

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 5 December 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Boulton, Clark, Copland, Henrickson (as substitute for Councillor Alphonse), 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.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 7 NOVEMBER 2024

1. The Committee had before it the minute of the previous meeting of 7 November 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 14 NOVEMBER 2024

2. The Committee had before it the minute of the Planning Development Management Committee visits of 14 November 2024, for approval.

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.

The Committee resolved:-

- (i) to note the reason for the delay for item 5 (Draft Aberdeen Guidance - Wind Turbine); and
- (ii) to note the committee business planner.

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PLANNING APPEAL DIGEST

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which provided an update in relation to various planning appeals.

The report informed Members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) had received or decided since the last Planning Development Management Committee meeting and also listed appeals that were still pending.

The Committee resolved:-

to note the information contained in the planning appeal digest.

201 UNION STREET ABERDEEN - 240947

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

That the application for Detailed Planning Permission for change of use from class 1A (shops, financial professional and other services) to class 3 (food and drink) and installation of extract vent to rear flat roof, at 201 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.

(02) ODOUR MITIGATION

That the Class 3 (food and drink) use hereby approved shall not occur unless a detailed specification in line with the Noise and Odour Impact Assessment (Ref: 3339212314 – V4) for the local extract ventilation (LEV) system has been submitted to and approved in writing by the planning authority in consultation with ACC – Environmental Health, and thereafter that the LEV system shall be installed in full accordance with the approved detailed specification, and evidence of its installation has been submitted to, and confirmed in writing by the planning authority.

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The specifications of the LEV system shall meet the requirements for a 'very high level of odour control' as detailed in the EMAQ guide on 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Reason – to protect the amenity afforded to the residential properties above and ensure acceptable noise mitigation measures are the responsibility of the developer.

(03) NOISE MITIGATION

That the Class 3 (food and drink) use hereby approved shall not occur unless the noise mitigation measures have been installed in full accordance with the mitigation measures set out in the Noise and Odour Impact Assessment (Ref: 3339212314 – V4), and evidence of their installation has been submitted to, and confirmed in writing by the planning authority. These measures shall include the following:

- That the inlet and outlet fan or a combination of the fans and a silencer(s) do not exceed the notional sound power level figures shown in Table 13 of the Noise and Odour Impact Assessment (Ref: 3339212314 – V4).
- That the fans are installed internally in the premises.
- That the ventilation flue inlet and outlet are circular in shape, with a diameter of 0.45 metres and have no obstructions such as a metal 'hat' attached to the end.
- That the ventilation outlet is at least 6 metres from any receptor window.
- That the ventilation system only operates between the hours 10:00 and 23:00.
- That where a silencer is used, it must be installed on the atmospheric side of the fan and include polyester film to avoid deterioration from grease.
- That the existing ceiling is repaired (as detailed in Section 7.10) and the new independent acoustic ceiling has been installed in full (as detailed in Section 7.11 and Drawing No. 7171 - L(00)03B)

Reason – to protect the amenity afforded to the residential properties above and ensure acceptable noise mitigation measures are the responsibility of the developer.

(04) CYCLE PARKING SPACES

That the unit shall not be brought into use unless the cycle storage has been formed, in accordance with the Proposed Site Plan approved with this application (Ref: L(00)09A).

Reason – to incentivise sustainable and active travel to the premises.

(05) HOURS OF OPERATION

That the use hereby approved shall only be in operation within the hours of 10:00 and 23:00 hours on any given day.

Reason – to protect residential amenity.

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(06) REMOVAL OF REDUNDANT EQUIPMENT

That should the class 3 use cease, the external extract fan extract flue shall be removed in its entirety and the roof be reinstated to its present condition within six months of the use ceasing, or a time period to be agreed in writing by the planning authority.

Reason – in the interests of the architectural and historic interest of the listed building and the City Centre Conservation Area.

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

The Committee resolved:-

to approve the application conditionally with an extra advisory added to read:-

For the benefit of any doubt, this planning permission does not grant the change of use of the application site to a hot food takeaway / use for the sale of hot food and drink off the premises. The material change of use to such would require planning permission separately.

- **Councillor Ciaran McRae, Convener**