

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 2 November 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; and Councillors Alphonse, Boulton, Clark, Cooke, Copland, Farquhar, Greig (as substitute for Councillor Bouse), Lawrence (for articles 1 to 10), Macdonald, Radley, Tissera (for articles 1 to 6) 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.

### DECLARATIONS OF INTEREST OR CONNECTIONS

1. The Committee noted the following transparency statement:-
  - Councillor Boulton advised that in relation to item 6.3 (former Banks of Dee Nursing home), that her brother worked as a physiotherapist for Banks of Dee, however did not consider the connection required a declaration of interest, and indicated that she would remain in the meeting for consideration of the item.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 21 SEPTEMBER 2023

2. The Committee had before it the minute of the previous meeting of 21 September 2023.

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

to approve the minute as a correct record.

### COMMITTEE BUSINESS PLANNER

3. 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.

### SITE OF THE FORMER ABERDEEN MARKET AND 91-93 UNION STREET, ABERDEEN - 230704

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

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

That the application for Detailed Planning Permission for the replacement of Aberdeen Market (including redevelopment of 91-93 Union Street) with mixed use development including retail (class 1A), food and drink (class 3), leisure (class 11), and landscaping / public open space including proposed pedestrian link from Union Street to The Green, and associated works, at the site of the former Aberdeen Market and 91-93 Union Street, 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.

**PRE-COMMENCEMENT OF OVERALL DEVELOPMENT****(02) GEO-ENVIRONMENTAL INVESTIGATION**

No development shall take place unless a scheme to deal with any contamination that may exist within the site has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed. Thereafter, the development shall not be brought into use unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and (ii) a report has been submitted to and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the site have been carried out, unless the planning authority has given written consent for a variation.

Reason – to ensure that the site is fit for its proposed use and to avoid any unacceptable risks to human health and the environment.

**(03) ARCHAEOLOGY**

No development shall take place unless there has been submitted to and approved in writing by the planning authority an archaeological written scheme of investigation (WSI) and a programme of archaeological works has been carried out in accordance with the

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works.

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

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

**(04) DRAINAGE**

No development shall take place unless a further detailed scheme has been submitted to and approved in writing by the planning authority which specifies the proposals for the disposal of foul and surface water drainage.

Thereafter, the development shall not be brought into use unless the development has been implemented in accordance with the approved scheme and is available for use.

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

**(05) SERVICE AREA – ACCESS**

No development shall take place unless a swept path analysis for the internal service yard has been submitted to and approved in writing by the planning authority. The swept path analysis must demonstrate that the type of vehicles which are expected to use the area can enter and exit it satisfactorily.

Reason – to ensure road safety is not compromised.

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

No development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme for the reinstatement of the façade of No. 6 Market Street. The scheme shall include detailed specifications featuring –

- 1:10 elevation and section drawing detailing the proposed façade to Market Street elevation shopfront including the new column details and positioning of the balustrade
- 1:10 elevation and section showing how the new building will abut 6 Market Street;
- a specification and sample of stone for the stone forming the new columns.
- details of the primary structural steel support at the rear and in goes of the façade

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

- details of fixings
- details of mortar
- a methodology for the take down and rebuilding of the façade

Thereafter development shall be undertaken in accordance with the approved scheme and unless otherwise agreed in writing the development shall not be brought into use unless the façade has been reinstated in accordance with the approved scheme.

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

### **(07) PREVENTION OF BIRD ROOSTING AND LOAFING**

No development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme to minimise the ability of birds to use the roofs and other parts of the building for nesting or loafing.

Thereafter, unless a written variation has been approved by the planning authority, the development shall not be brought into use unless the approved scheme has been implemented and is operational.

Reason – to minimise the nuisance from birds and to control the visual impact of any mitigation measures.

### **(08) LOW AND ZERO CARBON GENERATING TECHNOLOGIES**

No development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme detailing compliance with Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) and associated Aberdeen Planning Guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to low and zero carbon generating technologies.

Thereafter, the development shall not be brought into use unless the approved scheme has been implemented and measures are available for use.

Reason – to ensure the development complies with requirements for reductions in carbon emissions.

## **PRE-COMMENCEMENT OF PARTICULAR ELEMENTS OF DEVELOPMENT**

### **(09) EXTERNAL FINISHING MATERIALS (MAIN BUILDING)**

No development relating to the external finishing materials of the main building shall take place unless there has been submitted to and approved in writing by the planning

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

authority a scheme which details the design and material specification for all external parts of the main building. The scheme shall include –

- A) Detailed design specification of all materials to be used on the external areas of the building.
- B) Elevational drawings clearly showing which materials are to be used on each part of the building.
- C) 1:20 construction drawings, showing the size of granite cladding panels to be used.
- D) 1:20 construction drawings, showing the detailing of points where there would be a change in the surface finishes (for example where glazed sections meet granite-clad sections).
- E) Detailed design specification of the custom ceramic frit design proposed for the curtain wall glazing.
- F) Detailed design specification of the custom artwork pattern proposed for the metal screening and totems.

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

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

(10) EXTERNAL FINISHING MATERIALS (91-93 UNION STREET)

No development relating to the external finishing materials of 91-93 Union Street shall take place unless there has been submitted to and approved in writing by the planning authority a scheme specifying the design and material specifications of the Union Street and East Green elevations of the development. The scheme shall include –

- A) Detailed design specification of all materials to be used on the external areas of the building.
- B) Elevational drawings clearly showing which materials are to be used on each part of the building.
- C) Detailed design specification of the entrance canopy.
- D) Detailed design specification of the metal entrance gates.
- E) Detailed design specification of the internal structural support for the glass façade.
- F) Detailed design specification of the glazing arrangements, including dimensions of the glass panes.
- G) Detailed design specification of the custom ceramic frit design proposed for the curtain wall glazing.
- H) 1:20 construction drawings, showing the detailing of points where the glass façade would abut the adjacent buildings.

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

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

2 November 2023

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

### (11) EXTERNAL HARD LANDSCAPING MATERIALS

No development in relation to the external hard landscaping shall take place unless there has been submitted to and approved in writing by the planning authority a scheme detailing the design and the material specification of all external hard landscaping areas for the proposed development. The scheme shall cover –

1. the entrance area between the building and Market Street
2. the external events space

Thereafter, unless a written variation has been approved by the planning authority, the development shall not be brought into use unless the development has been finished in accordance with the approved scheme.

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

### PRE-OCCUPATION

#### (12) ODOUR IMPACT ASSESSMENT

No part of the building shall be brought into use for the purposes of class 3 (food and drink) use, or otherwise used for the cooking of hot food, unless there has been submitted to and approved in writing by the planning authority an odour impact assessment. The scheme shall be carried out by a competent person, in line with relevant guidance for example, the EMAQ guidance document ‘The Control of Odour and Noise from Commercial Kitchen Exhaust Systems’ (or equivalent as suitably demonstrated) and associated references. The assessment must include (but not be limited to) –

- an odour risk assessment based on the specific type and level of cooking activities to be undertaken,
- necessary extract rates and an explanation of how they have been established;
- prediction of the impacts at the nearest sensitive receptors and
- any required mitigation measures to; extract filter, neutralise, and disperse cooking fumes produced at the premises.
- demonstration of the effectiveness of any mitigation measure.

Thereafter, the development shall not be brought into use unless the mitigation measures have been implemented in accordance with the approved scheme and are operational.

Reason – to surrounding uses from cooking odours.

#### (13) NOISE MITIGATION

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

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

- Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- Identify the likely sources of noise associated with the proposed development, including any equipment necessary to address the impact of cooking odours;
- Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences.
- The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment

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

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

**(14) WATER EFFICIENCY**

No part of the building shall be brought into use unless there has been submitted to and approved in writing by the planning authority a scheme detailing compliance with Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) and associated supplementary guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to water efficiency measures. The scheme should consider the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development. Thereafter, the building shall not be brought into use unless the approved scheme has been fully implemented and identified measures are available for use.

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

**(15) EXTERNAL LIGHTING STRATEGY**

No part of the building shall be brought into use unless there has been submitted to and approved in writing by the planning authority a scheme for the external lighting. The scheme shall include details of all external lighting of the building and its external areas, and any internal lighting designed to form part of the external elevation (for example lighting behind fritted glass). Thereafter, unless a written variation has been approved by the planning authority, the development shall not be brought into use unless the approved scheme has been implemented and is operational.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

Reason – to ensure the development is satisfactorily integrated into the surrounding area.

**(16) SERVICE AREA**

No part of the building shall be brought into use unless the service area (including parking spaces) has been constructed and laid out in accordance with HFM drawing AMKT-HFM-ZZ-00-PL-A-02 100 (Rev.B) (or other such drawing as agreed for the purpose) and is available for use. Thereafter (i) no waste storage containers shall be stored outside the building other than when required to be available for collection, and (ii) the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those working at or visiting the building.

Reason – to ensure there is sufficient space for the storage of waste and parking for service vehicles.

**(17) ACCESSIBLE PARKING SPACE**

No part of the building shall be brought into use unless a scheme showing the location within the vicinity of the development of at least one accessible parking space for blue badge holders has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless

- (i) the accessible parking space has been constructed and/or marked out and is available for use and any associated signs or road markings have been implemented, and
- (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to blue badge holders only.

Reason – to ensure the development is as accessible as possible to those with a disability.

**(18) CYCLE PARKING**

No part of the building shall be brought into use unless a scheme has been submitted to and approved in writing by the planning authority showing –

- (i) the locations of short stay cycle parking facilities within the external area of the development or within the vicinity of the development; and
- (ii) a suitable level of long-stay staff cycle parking facilities within the internal area of the development.

Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless all cycle parking in the approved scheme has been provided and is available for use.

Reason – to encourage travel to and from the development by bicycle.



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

**(19) ONLINE TAKEAWAY DELIVERY DRIVER PARKING**

No food service unit shall be brought into use unless a scheme of parking for online takeaway delivery drivers has been submitted to and approved in writing by the planning authority. The scheme shall show the location of reserved parking spaces within the vicinity of the development which can be used by delivery drivers collecting takeaway food from the development.

Thereafter, unless otherwise agreed in writing with the planning authority, no food service unit shall be brought into use unless

- (i) the reserved parking spaces have been constructed and/or marked out and are available for use and any associated signs or road markings have been implemented, and
- (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to such users.

Reason – to minimise the potential for indiscriminate parking within the vicinity of the development.

**ONGOING CONTROL****(20) RESTRICTION ON CLASS 11 (ASSEMBLY AND LEISURE) USE**

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

Reason – to ensure as far as possible that the building offers an active frontage with uses which are active during the day and which contribute to the vitality and viability of the city centre.

**(21) SERVICING HOURS**

Service deliveries or collections at the building by heavy goods vehicles shall be restricted to 07:00 to 21:00 Monday to Saturday and 09:00 to 21:00 on Sundays, unless otherwise agreed in writing by the planning authority.

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

**(22) EXTERNAL TERRACE OPERATING HOURS**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

The external terrace located at first floor level shall not be used outside the hours of 07:00 to 23:00.

Reason – to prevent any unreasonable disturbance to the occupiers of nearby residential properties from the use of the terrace at unsociable hours.

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

**The Committee resolved:-**

to approve the application conditionally with condition 12 amended to read:-

**(12) ODOUR IMPACT ASSESSMENT**

No part of the building shall be brought into use for the purposes of class 3 (food and drink) use, or otherwise used for the cooking of hot food, unless there has been submitted to and approved in writing by the planning authority an odour impact assessment. The scheme shall be carried out by a competent person, in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent as suitably demonstrated) and associated references. The assessment must include (but not be limited to) -

- an odour risk assessment based on the specific type and level of cooking activities to be undertaken;
- necessary extract rates and an explanation of how they have been established;
- prediction of the impacts at the nearest sensitive receptors and
- any required mitigation measures to; extract filter, neutralise, and disperse cooking fumes produced at the premises; and
- demonstrate of the effectiveness of any mitigation measure.

Thereafter, the development shall not be brought into use unless the mitigation measures have been implemented in accordance with the approved scheme and are operational.

Reason - to protect surrounding uses from cooking odours associated with the development

**178 GEORGE STREET ABERDEEN - 230972**

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

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

2 November 2023

That the application for Detailed Planning Permission for the change of use from betting shop to adult gaming centre (sui generis) at 178 George Street 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) OPENING HOURS

The hereby approved use shall only operate between the hours of 7am and 12am (midnight) on any given day.

Reason: In order to preserve the amenity of neighbouring residential properties during more sensitive early morning hours.

#### (3) IMPLEMENTATION OF NOISE MITIGATION MEASURES

The hereby approved use shall not operate unless the noise mitigation measures recommended in the approved Noise Impact Assessment have been implemented. The mitigations measures shall include:

1. The separating floor between the premises and the property above shall (as a minimum) meet the specification and associated sound reduction criteria detailed in Appendix D;
2. During fitout, mechanical and electrical (M&E) structures affixed to the underside of the floor shall be checked to ensure they are secure and not likely to come loose causing holes and any new M&E penetrations shall be fully sealed up with mortar so flanking paths do not occur ;
3. Perimeter seals shall be installed around the frame of the external door and at the bottom to prevent unnecessary sound transmission to the outside. The door shall also incorporate an automatic closer system; and
4. The provisions in the Operational Management Plan (Appendix E) shall be adhered to throughout the lifetime of the development.

Reason: In order to preserve the amenity of neighbouring residential properties 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**

2 November 2023

The Committee then heard from Henry Hodgson, agent for the application, who spoke in support of the application and answered questions from Members.

The Convener moved, seconded by Councillor Macdonald:-

That the application be approved, with an amendment to condition 2 to read:-

The hereby approved use shall only operate between the hours of 7am and 10pm on any given day.

Reason: In order to preserve the amenity of neighbouring residential properties during the more sensitive late evening and early morning hours.

Councillor Boulton moved an amendment, seconded by Councillor Greig:-

That the application be refused due to conflict with Policies H2, WB3 Aberdeen Local Development Plan 2023, Policy 23 of NPF4 and the Aberdeen Interim Planning Guidance Harmony of Uses due to adverse impact on residents by virtue of the close proximity to residents of the premises caused by the coming and goings of patrons to and from the premises particularly in the evening due to noise disturbance generated by the use of the premises by patrons.

On a division, there voted – for the motion (9) – the Convener and Councillors Alphonse, Cooke, Copland, Farquhar, Macdonald, Radley, Thomson and Tissera – for the amendment (4) – Councillors Boulton, Clark, Greig and Lawrence.

**The Committee resolved:-**

to adopt the motion and therefore approve the application conditionally.

**FORMER BANKS O' DEE NURSING HOME, ABBOTSWELL ROAD, ABERDEEN - 230685**

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 of from class 8 (residential institutions) to form 24no. affordable flats, including formation/replacement of doors and windows; installation of cladding, and alterations to the car park and garden ground with associated works, at the former Banks O' Dee Nursing Home, Abbotswell Road, Aberdeen, be approved conditionally with a legal agreement.

**Conditions**

(1) DURATION OF PERMISSION

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 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) SCHEME FOR SAFE MEANS OF PEDESTRIAN ACCESS**

The development hereby approved shall not be occupied unless a scheme for the safe means of pedestrian and wheelchair access to and from the site from Abbotswell Road has been submitted to and agreed in writing by the Planning Authority and thereafter the approved scheme has been implemented in accordance with the agreed details, prior to the occupation of the development.

Reason: In order to ensure that the development can be accessed safely by walking and wheeling.

**(3) NOISE MITIGATION**

The development hereby approved shall not be occupied unless the critical noise mitigation measures set out in the 'Mitigation' section on Pages 17-20 of the approved Noise Impact Assessment (Couper Acoustics - Ref: 1029212314 – V1, Date: 8 June 2022) have been implemented in full.

Reason: In order to protect the residents of the development from external sources of noise and to protect the operations and viability of neighbouring commercial uses.

**(4) EXTERNAL FINISHING MATERIALS**

No development shall take place unless a scheme 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.

**(5) SOFT LANDSCAPING AND TREE PLANTING**

No works in connection with the development hereby approved shall take place unless a scheme of 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;

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (iv) An indication of existing trees, shrubs and hedges to be removed;
- (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed no later than 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.

### (6) HARD LANDSCAPING MATERIALS

No works in connection with the development hereby approved shall take place unless a scheme of hard landscaping works, including the surface materials to be used for all roads, car parking areas, footpaths and other areas of hard landscaping, has been submitted to and approved in writing by the Planning Authority. Thereafter no flat shall be occupied unless the works have taken place in accordance with the agreed details.

Reason: To ensure the use of satisfactory materials for the hard-landscaped aspects of the development.

### (7) CAR PARKING

The development hereby approved shall not be occupied unless the car parking area has been laid out in accordance with the details shown on approved Bradley Craig Architects drawing D(0-)01 Revision H (Proposed Site Plan), or other such drawing as may be agreed in writing with the Planning Authority.

Reason: In order to ensure that sufficient car parking is provided for the development.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

**(8) BOUNDARIES**

The development hereby approved shall not be occupied unless a detailed scheme of site and plot boundary enclosures (including all fences and walls) for the entire development has been submitted to and approved in writing by the Planning Authority. Thereafter the boundary treatments shall be installed in accordance with the agreed details prior to occupation.

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

**(9) ELECTRIC VEHICLE CHARGING POINTS**

The development hereby approved shall not be occupied unless details of all electric vehicle charging points to be installed in the car parking area have been submitted to, agreed in writing with, the Planning Authority and the charge points have thereafter been installed in accordance with the agreed details.

Reason: In order to ensure that sufficient electric vehicle charging points would be provided, thus encouraging the use of sustainably powered vehicles.

**(10) TREE PROTECTION**

No development in relation to the extension of the car park shall take place unless a detailed cross section and construction methodology for the areas of the extended car parking area that would be formed within the root protection areas of trees to be retained, as shown on the approved Tree Survey Site Plan drawing (Struan Dalgleish Arboriculture – March 2023 - Appendix 1), has been submitted to and agreed in writing with the Planning Authority. Thereafter the works shall not take place other than in accordance with the agreed details. All other works within the site shall not take place other than in accordance with the tree protection details set out in sections 4.3 and 4.4 of the approved Tree Survey.

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

**(11) DRAINAGE INFRASTRUCTURE**

No development shall take place unless a scheme of all new drainage infrastructure, designed to meet the requirements of Sustainable Urban Drainage Systems, has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the agreed scheme.

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

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

**(12) WASTE MANAGEMENT**

The development hereby approved shall not be occupied unless the bin store area shown on approved drawings D(0-)01 Revision H (Proposed Site Plan) and D(0-)05 Revision B (Proposed Elevations) has been constructed and the required bins (2 x 1280l general waste, 2 x 1280l mixed recycling and 1 x food waste container) have been installed and are made available for use by residents upon occupation.

Reason: In order to ensure that waste and recyclables generated by the development would be securely and hygienically stored pending collection.

**(13) CYCLE PARKING**

The development hereby approved shall not be occupied unless details of the cycle racks to be installed within the Ground Floor cycle store have been submitted to and approved in writing by the Planning Authority. Thereafter the cycle storage facility shall be provided as shown on approved drawing D(0-)02 Revision G (Proposed Ground Floor Plan) and with the approved racks installed prior to occupation.

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

**(14) RESIDENTIAL TRAVEL PACK**

No unit shall be occupied unless a residential travel pack has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit on occupation.

Reason - In order to reduce dependency on the private car for travel.

**(15) BROADBAND CONNECTION**

No unit shall be occupied unless a scheme for the provision of a full fibre broadband connection to each flat has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and no flat shall be occupied unless provided with a full fibre broadband connection.

Reason: In order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan 2023.

**(16) EXTERNAL LIGHTING**



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

The development hereby approved shall not be occupied unless a scheme for all external lighting within the development has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme.

Reason: In the interests of public safety.

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

During the course of discussion of the application, Councillor Cooke advised that he was the Chairperson for the Integrated Joint Board (IJB). However he did not consider the connection required a declaration of interest, and indicated that he would remain in the meeting for consideration of the item.

Councillor Greig also advised that he was a member on the IJB. However he did not consider the connection required a declaration of interest, and indicated that he would remain in the meeting for consideration of the item.

Councillors Macdonald and Radley also advised that they were substitute members on the IJB. However they did not consider the connection required a declaration of interest, and indicated that they would remain in the meeting for consideration of the item.

The Convener also advised that he was employed with the Scottish Ambulance Service, however did not consider the connection required a declaration of interest, and indicated that he would remain in the meeting for consideration of the item.

The Committee then heard from Brian Winton, Iain Watson and Hazel Noble who all objected to the application.

The Committee then heard from Bradley Craig, agent for the application who spoke in support of the application.

The Convener moved, seconded by Councillor Greig:-

That the application be approved in line with the officer's recommendation.

Councillor Boulton moved as an amendment, seconded by Councillor Macdonald:-

That the application be refused for the following reasons.

In relation to T2 of the Aberdeen Local Development Plan (ALDP) 2023, the access road to the current site did not meet current guidelines for pedestrian footway width and segregation from the road carriageway and it does not guarantee a safe means of pedestrian access to the development. It would be contrary to Policy D2 (Amenity) of the ALDP 2023 and the associated interim Aberdeen Planning Guidance on Amenity and Space Standards due to the rooms in the building not providing an acceptable level of amenity to residents. Occupants of the development would be adversely affected by noise emissions

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

from the neighbouring commercial uses, contrary to Policy WB3 of the ALDP and Policy 23 of NPF4.

On a division, there voted – for the motion (7) – the Convener and Councillors Alphonse, Cooke, Copland, Clark, Greig and Radley – for the amendment (6) – Councillors Boulton, Farquhar, Lawrence, Macdonald, Thomson and Tissera.

**The Committee resolved:-**

to adopt the motion and therefore approve the application conditionally with a legal agreement.

**FORMER CULTS STATION, STATION ROAD ABERDEEN - 230772**

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 change of use from class 4 (business) to class 1A (shops and financial professional and other services) and class 3 (food and drink) with covered outdoor seating area including demolition of existing lean to extension and erection of single storey extension; alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated car parking and other associated works, at the former Cults Station, Station 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) NOISE IMPACT ASSESSMENT COMPLIANCE

That the use hereby approved shall not take place unless all mitigation measures recommended in the approved Noise & Odour Impact Assessment (Reference: TTG 151120B) have been implemented in full. These must include:

- a) the noise insulation measures detailed within section 3.6 and the related Appendix C – ‘Wall and Roof Construction Detail’;

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

- b) the noise and odour control measures detailed within section 6.2 and the related Appendix A (A4 to A5) – ‘Kitchen Extraction System Details’;
- c) The proposed operating hours including the external area shall terminate at 2000 hours;
- d) strict adherence to the managerial controls detailed within section 4.14 and 6.3 and appendix K “Maintenance and Cleaning”.

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

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

### **(03) HOURS OF OPERATION**

That the use hereby approved shall not operate out with the following hours:

Café (Class 3) and Outdoor Seating Area: Monday to Thursday 08:00 – 19:00 and Friday to Sunday 08:00 – 20:00 and Bicycle Shop (Class 1A Financial, professional and other services): Monday to Sunday 09:00 to 17:00.

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

### **(04) LITTER MANAGEMENT**

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

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

### **(05) PARKING, CYCLE PARKING AND EV CHARGING AS PER APPROVED PLANS**

That the use hereby approved shall not occur unless all car parking, electric vehicle parking and cycle parking facilities have been constructed, drained, laid-out and demarcated and are available for use in accordance with approved drawing Site Plan 1012 Rev B, or such other drawing as may subsequently be submitted to and agreed in writing by the Planning Authority.

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

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

**(06) OUTDOOR SEATING AREA AS PER APPROVED PLAN**

That the use hereby approved shall not occur unless the outdoor seating area has been provided in accordance with approved drawings (Richard Dingwall Architects) 1012 Rev B and 1017 Rev B. No additional seating areas shall be provided without the express granting of planning permission by the Planning Authority.

Reason: In the interests of residential amenity.

**(07) PEDESTRIAN/ VEHICLE ACCESS UPGRADES**

That the use hereby approved shall occur unless works for the upgrading of the pedestrian and vehicular access to the site along Station Road as detailed on approved drawing Richard Dingwall Architects 1013 Rev A and 146779/sk1004 Rev A (as contained within the approved Roads Technical Note dated 28<sup>th</sup> September 2023 on our website) or such other drawings as may subsequently be submitted to and agreed in writing by the Planning Authority, have been implemented in full and in accordance with the agreed scheme. For avoidance of doubt this should include the following:

- signage advising that “pedestrians are on the road ahead”
- the provision of “slow” markings on the road at either side of the bend; and
- a change in surfacing materials to delineate the crossing points/ pedestrian routes.

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

**(08) STAFF TRAVEL PLAN**

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

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

**(09) LANDSCAPING AS PER APPROVED PLANS**

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme (Richard Dingwall Architects drawing 1014 Rev B) and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

2 November 2023

diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, the use shall not take place unless the management and maintenance of the landscaping as shown on approved drawing Ref: 1014 Rev B is undertaken. 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.

### (10) RESTRICTION OF USE CLASSES

That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) the premises shall not be used for any other purposes other than Class 1A (Shops and Financial, Professional and Other Services) and Class 3 (Food and Drink) as shown on approved Richard Dingwall Architects Drawing No: 1016 Rev B and no change between Use Classes is permitted within the areas highlighted on the approved plan without a specific grant of planning permission by the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenity of the area.

### (11) MATERIALS

That no development shall take place unless a scheme 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.

At this juncture, Councillor Boulton moved a procedural motion, seconded by Councillor Farquhar:-

That a site visit be held before determination of items 6.6 and 6.7 on the agenda.

On a division, there voted – for the procedural motion (7) – Councillors Boulton, Cooke, Copland, Clark, Farquhar, Greig and Thomson – against the procedural motion (5) – the Convener and Councillors Alphonse, Lawrence, Macdonald and Radley – absent from the vote (1) – Councillor Tissera.

The Convener advised that he would allow the representations to speak before adjourning for the site visit.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

The Committee heard from Karin Robertson, who objected to the application.

The Committee then heard from Murray Ritchie and Richard Dingwall (agent), who spoke in support of the application.

**The Committee resolved:-**

to adopt the procedural motion and therefore defer the application in order for a site visit to be undertaken on Wednesday 8 November 2023.

**FORMER CULTS STATION, STATION ROAD ABERDEEN - RETENTION OF TAKEAWAY - 230922**

8. The Committee 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 retention of a takeaway food kiosk and outdoor seating area with decking including change of use (temporary for 12 months), at the former Cults Railway Station, be approved subject to the following conditions:-

**Conditions****(01) TEMPORARY PERMISSION**

That planning permission is hereby granted for a temporary period only and shall cease to have effect on 1<sup>st</sup> November 2024 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with the agreed restoration scheme submitted to and approved in writing by the Planning Service under the terms of Condition 2 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration of the site.

**(02) SITE CLEARANCE**

That at least two months prior to the cessation date of 1<sup>st</sup> November 2024, full details of a scheme for the restoration of the application site shall be submitted to and approved in writing by the Planning Service. Prior to the cessation of this permission the site shall be restored in accordance with the approved restoration scheme.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

Reason: To ensure the timeous and appropriate restoration of the site following the expiry of this temporary permission, in the interests of the visual amenity of the area.

**(03) COOKING ACTIVITIES – RESTRICTION**

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 premises.

Reason: in order to protect the amenity of neighbouring uses from cooking odours.

**(04) LITTER MANAGEMENT PLAN – COMPLIANCE**

That the proposals hereby granted planning permission shall be undertaken in accordance with the details outlined in the Litter Management Plan (Section 5.8 of the approved Supporting Statement Ref: 230922-01 dated 28<sup>th</sup> July 2023).

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

**(05) HOURS OF OPERATION**

That the use hereby approved shall not operate outwith the hours of 08:00 to 19:00 Monday – Thursday, 08:00 to 20:00 Friday to Sunday (April to September) and 08:00 to 17:00 Monday – Saturday and 09:00 to 17:00 on a Sunday (October to March).

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

The Committee heard from Karin Robertson, who objected to the application.

The Committee then heard from Richard Dingwall, agent for the application, who spoke in support of the application.

At this juncture and in line with the decision taken in the previous item, the Committee deferred consideration of the application in order for a site visit to be undertaken on Wednesday 8 November 2023.

**REAR OF 12 - 14 BROOMHILL ROAD, ABERDEEN - 230550**

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

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

That the application for Detailed Planning Permission for the change of use from amenity land to class 4 (business) including installation of fence and roller shutter doors associated with 16 Broomhill Road (part retrospective), at the rear Of 12 - 14 Broomhill 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) HOURS OF OPERATION**

That the use hereby approved shall not operate outwith the hours of 8:00am and 5:00pm Monday – Friday.

Reason - to ensure no loss of amenity for surrounding properties and to align with the office hours of the business.

**(03) EXTERNAL LIGHTING**

That the use hereby approved shall not operate unless a lighting plan, with details, specifications and illumination levels, of all lighting to be installed within the site has been submitted to and approved in writing by the planning authority. Thereafter, the lighting shall be installed in accordance with that plan and not be altered, other than being removed, without agreement from the planning authority.

Rason - in order to ensure lighting does not impact on the general amenity of the surrounding residential area.

**(04) EXTERNAL LIGHTING TIMES**

That the lighting contained within the lighting plan, to be agreed under condition 2, shall not operate outwith the hours of 8:00am and 5:00pm Monday – Friday.

Reason - to ensure that light pollution from the development does not result in undue loss of amenity for surrounding properties.

**(05) BIODIVERSITY**



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

That the use hereby approved shall not operate unless the biodiversity enhancements as noted on plan reference 23021\_004\_pl, shall be implemented on site. Thereafter, these measures shall be retained in perpetuity.

Reason - in order to protect and enhance biodiversity, deliver positive effects from the development and strengthen nature networks.

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

The Committee then heard from Sue Allan, who objected to the application and asked that the application be refused.

**The Committee resolved:-**

to approve the application conditionally.

**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 40.2.**

**259 UNION STREET ABERDEEN - 230246**

**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 change of use from office to student accommodation (sui generis) including refurbishment and replacement of windows, alterations of vents and associated works, at 259 Union Street Aberdeen, be approved conditionally subject to a legal agreement.

**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.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

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

(02) Management Plan

That no part of the development hereby approved shall be occupied unless a management plan has been submitted and approved in writing by the planning authority and shall be fully implemented thereafter.

Reason: In the interests of ensuring the provision of adequate amenity for all residents.

(03) Noise Mitigation Measures

That the development hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (The Airshed, AS 0820 06, dated 22 May 2023) and evidence of this installation has been provided to, and agreed in writing by, the Planning Authority. For avoidance of doubt this should include the following:

- (a) provision of MVHR to the units on the Union Street elevation as a minimum and application of mitigation achieving the required sound reduction detailed within the section 'Proposed Mitigation for Road traffic Noise' and table 5 of the report namely; windows 44dB Rwi and NO trickle ventilation. Or in the absence of MVHR system, the application of mitigation achieving the required sound reduction detailed within the section 'Proposed Mitigation for Road traffic Noise' and table 5 of the report namely; Trickle vents 45dB Dn,e. (in the open position) and windows 47dB Rwi. NB- where alternative mechanical ventilation is to be installed the noise level emissions from such equipment should comply with NR25 Night-time and NR 30 daytime within the proposed units.
- (b) Application of mitigation detailed within the section 'Proposed Mitigation Measures for Fixed Plant', table 6.2 and Appendix 6 of the report, namely, the scheme of window and ventilation measures to the various rooms on the rear elevation aligning with corresponding acoustic performance specified;
- (c) Application of mitigation detailed within the section 'Proposed Mitigation Measures for Airborne Sound (music)' and Appendix 1 of the report, namely, upgraded floor between the restaurant and the apartments to increase the mass of the floor to >180kg/m<sup>3</sup> using the combination of materials and techniques specified therein.

Reason: to protect residents from unacceptable levels of noise.

(04) Bin Store

That the development hereby approved student accommodation shall not be occupied unless the bin store shown on approved drawings 4078\_108b (Proposed Bin Store Details), or similar as may be agreed in writing with the Planning Authority, has been

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

formed in accordance with the approved details and the necessary bins provided within it.

Reason: To ensure a satisfactory means for the storage and collection of waste.

**(05) Cycle store**

That the development hereby approved shall not be occupied unless the cycle store shown on approved drawing 3954 100 B (Proposed Basement and Ground Floor Plans) or similar as may be agreed in writing with the Planning Authority, has been formed in accordance with the approved details.

Reason: To encourage the use of sustainable and active modes of travel.

**(06) Student accommodation use only**

That the development hereby approved shall be occupied by students only. In this case students are defined as those persons attending higher education institutions within the City of Aberdeen.

Reason: The development is not suitable in planning terms for use as permanent, mainstream residential accommodation due to the inadequate level of amenity that would be afforded to residents as a result of the small floor areas of units which are acceptable, on balance, as short term accommodation. Furthermore, the developer obligations and affordable housing requirements for the development have been calculated on the basis of students occupying the development and would need reassessed in the event of any future occupation of the development by persons not in higher education.

**(07) Communal Facilities**

That none of the units hereby approved shall be occupied unless the common room which forms part of the approved development has been completed and is available for use by all residents.

Reason: In the interests of ensuring the provision of adequate amenity for all residents.

The Committee heard from Laura Robertson, Senior Planner, who spoke in furtherance of the application and answered questions from Members.

The Committee then heard from Baxter Allan, agent for the application, who spoke in support of the application and answered questions from Members.

**The Committee resolved:-**

to approve the application conditionally subject to a legal agreement.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

**PERSLEY CASTLE CARE HOME, MUGIEMOSS ROAD ABERDEEN - 230351**

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

That the application for Listed Building Consent for lowering of sills and installation of windows, at Persley Castle Care Home, Mugiemoos Road Aberdeen, be approved unconditionally.

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

**The Committee resolved:-**

to approve the application unconditionally.

**FLAT H, 287 KING STREET ABERDEEN - 231064**

**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 change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people, at Flat H, 287 King Street 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.

**(2) TIME LIMIT FOR SHORT-TERM LET USE**

The hereby approved use of the property as Short-Term Let accommodation shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as Short-Term Let accommodation in the meantime. Should no further planning permission be granted then the property shall revert to mainstream residential use as a flat after the aforementioned 5-year period.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as a Short Term Let to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

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

**The Committee resolved:-**

to approve the application conditionally.

**360 NORTH DEESIDE ROAD ABERDEEN - 230251**

**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 2 storey detached dwelling house with garage and associated works, at 360 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) SAMPLE OF MATERIALS

No development shall commence until 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. For the avoidance of doubt, a sample panel of no less than 1.8m<sup>2</sup> with external finishing materials showing their proportionate relationship shall be erected on the application site.

Reason: In the interests of visual amenity.

(03) BOUNDARY TREATMENT

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

Prior to the commencement of development, a detailed scheme of site and plot boundary enclosures shall be 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 visual amenity and to ensure sufficient privacy can be retained between the dwellings at 360 North Deeside Road and that hereby approved.

**(04) NOISE SCREENING ASSESSMENT**

Before the dwelling hereby approved is occupied, an assessment of the noise levels caused by road traffic using the A93 and Kirk Brae likely within the building shall be submitted to and approved in writing by the Planning Authority. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full.

Reason: In the interest of residential amenity.

**(05) LOW AND ZERO CARBON BUILDING**

No development associated with the residential dwelling hereby approved shall take place unless a scheme detailing compliance with the Aberdeen Planning Guidance: Resources for New Development has been submitted to and approved in writing by the Planning Authority. Thereafter the dwelling hereby approved shall not be occupied unless any recommended measures specified within that scheme for that unit 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 Aberdeen Planning Guidance: Resources for New Development.

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

The Convener moved, seconded by Councillor Greig:-

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

Councillor Boulton moved an amendment, seconded by Councillor Farquhar:-

That the application be refused in terms of T2 of the Aberdeen Local Development Plan 2023 as the access road to the current site does not meet current guidelines for pedestrian footway width and segregation from the road carriageway and it does not guarantee a safe means of pedestrian access to the development. It is contrary to Policy D2 (Amenity) of the ALDP 2023 and the associated interim Aberdeen Planning Guidance on Amenity and Space Standards due to the rooms in the building not providing an acceptable level of amenity to residents.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

2 November 2023

Occupants of the development would be adversely affected by noise emissions from the neighbouring commercial uses, contrary to Policy WB3 of the ALDP and Policy 23 of NPF4.

On a division, there voted:- for the motion (6) – the Convener and Councillors Alphonse, Cooke, Copland, Greig and Radley – for the amendment (5) – Councillors Boulton, Clark, Farquhar, Macdonald and Thomson – absent from the division (2) – Councillors Lawrence and Tissera.

**The Committee resolved:-**

to adopt the motion and therefore approve the application conditionally.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE ANNUAL EFFECTIVENESS REPORT - PLA/23/340**

14. The Committee had before it a report by the Interim Chief Officer – Governance (Assurance), which presented the annual report of the Planning Development Management Committee to enable Members to provide comment on the data contained within.

**The report recommended:-**

that the Committee –

- (a) provide comments and observations on the data contained within the annual report; and
- (b) note the annual report of the Planning Development Management Committee.

**The Committee resolved:-**

to note the report.

- **Councillor Ciaran McRae, Convener**