

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 14 March 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; and Councillors Boulton, Clark, Cooke (as substitute for Councillor Alphonse), Copland, Farquhar, Greig (as substitute for Councillor Bouse), Lawrence and Macdonald.

**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.**

### **DETERMINATION OF URGENT BUSINESS**

1. The Convener advised that he had accepted a late report (article 5 of this minute refers – Public Hearing for Rosehill House, 202 Ashgrove Road West, Aberdeen) onto the agenda as a matter of urgency in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973, as a delay in submitting the report to Committee to seek authority to hold a Public Hearing would have significant implications for the applicant and to the planning authority in the timely processing of applications.

**The Committee resolved:-**

to note the position.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 15 FEBRUARY 2024**

2. The Committee had before it the minute of the previous meeting of 15 February 2024, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### **COMMITTEE 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 committee business planner.

**ROSEHILL HOUSE, 202 ASHGROVE ROAD WEST ABERDEEN - PUBLIC HEARING**

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4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which sought authority to hold a Public Hearing at Planning Development Management Committee for the application at Rosehill House, 202 Ashgrove Road West Aberdeen for the erection of mixed use restaurant (class 3) and takeaway (sui-generis) with car parking, landscaping, play frame and associated works including demolition. A report would then be submitted to this Committee for determination at a future date.

**The report recommended:-**

that the Committee –

- (a) agree to hold a Hearing for the application at this Committee; and
- (b) agree to report back for determination to this Committee.

**The Committee resolved:-**

to approve the recommendations.

**LAND AT GREENFERNS, SITES OP28 & OP33, ABERDEEN - 230173**

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

That the application for Planning Permission in Principle for residential-led, mixed use development comprising approximately 1,575 homes, employment use, a neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works, at land at Greenferns, sites OP28 & OP33, Aberdeen, be approved conditionally and subject to notification to Scottish Ministers and a legal agreement.

**Conditions**

(01) LENGTH OF PERMISSION – PPIP

Applications for the approval of all matters specified in conditions of the Planning Permission in Principle hereby granted must be made before whichever is the latest of the following dates:

- (a) The expiration of twelve years beginning with the date of the planning permission in principle; or,
- (b) The expiration of six months from the date on which an earlier application (Matters Specified in Condition) for the requisite approval was refused or dismissed following an appeal or review.

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In relation to any matter under part (b) above, only one application for approval of matters specified in conditions may be made after the expiration of the planning permission in principle.

The development of a subsequent phase hereby granted shall be begun before the expiration of two years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: to ensure compliance with section 59 (planning permission in principle) of the Town and Country Planning (Scotland) Act 1997 (as amended).

**(02) PHASING PLAN**

That prior to the commencement of development, an application for the approval of matters specified in conditions comprising a detailed phasing plan, setting out the details of the phasing of the development, shall be submitted to, and approved in writing by the Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved Phasing Plan, unless otherwise agreed through the submission of a further matters specified in conditions application for an alternative phasing programme.

Reason: To ensure that build-out of the development is phased to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

**(03) POST 2032 HOUSING**

That notwithstanding the description provision of “1,575 homes” of the Planning Permission in Principle hereby approved, no more than 1,175 residential units shall be built on the development site prior to 2033.

Reason: A departure from Policy LR1 (Land Release Policy) of the Aberdeen Local Development Plan 2023, is only accepted on the basis that the housing allocation for the period marked 2033-2040 is not progressed until post 2032.

**(04) MATTERS REQUIRING FURTHER APPROVAL CONDITION FOR PLANNING PERMISSION IN PRINCIPLE**

That application(s) for approval of matters specified in condition containing details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No development within or out with any particular phase shall take place unless a matters specified in conditions application comprising the detailed layout and design of

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roads, buildings and other structures for that particular phase has been submitted to and approved in writing by the Planning Authority. The application(s) shall comprise:

- a) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant block/ phase of development;
- b) full details of the connection to the existing Scottish Water foul water drainage network for the relevant block of development;
- c) details of all cut and fill operations in the relevant phase of the development;
- d) the details of the layout and finish of roads, visibility splays, footpaths, pedestrian connections and cycle routes including the identification of safe routes to school from the development.
- e) the details of all vehicular and motorcycle parking, short and long term secure cycle parking, electrical vehicle charging space and facilities, storage and collection for waste and recyclables
- f) details of any boundary enclosures to be provided within the relevant phase of the development;
- g) details of any play zones and play equipment to be provided within the relevant phase of development;
- h) full details of the layout, siting, design and finish of all residential properties, throughout the relevant phase of development;
- i) details of public open space and core path improvement works; and
- j) full details of the layout, siting, design and finish of all non-residential properties throughout the phase where relevant. This shall include but is not limited to; community facilities, health centre, schools, commercial premises, energy centre, pumping station, and associated infrastructure.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

### (05) FUTHER DETAILS – JUNCTION IMPROVEMENT WORKS

No development shall commence on any particular phase, of the development hereby approved until (i) detailed road junction analysis of the impact of the traffic generated by that phase and a scheme for any related mitigation which may be required as a result of the development, on the following road junctions:

- a. Springhill Road/ Provost Fraser Drive – site access south;
- b. A92 North Anderson Drive/ Cairncry Road/ Foresterhill Road/ Provost Fraser Drive;
- c. A92 North Anderson Drive/ Haudagain Bypass/ Hilton Drive;
- d. A92 North Anderson Drive/ Lang Stracht/ Westburn Road;
- e. A96 Great Northern Road/ Haudagain Bypass/ A96 Auchmill Road;
- f. Haudagain Bypass/ Manor Avenue;
- g. A96 Great Northern Road / A92 North Anderson Drive/ A92 Mugiemoos Road (Haudagain);

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- h. A96 / Dyce Drive / Craibstone Drive.
- i. A944 Lang Stracht / Springhill Road.
- j. A944 Lang Stracht / Rousay Drive.
- k. A944 Lang Stracht / Stronsay Drive.

has been submitted to, and agreed in writing by way of a Matters Specified in Conditions application by, the planning authority and (ii) the provision of such mitigation works has been secured and agreed in writing by the planning authority. Once agreed, any necessary mitigation works shall be undertaken in complete accordance with the scheme as so agreed, prior to the occupation of any part of that particular development phase.

Reason - in order to ensure there is no net detriment to the surrounding local roads network, and to assist the free flow of traffic.

**(06) ACCESS TO DEVELOPMENT SITE**

No development shall take place within each phase of development unless a matters specified in conditions application comprising a detailed scheme showing the precise location, layout, design and construction method of the proposed access junctions to the development site including layouts, capacity, distribution, operational flow and detailed cross-sections has been submitted to and approved in writing by the Planning Authority; no individual residential property or commercial unit shall be occupied or brought into use unless the relevant scheme is fully implemented in accordance with the approved plans, unless the Planning Authority has given written approval for a variation.

Reason: in the interests of road safety.

**(07) LANDSCAPING SCHEME**

No development within any particular phase, as agreed by the Phasing Plan approved as condition 2 of this Planning Permission in Principle shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping works for that particular phase, has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved detail.

Details of the scheme shall include:

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

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- (v) An indication of existing trees, shrubs, and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

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

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

**(08) LANDSCAPING (ABERDEEN INTERNATIONAL AIRPORT)**

That no development shall commence on any phase, of the development as agreed within the approved phasing plan until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority by way of matters specified in condition application in consultation with Aberdeen Airport. Details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)). These details shall include:

- Any earthworks
- Grassed areas
- Details of any water features
- The species, number and spacing of trees and shrubs
- Drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)).

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The scheme shall be implemented as approved.

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Reason: To avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

**(09) HEIGHT, LAYOUT AND FORM OF MATERIALS (ABERDEEN INTERNATIONAL AIRPORT)**

No development within any particular phase, shall take place unless a matters specified in conditions application for that phase, comprising details, location, height, layout, form and materials of buildings and structures within the proposed development have been submitted to and approved in writing by the planning authority in consultation with Aberdeen International Airport. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: Buildings/structures in the proposed development may penetrate the obstacle Limitation Surface (OLS) and/or Instrument Flight Procedure (IFP) surfaces surrounding Aberdeen Airport and could endanger aircraft movements and the safe operation of the aerodrome;

and:

Buildings/structures in the proposed development may interfere with communication, navigation aids and surveillance equipment and could endanger aircraft movements and the safe operation of the aerodrome.

**(10) BIRD HAZARD MANAGEMENT PLAN**

No development within any particular phase, shall take place unless a matters specified in conditions application comprising a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The submitted plan shall include details of:

- Monitoring of any standing water within the site temporary or permanent;
- Any earthworks;
- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’;
- Maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport.

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Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

**(11) SURFACE AND PUBLIC WATER DRAINAGE**

No development within any particular phase shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage and foul water drainage for that particular phase has been submitted to any approved in writing with the Planning Authority. The scheme shall:

- a) detail two levels of sustainable drainage (SUDS) treatment (or three levels for industrial hard standing areas) for all areas of roads/ hardstanding/ car parking and one level of SUDS treatment for roof run-off include source control;
- b) provide further details in relation to the proposed urban drainage network, which would negate the requirements for the existing field drainage within the site, and confirmation of where the latter would be retained or removed. This shall include a full assessment of the individual runs to establish the source and outfall locations, ensuring any adjustments to pre-development scenario would not increase flood risk to the surrounding area; and
- c) shall be development in accordance with the technical guidance contained in the SUDS manual.
- d) A detailed drainage plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the relevant phase of development, including how surface water run off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures.
- e) a scheme for the connection of buildings to the public waste water system for that particular phase has been submitted to and approved in writing by the Planning Authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public wastewater system are in place.

Thereafter no? development shall be implemented in accordance with the agreed scheme and no building shall be occupied unless connection has been made to the public wastewater network in accordance with the approved details.

Reason – in order to ensure adequate protection of the water environment from surface water run-off.

**(12) FLOOD RISK ASSESSMENT/ FURTHER DETAILS**

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific Flood Risk Assessment has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.



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This shall include:

- a) an assessment of the small watercourse running through the site from south to north (before discharging into the Bucks Burn) to demonstrate that the detailed proposals do not result in a risk to flooding to the proposed properties;
- b) further information in relation to the redevelopment/ new development on land and buildings in the northern part of the site adjacent to the Bucks Burn (in the area of Bucksburn House and to the west) to demonstrate that the proposals are not in an area of flood risk and will not increase overall flood risk at the site or elsewhere.
- c) Proposals to de-culvert lengths of the small watercourse running through the site from south to north and additional measures to improve the water environment, such as establishing a natural route for the channel and allowing a riparian corridor;
- d) Watercourse crossings should be designed to convey the 0.5% annual probability flood plus appropriate allowance for climate change and separate allowance for freeboard.
- e) Full details of field drains and watercourses within that phase of development, and how these are to be altered and impacted by that particular phase of development.

Reason – to ensure that each phase of development would not increase floor risk within the site or in the surrounding area.

**(13) RADON ASSESSMENT**

No development within the south-eastern section of the application site boundary (as identified on the UK Radon interactive viewer as having a maximum radon potential of 1%-3%) unless a matters specified in conditions application comprising a Radon Assessment has been submitted to and approved in writing by the Planning Authority for that specific area of the development. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – the submitted documents have indicated a small section of land within this area is in a maximum radon potential of 1-3% and basic radon protection measures are required to be submitted.

**(14) UNEXPLODED ORDNANCE ASSESSMENT**

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific Unexploded Ordnance Assessment, or confirmation that this is not required, has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – to ensure that the site is fit for human occupation.

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**(15) TREE SURVEY AND PROTECTION PLAN**

No development within any relevant phase shall take place unless a matters specified in conditions application comprising a tree survey including tree protection plan has been submitted to and approved in writing by the Planning Authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

**(16) ADDITIONAL TREE PLANTING**

No development within any particular phase shall take place unless a matters specified in conditions application for that phase comprising a scheme of additional tree planting has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- a) The location of the additional tree planting.

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- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- c) A programme for the implementation, completion and subsequent management of the proposed compensatory tree planting.

The additional tree planting shall be carried out in complete accordance with the approved scheme and any planting which, within a period of 5 years from the completion of the additional tree planting, 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 provide additional woodland cover in accordance with the aims of local and national planning policies.

**(17) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

No development (including site stripping, service provision or establishment of site compounds) within any particular phase (as agreed within the Phasing Plan submitted and agreed by condition 2 of this Planning Permission in Principle) shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address:

- i. surface water management;
- ii. site waste management;
- iii. watercourse engineering;
- iv. pollution prevention including dust management plan;
- v. management of wetland environment to increase its biodiversity value; and
- vi. the protection of the wetland should any major oil spills occur in the area feeding it.

Thereafter development shall be undertaken in accordance with the approved Construction Environment Management Plan.

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

**(18) BIODIVERSITY NET GAIN**

No development within any particular phase shall take place unless a matters specified in conditions application comprising a statement in relation to Biodiversity Net Gain, with associated measures has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

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Reason – to ensure that the development proposals will contribute to the enhancement of biodiversity.

**(19) BADGER SURVEY**

No development within any particular phase shall take place unless a matters specified in conditions application for that phase comprising a badger survey and badger protection plan for that area has been submitted to and approved in writing by the Planning Authority. The protection plan must include:

- i. the measures required to protect badgers during development and any licensable activities required to allow the development to proceed;
- ii. appropriate buffer zones to be established around any known active setts in order to avoid disturbance; and
- iii. details of how badger habitat (including foraging areas and connectivity between identified setts) shall be retained and/ or created as part of the development. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with NatureScot best practice guidance.

Reason – in order to mitigate any potential impact on protected species.

**(20) BIRD, BAT SURVEY, OTTER SURVEY AND SITE-SPECIFIC HABITAT AND SPECIES PROTECTION PLAN**

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific:

- a) Bird Survey
- b) Bat Survey
- c) Otter Survey and
- d) Site Specific Habitat and Species Protection Plan

has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – in order to mitigate any potential impact on protected species.

**(21) RESIDENTIAL TRAVEL PACK / GREEN TRAVEL PLAN**

No development within any particular phase shall take place unless a matters specified in conditions application comprising either a residential travel pack (in the case of residential development) or a green travel plan (in the case of commercial development) or both for that particular phase or block 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 first occupants of

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every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason – in order to reduce dependency on the private car for travel.

### (22) HEAT AND POWER PLAN

No development within any particular phase shall be occupied unless the following works have been provided:

- (a) Evidence of connection to an existing heat network has been provided where available; or
- (b) Provision has been provided within the site of an independent heating/ cooling network and plant capable of connecting to the network at a later date; or
- (c) where it can be proven that connection to an existing network and the provision of an independent heat network are financially unviable, a network of soft routes will be provided through the development for the future provision of a heat network. In such cases an agreed network design will be required.

Reason: to ensure that the development is properly and efficiently heated and ensure compliance with Policy 19 (Heating and Cooling) of National Planning Framework 4.

### (23) ENERGY CENTRE – AIR QUALITY

No development in relation to the proposed energy centre shall take place unless a matters specified in conditions application for that proposal comprising the submission of an Air Quality Impact Assessment has been submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

For avoidance of doubt, the facility shall be designed such that there is no likelihood of exceedance of the national annual mean or short-term air quality standards for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>).

Reason: to ensure that the proposed development would have no adverse impacts from an air quality perspective.

### (24) NOISE IMPACT ASSESSMENT (HEAT AND POWER (BIOMASS) FACILITY/ COMMERCIAL DEVELOPMENTS)

No development in relation to the proposed heat and power (biomass) facility or any commercial elements of the development shall take place unless a matters specified in conditions application for that proposal comprising the submission of a Noise Impact Assessment has been submitted to and approved in writing by the planning authority.

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Thereafter the development shall be undertaken in accordance with the approved details.

For avoidance of doubt, the Noise Impact Assessment requires to follow the methodology within BS4142 (Noise Assessment) or any future British Standard which supersedes this guidance. Confirmation of the findings of the assessment shall be submitted to, and agreed in writing by, the Local Planning Authority.

Reason – to ensure that the proposed development would have no adverse impact on surrounding amenity.

**(25) NOISE IMPACT ASSESSMENT (RESIDENTIAL DEVELOPMENT)**

That prior to the occupancy of any development located adjacent to the existing commercial and industrial premises, a further noise impact assessment shall be undertaken and a scheme of noise mitigation shall be submitted to any approved in writing by the Planning Authority, in consultation with Environmental Health. The scheme shall demonstrate adequate protection from noise generated from the adjacent commercial and industrial premises. The assessment shall have been made in accordance with the current version of BS4142 and confirmation of the findings of the assessment shall be submitted to, and agreed in writing by, the Local Planning Authority.

Reason: in order to protect the amenity of residents of the proposed development and to ensure the development is fit for human occupation.

**(26) FULL FIBRE BROADBAND**

No development within any particular phase shall be occupied unless a matters specified in conditions application comprising a scheme for the provision of a full fibre broadband connection to each flat or dwellinghouse for that particular phase has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and all properties 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 C11 (Digital Infrastructure) of the Aberdeen Local Development Plan.

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

No development within any particular phase shall take place unless a matters specified in conditions application comprising an Energy Statement applicable to each building within that phase has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

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- a) Full details of the proposed energy efficiency measures and/or renewable technologies 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 of the Aberdeen Local Development Plan 2023 or such other prevailing policy and related guidance that is in place at the time of submission of the MSC.

No building within the development shall be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: to ensure this development complies with the on-site carbon reductions required in prevailing Planning Policy.

**(28) PROGRAMME OF ARCHAEOLOGICAL WORKS**

No development within any particular phase shall take place unless a matters specified in conditions application comprising an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

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

**The Committee resolved:-**

to approve the application conditionally, subject to notification to Scottish Ministers and a legal agreement, with conditions 1 and 11 (e) amended to read:-

**(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 12 years beginning with the date of this notice. If development has not begun at the expiration of the 12-year period, the planning permission lapses.

Reason - in accordance with section 59 (planning permission in principle) of the 1997 act.

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11 (e) a scheme for the connection of buildings to the public waste water system for that particular phase has been submitted to and approved in writing by the Planning Authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public wastewater system are in place.

**693 GEORGE STREET ABERDEEN - 231018**

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

That the application for Detailed Planning Permission for the change of use from class 1A (shops, financial professional and other services) to hot-food takeaway (sui generis) and installation of kitchen extract vent to rear elevation (part-retrospective) at 693 George Street Aberdeen, be approved subject to the following conditions:-

**Conditions**

(1) ODOUR MITIGATION

The hereby approved use shall not operate unless the critical odour mitigation measures achieving at least an equivalent effect of the measures listed in the approved Odour Impact Assessment (Couper Acoustics – 23 January 2024 - Ref: 2010212314 - V1) have been implemented in full. The mitigation measures shall include (but are not limited to) the installation of:

- Grease baffle filters within extract canopy (providing initial grease removal/fire protection);
- An ESP 3000 electrostatic precipitator;
- Carbon filtration with a 0.4 – 0.8 second residence time.

Reason: In order to protect the amenity of neighbouring residential properties from cooking odour emissions.

(2) NOISE MITIGATION

The hereby approved use shall not operate unless the noise mitigation measures listed in the approved Noise Impact Assessment (Couper Acoustics – 23 January 2024 - Ref: 2010212314 - V1) have been implemented in full. The mitigation measures shall include (but are not limited to):

- i. The Local Extract Ventilation System (LEV) shall be installed in general accordance with the proposed Mechanical Extraction System drawing (Create Studio Architecture, Jan 2024).



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- ii. The LEV shall have an intake/extract fan with equivalent (or lower) noise emissions to the Vent Axia ACM 315 fan (as detailed in Table 3 and Appendix A).
- iii. The LEV shall be fitted with a single silencer or a combination of silencers on the atmospheric side of the fan, providing the minimum dynamic insertion loss values shown in Table 4.
- iv. To reduce impact noise from worktops transferred to the first floor via the structural walls, worktops and surfaces in the preparation area should be free standing, ensuring the work surfaces are not rigidly linked to the structural wall.
- v. Tables and chairs (if any) shall be fitted with rubber feet to reduce any noise from movement and the front door shall incorporate an automatic closer system.
- vi. The existing ceiling should be inspected to ensure it is intact. Any areas of damage must be made good. The suspended ceiling with fissure tiles should not be removed and shall be lined with 100mm of mineral wool. Any damaged or missing fissure tiles must be replaced or made good.
- vii. If the ventilation canopy is to be fitted to the original ceiling it must be connected through drop rods with Masons HD acoustic resilient hanger with Unistrut. Hole penetrations should be sealed with everflex non hardening mastic.

Reason: In order to protect the amenity of neighbouring residential properties from noise emissions.

### (3) OPENING HOURS

The hereby approved use shall only operate between the hours of 8am and 10pm on any given day.

Reason: In order to protect the amenity of neighbouring residential properties from noise emissions in the late evening and early morning periods.

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 refuse the application unanimously for the following reasons:-

1. That due to its location on a busy junction with limited car parking for customers in the vicinity the proposed change of use has potential to result in a road safety hazard.

That due to the potential levels of noise and disturbance and odour nuisance for adjoining residential properties the proposal could not be considered complementary to

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residential use in that it is likely to cause conflict with the enjoyment of existing residential amenity. It would, therefore, be contrary to Policies 23 (Health and Safety) and 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4), Policies H1 (Residential Areas) and WB3 (Noise) of the Aberdeen Local Development Plan and the Council's Aberdeen Planning Guidance on Harmony of Uses.

**SITE OF FORMER NURSERY, OSCAR ROAD, ABERDEEN - 231300**

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

That the application for Detailed Planning Permission for the erection of 18-unit affordable housing development (comprising 10 houses and 8 flats) including associated vehicle access/egress, car parking, amenity/open space and other associated works, at the site of a former Nursery, Oscar Road, Aberdeen, be approved subject to the following conditions and 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.

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

(02) TREE PROTECTION

No development shall take place pursuant to this planning permission unless a further detailed scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented. No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority. 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 /hedges on site during the construction of the development.

(03) CONSTRUCTION MANAGEMENT

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No development shall take place pursuant to this planning permission unless a construction environmental management plan for the site has been submitted to, and approved in writing by, the Planning Authority. This plan shall include site-specific measures in relation to minimisation of disturbance of existing vegetation and soils, minimisation of waste generation and avoidance of risk of water pollution during construction of the development, including temporary SUDS measures. Such scheme shall be implemented in full for the duration of construction works on site. For the avoidance of doubt and in order to avoid disturbance to existing habitat features, no temporary buildings / structures, or storage of materials, supplies, plant, machinery, spoil, waste/ excavated materials, chemicals or fuel shall be located / take place within the zone of influence as identified in Application Reference: 231300/DPP drawing no. ORT-2208-TP B or on adjacent undeveloped land located immediately to the south west of the site. No fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks of trees / hedges on site.

Reason: To ensure adequate protection of the environment and residential amenity during the construction of the development.

**(04) LANDSCAPE AND BIODIVERSITY ENHANCEMENT**

No development shall take place pursuant to this permission unless a further detailed scheme of landscaping and biodiversity enhancement for the site has been submitted to and approved in writing by the Planning Authority. This scheme shall include details of :

- (i) Existing landscape features and vegetation to be retained, including protection measures;
- (ii) The location of new trees, shrubs, hedges, grassed / herbaceous areas / ground cover;
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including fences and gates.
- (v) Proposed biodiversity enhancement measures, including specification of green roofs, climbing plants and habitat piles / features.
- (vi) Physical measures to prevent vehicle encroachment onto landscape areas.
- (vii) A programme for the completion and subsequent maintenance of the proposed landscaping and biodiversity enhancement measures. All soft and hard landscaping proposals and biodiversity enhancement measures comprised in the approved scheme shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the completion of the development or such other date as may be agreed in writing with the Planning Authority. Any planted areas or features which, within a period of 5 years from the completion of the development, are removed / die or become seriously damaged / diseased shall be replaced in the next planting season with others of an extent / species similar to those originally required to be planted, or

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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, ensure a suitable landscape treatment and amenity for occupants and deliver compensatory planting of biodiversity value.

**(05) SITE / PLOT BOUNDARY TREATMENT**

The dwellings hereby approved shall not be occupied unless the specific plot / boundary enclosures as shown on drawing X004 - L(9-)001 D. or such other boundaries as may be approved, have been implemented in their entirety, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of visual and residential amenity /privacy and to ensure retention of existing boundary hedges / trees.

**(06) SITE INVESTIGATION / CONTAMINATION**

- (a) No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:
1. an investigation to determine the nature and extent of contamination
  2. a site-specific risk assessment Application Reference: 231300/DPP
  3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed;
  4. verification protocols to demonstrate compliance with the remediation plan;
- (b) No buildings / dwellings of the hereby approved development shall be occupied unless: Any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the Planning Authority is being undertaken; and a report specifically relating to the buildings has been submitted and approved in writing by the Planning Authority that verifies that remedial works to fully address contamination issues related to the buildings have been carried out. Unless the Planning Authority has given written consent for a variation, the final building part of the development hereby approved shall not be occupied unless a report has been submitted and approved in writing by the Planning Authority that verifies that the remedial works have been carried out in full accordance with the remediation plan required under b. as set out above.

Reason: To ensure that the site is fit for human occupation.

**(07) EMISSIONS REDUCTION**

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No development shall take place pursuant to this permission unless a scheme detailing compliance with policy R6 (Low and Zero Carbon Building and Water Efficiency) of the Aberdeen Local Development Plan 2023 has been submitted to and approved in writing by the Planning Authority. Thereafter, any recommended measures specified in that scheme for the reduction of carbon emissions and water efficiency have been implemented in full.

Reason: To ensure that the development complies with requirements for reductions in carbon emissions and water efficiency as specified in policy R6 (Low and Zero Carbon Building and Water Efficiency) of the Aberdeen Local Development Plan 2023 and the objectives of Policy 2 (Climate Mitigation and Adaptation) within National Planning Framework 4.

**(08) CYCLE PARKING / STORAGE / PATHS**

The dwellings hereby approved shall not be occupied unless the plot specific bike storage, communal visitor cycle stands and pedestrian access paths as shown on drawing X004 - L(9-)001 D. or such other drawings as may subsequently be submitted to and approved in writing by the Planning Authority, has been made installed / made available for use.

Reason: In the interest of promotion of sustainable transport methods.

**(09) VEHICLE PARKING**

The dwellings hereby approved shall not be occupied unless the car parking / turning area hereby granted planning permission has been constructed, drained, laid-out and demarcated in accordance with drawing X004 - L(9-)001 D. of the plans hereby approved, or such other drawing as may subsequently be submitted to and approved in writing by the Planning Authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking / manoeuvring of vehicles ancillary to the development and use thereby granted approval.

Reason: In the interests of residential amenity.

**(10) ELECTRIC VEHICLE (EV) CHARGING**

No development shall take place pursuant to this planning permission unless a scheme detailing underground electric cabling and associated above ground charging equipment for EV charging on site has been submitted to and approved in writing by the Planning Authority. The development shall not be occupied unless such EV equipment has been provided in accordance with the scheme so Application Reference: 231300/DPP agreed.

Reason: To accord with Aberdeen City Council transport guidance and incentivise the use of electric vehicles.

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**(11) TRAVEL PACK**

No development shall take place pursuant to this planning permission unless a Residents Travel Pack (RTP) has been submitted to and approved in writing by the planning authority. Thereafter the approved travel pack shall be supplied to the first occupants of every residential unit within the development. The RTP shall include information to make occupants of the development aware of sustainable travel options relating to the site /surrounding area by means of provision by the owner of a travel pack to individual tenants on first occupation of dwellings.

Reason: In the interest of discouragement of car use and encouragement of sustainable travel options.

**(12) BIN STORAGE DETAILS**

The development hereby approved shall not be occupied unless the communal bin stores as shown on drawing X004 - L(9-)001 D or such other drawings as may subsequently be submitted to and approved in writing by the Planning Authority, have been made available for use.

Reason: In the interest of public health and amenity.

**(13) SUDS / GREEN ROOF DETAILS**

The development hereby approved shall not be occupied unless the permanent site specific Sustainable Urban Drainage works identified in drawing no. J5521-CP-041 A, and green roofs identified on drawing X004 - L(9-)001 D, or such other drawings as may be approved in writing by the Planning Authority, have been implemented in their entirety, unless otherwise agreed in writing by the Planning Authority.

Reason - In order to safeguard water qualities in adjacent watercourses, minimise flood risk and to ensure that the development can be adequately drained.

**(14) EXTERNAL MATERIALS**

No development shall take place pursuant to this permission unless a scheme and samples detailing all external finishing materials to the roof and walls of the buildings hereby approved has been submitted to, and approved in writing, by the Planning Authority. Sample panels of the external brick finishes, including mortar, shall be provided. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure a satisfactory finish of the development.

**(15) EXTERNAL LIGHTING DESIGN AND SPECIFICATION**

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No development shall take place pursuant to this permission unless a scheme of external lighting for the site has been submitted to, and approved in writing, by the Planning Authority, including details of any physical lighting measures. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure protection of adjacent residential amenity due to potential light spillage / pollution.

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

The Committee then heard from Linda Sim, who objected to the proposed application.

The Committee finally heard from Curtis Hold, agent for the proposed application, who spoke in support of the application.

**The Committee resolved:-**

to approve the recommendation in line with the officer recommendation.

- **Councillor Ciaran McRae, Convener**