qualified ecologist has checked for the presence of nesting birds.

Reason: To protect breeding birds

(17) SKYLARK NESTING LOCATIONS

That no development shall take place on the solar farm site unless there has been submitted to and approved in writing by the Planning Authority, proposals for the creation of skylark nesting habitat within the application site. The measures as so agreed shall be carried out within a timescale set out and agreed as part of the proposals, to ensure that nesting sites are available each breeding season.

Reason: To help protect breeding birds and ensure nesting sites are not lost.

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

**The Committee resolved:-**

to approve the application in line with the officer recommendation.

**At this Juncture, the Convener proposed to suspend Standing Order 40.2 (Length of Meetings) to enable the meeting to continue beyond six hours.**

**The Committee agreed unanimously to suspend Standing Order**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

**40.2.****LAND OPPOSITE 10 QUEEN'S TERRACE ABERDEEN - 230407**

**16.** 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 amenity land to temporary outdoor seating area for a public house including erection of marquee with bar, adjacent storage container, and associated al fresco areas at land opposite 10 Queens's Terrace Aberdeen, be refused for the following reasons:-

The proposal involved a significant proportion of the Urban Green Space of Queen's Terrace Gardens being utilised for private commercial purposes, consequently inhibiting public access to this public open space. No replacement green space provision was proposed. The proposed development was therefore contrary to Policies 14 (Design, Quality and Place) and 20 (Blue and Green Infrastructure) of National Planning Framework 4 and Policy NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023.

In terms of the statutory duty to pay special regard to the desirability of preserving and enhancing the character and appearance of the conservation area, by way of their design, scale and siting in their context, it was considered that the proposed structures would adversely affect the setting of the adjacent listed buildings and the character and appearance of the Albyn Place and Rubislaw Conservation Area. The proposal would therefore conflict with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of National Planning Framework 4 and Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the Aberdeen Local Development Plan 2023.

Based on the information that had been submitted, the proposal would not conserve, restore or enhance biodiversity and no evidence had been submitted to demonstrate that the proposal would protect the nearby trees from damage. The proposal therefore resulted in a tension with Policies 1 (Tackling the Climate and Nature Crises), which required significant weight to be given to the nature crisis, and Policy 3 (Biodiversity) of National Planning Framework 4 and Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023.

Notwithstanding that every planning application was considered on its own merits, given the presence of other Class 3 uses in the area within close proximity of the gardens, there was the potential for this development to make it difficult to resist similar proposals nearby in the area, which could result in the greater loss of open space, to the detriment of public amenity.

Thus, whilst it was recognised that this development would increase economic activity locally, had the potential to increase footfall in the area and support local job creation,

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

significant public harm would result from the combined loss of this valued area of open space as a public amenity, its impact on the historic environment and through the biodiversity matters not being sufficiently addressed. As such, the development would conflict with overall aims of the Development Plan.

The Committee heard from Roy Brown, Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from Anthony Dawson, Nicky Turnbull, Holly Greenhalgh, Gary Ross, Mike Innes, Andy Forbes and Alasdair Smith, who all spoke in support of the application.

The Committee then heard from Elaine Farquharson-Black, who spoke in support of the application on behalf of the applicant.

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

to approve the application conditionally for the following reasons:-

That due to the relatively small area of the Queen's Terrace Gardens that would be occupied by the proposal and given that the facility could be used by members of the public, there was no conflict with Policies 14 (Design, Quality and Place) and 20 (Blue and Green Infrastructure) of National Planning Framework 4 and Policy NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023.

That due to the temporary annual nature of the use, and the retention of existing natural screening, it was considered that any detrimental impacts on the character of the Albyn Place and Rubislaw Conservation Area and nearby Listed buildings would be neutral and therefore in line with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of National Planning Framework 4 and Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the Aberdeen Local Development Plan 2023.

The proposal was directly associated with an existing Class 3 (food & drink) use and would increase economic activity locally. The proposal had the potential to increase footfall in the area as well as support local job creation.

It was acknowledged that the application site was within an accessible location in the West End area near the city centre and the development would provide a food and drink use in a marquee with outdoor seating for those living and working in the nearby area as well as providing employment opportunities for the local population, all in accordance with the community wealth building aspect of Policy 25 of National Planning Framework 4 and Policy VC6 West End areas of the Aberdeen Local Development Plan 2023.

### **Conditions:-**

(1) DURATION OF PERMISSION

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

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) TEMPORARY AND SEASONAL USE**

That the temporary buildings / structures and use hereby granted planning permission shall only be in situ within the period from 1 May until 30 September inclusive in any calendar year. Within one week following the latter date in each period, the structures shall be removed and the site shall be fully reinstated and made available as public open space. No structures shall remain in place beyond 30 September 2025.

Reason: In order to secure restoration of the site as public open space as the character and siting of the structures is not such to warrant their retention on a permanent basis, and to limit the consent to a period of 3 years, due to the temporary nature of the proposals.

**(3) RESTRICTION OF OPENING HOURS & PLAYING OF AMPLIFIED MUSIC**

That the development hereby approved shall only be used between the hours of 9am and 11pm on any given day; any amplified music or other such noise generated by speakers shall only be played within the structure between the hours of 9am and 10pm; and the generator hereby approved shall be suitably noise attenuated to the satisfaction of the Planning Authority.

Reason: In order to preserve the amenity of the area in relation to noise emissions.

**(4) TREE PROTECTION MEASURES**

That the development hereby approved shall not commence unless a scheme of tree protection measures during the construction, use, and removal, of the structures hereby approved for all trees within 5m of the application site has been submitted to, and approved in writing by the Planning Authority. Thereafter, the tree protection measures shall be implemented in accordance with the approved scheme.

Reason: In order to protect the trees on the site, in the interests of the natural environment.

**(5) RESTORATION OF GROUND**

That the development hereby approved shall not commence unless a scheme for restoring the site, including re-seeding and / or re-turfing has been submitted to, and approved in writing by the Planning Authority. Thereafter, within one month of the

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

29 June 2023

structures having been removed, the site shall be restored in accordance with the approved scheme.

Reason: In order to ensure the timeous reinstatement of the site following the expiry of this temporary permission in the interests of the amenity of the area.

- **Councillor Ciaran McRae, Convener**