

Public Document Pack



To: Councillor McRae, Convener; Councillor Greig, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

Town House,
ABERDEEN 27 November 2024

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House on THURSDAY, 5 DECEMBER 2024 at 10.00 am.** This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

B U S I N E S S

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

MOTION AGAINST OFFICER RECOMMENDATION

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

DETERMINATION OF URGENT BUSINESS

- 2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

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

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 7 November 2024 - for approval (Pages 7 - 48)
- 4.2. Minute of Meeting of the Planning Development Management Committee (Visits) of 14 November 2024 - for approval (Pages 49 - 52)

COMMITTEE PLANNER

- 5.1. Committee Business Planner (Pages 53 - 56)
- 5.2. Planning Appeal Digest - for noting (Pages 57 - 60)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. 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 - 201 Union Street Aberdeen (Pages 61 - 74)

Planning Reference – 240947

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

[Link.](#)

Planning Officer: Roy Brown

DATE OF NEXT MEETING

- 7.1. Thursday 16 January 2025 - 10am

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

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

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email lymcbain@aberdeencity.gov.uk

This page is intentionally left blank

Agenda Item 1.1

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

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

This page is intentionally left blank

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 7 November 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse, Boulton, Clark (for items 9 to 15), Cooke (as substitute for Councillor Copland for items 1 to 8), Copland (for items 9 to 15), Farquhar, Henrickson (as substitute for Councillor Clark for items 1 to 8), 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 19 SEPTEMBER 2024

1. The Committee had before it the minute of the previous meeting of 19 September, 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 29 AUGUST 2024 - PRE DETERMINATION HEARING - FOR APPROVAL

2. The Committee had before it the minute of the Pre Determination Hearing of 29 August, 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.

The Committee resolved:-

to note the committee business planner.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

PLANNING DIGEST UPDATE

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.

ANNUAL EFFECTIVENESS REPORT - CORS/24/328

5. The Committee had before it a report by the Interim Chief Officer – Governance, 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 approve the recommendations.

LAND AT COAST ROAD, ST FITTICK'S PARK/ GREGNESS HEADLAND/ DOONIES FARM ABERDEEN - 231371)

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

That there be a willingness to approve the application conditionally, subject to referral to the Scottish Ministers due to SEPA objection, for Planning Permission in Principle for proposed business /industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure, at land at Coast Road, St Fittick's Park/Gregness Headland/ Doonies Farm Aberdeen.

Conditions

- (1) LENGTH OF PERMISSION

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

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

- a) The expiration of ten years beginning with the date of this planning permission in principle;
- 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.

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).

ST FITTICK'S / Zone A (as defined on Illustrative Masterplan Visualisation 2366907

(2) USE AND FUNCTIONAL ASSOCIATION WITH HARBOUR

That the development sites and buildings in St Fittick's/Zone A shall not be used other than for uses that support renewable energy transition related industries in association with Aberdeen South Harbour and that have a functional association with the Aberdeen South Harbour, which precludes them from being located elsewhere such as the size of the infrastructure preventing transport from other locations or requiring 'roll on / roll off' level access to the South Harbour. Details of such a functional association and preclusion shall be set out in a statement as part of any application for Matters Specified in Conditions (MSC) for approval by the planning authority.

Reason: in accordance with the Opportunity Site description for OP56 and Policy B5 in the Aberdeen Local Development Plan 2023 (or subsequent plan) as land adjacent to the Aberdeen South Harbour is a finite resource justifying restricting its uses with the functional locational requirement. The quayside location for such development is the justification for development within the floodplain.

(3) PROVISION OF COAST ROAD UPGRADE

That no development within St Fittick's/Zone A shall be occupied unless the Coast Road upgrade works (known as Aberdeen South Harbour Link Road: [External Links to Aberdeen South Harbour | Aberdeen City Council](#)) (as per application 240620/DPP or a

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

subsequently approved related planning permission) are substantially complete and the road open to vehicular, foot and wheeled traffic, unless otherwise agreed in writing with the planning authority following submission of an access strategy and the implementation of:

- a) Works to complete any missing links in safe walking and cycling routes

In either case there shall be implemented :

- b) measures to prevent vehicular traffic associated with the construction and operation of the site from using routes through nearby residential areas

Both a) and b) above shall be in accordance with details submitted to, and approved in writing by, the planning authority by way of an application for matters specified in condition.

Reason: In the interests of residential amenity, public health and safety.

(4) PHASING

That no development shall take place within the St Fittick's/ Zone A, unless a phasing plan has been submitted to and approved in writing by the planning authority, by way of a formal matters specified in condition application. Development shall not take place other than in accordance with any such approved plan, or other as is subsequently approved through this condition. The phasing plan shall include the relative timings of:

- a) The erection of buildings on each individual plot including SUDS, car parking and other associated infrastructure and landscape planting;
- b) The new/replacement section of St Fittick's Road / Coast Road through St Fittick's/Zone A ;
- c) The realignment of the East Tullos Burn, off site/on-site water quality enhancement and landscaping;
- d) On-plot landscaping;
- e) On-site (boundary of PPP application) tree and landscape planting;
- f) Off-site compensatory and mitigatory tree and landscape planting;
- g) Provision of off site/on-site play equipment, including skate park, pump park and upgrade of existing play equipment;
- h) Provision of replacement for existing MUGA equipment (west of Waste Water Treatment Works);
- i) Parklets within residential areas (off-site mitigation);
- j) Provision of replacement green space and/or qualitative improvements to brown or green space (off-site mitigation);
- k) Provision of footpaths (on and off-site) including Tullos Gateway;
- l) Provision of measures from detailed Biodiversity Protection and Enhancement Plan to be agreed through condition 9;
- m) Measures identified within the Public Transport Access Strategy.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

- All in accordance with details indicated in the approved plans listed below and approved as part of this application.

Reason: In order to control and co-ordinate delivery of essential mitigations for the development.

(5) DESIGN, LAYOUT, SITING, MASSING

That no development of any individual plots / units shall take place unless a matters specified in conditions application has been submitted to the planning authority for the details listed below.

- a) A description of the proposed use(s), including in relation to the Use Classes Order;
- b) Elevational design and layout of all built structures, including external materials, boundary enclosures and external lighting, with details of measures to avoid light spill into adjoining areas to protect wildlife;
- c) Cross sections through the site as necessary showing the proposed height of buildings, and site levels as proposed with an indication of the levels as existing, including a cross section through St Fittick's Church and the realigned St Fittick's Road and northern site area if within the St Fittick's/Zone A;
- d) Existing and proposed topographical survey plans;
- e) Details of cut and fill operations;
- f) Details of external finishing materials, including any green walls and samples where requested by the planning authority.
- g) Site plan and details of vehicle, motorcycle and short and long term cycle parking, yards, electric vehicle charging points, pedestrian routes and other hardstanding external storage and surface water drainage features, identifying the use of all external spaces.
- h) Details of refuse storage areas and swept path analysis showing access for refuse collection vehicles
- i) Layout and finish of roads and access junctions onto the adopted road network, including details of any direct access and integration between any individual plot and Aberdeen South harbour via a managed crossing of the Coast Road;
- j) Enabling works and 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).

(6) CYCLE PARKING AND OTHER PRE-OCCUPATION REQUIREMENTS

That the use of any individual unit shall not take place unless the matters listed below have been provided in accordance with plans that have been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application:

- a) Cycle parking on site (long stay and covered);

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

- b) Core paths, and informal footpaths on and off-site, including an active travel link between Core Path 108 and Core Path 103, to ensure that a direct link is provided to Wellington Road;
- c) Vehicle parking in accordance with a parking strategy;
- d) Electric Vehicle charging;
- e) Surface water drainage systems (SuDS);
- f) High-speed communications infrastructure;
- g) Refuse storage facilities.

Unless otherwise agreed in writing with the planning authority.

Reason: In the interests of encouraging sustainable and active travel and to avoid surface water flooding.

(7) REALIGNMENT OF ST FITTICK'S/COAST ROAD

The northern development site in St Fittick's/Zone A (area to north of East Tullis Burn) shall not be occupied unless the realigned St Fittick's/Coast Road within Zone A is substantially complete and is open to foot, wheeled and vehicular traffic (or other such road arrangement to the satisfaction of the planning authority), in accordance with detailed plans that have been submitted to and approved in writing by the planning authority by way of a matters specified in condition application.

Reason: In the interests of road safety and to ensure that development related traffic is routed via the Coast Road.

(8) DETAILS OF EAST TULLIS BURN WORKS

That no development shall take place within St Fittick's Zone A unless the details listed below have been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application (the implementation of these works shall be controlled by condition 4 on phasing):

- a) Restoration design for the Burn to include a natural meandering course;
- b) Details of dimensions of the burn channel and buffer zones throughout length of Burn within the PPP application site;
- c) Details of how park users would access the burn for recreational purposes;
- d) Detailed plans and technical information showing the de-silting pond or other measures to improve water quality;
- e) Buffers to be a minimum of 6m wide to each side of Burn.
 - all in accordance with the Natural Heritage APG.

Reason: In the interests of the water environment and biodiversity mitigation and enhancement.

(9) BIODIVERSITY PLAN

That no development shall take place of any individual plot / unit unless there has been submitted to and approved in writing by the planning authority by way of a matters

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

specified in conditions application a detailed Biodiversity Protection and Enhancement Plan related to that plot/unit based on the principles and measures described in the BPEP Version 5, June 2024 and the ETZ Masterplan and including the requirements of Policy NE3: Natural Heritage in the adopted Aberdeen Local Development Plan 2023, or such other as is subsequently adopted.

The measures identified in the BPEP shall be implemented fully in accordance with the phasing plan agreed under condition 4.

Reason: To ensure biodiversity mitigation and enhancement in accordance with Policy NE3 and the ETZ Masterplan.

(10) LANDSCAPING SCHEME

That no development to any individual plot / unit pursuant to the planning permission hereby approved shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site and off site areas to be included as mitigation and compensation. Such a scheme shall include indications of all existing trees, hedges and landscaped areas on the land, and details (numbers and area of woodland) of those to be removed and any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting on-site and off-site including details of numbers, densities, locations, species, sizes and stage of maturity at planting.

Reason: In order to ensure adequate protection for the trees on site during the construction of the development and mitigate, compensate and enhance the tree coverage in the area.

(11) LANDSCAPE PLANTING AND MAINTENANCE

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme agreed through Condition 10 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 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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

(12) FLOOD RISK ASSESSMENT

That no development shall take place unless there has been submitted to and agreed in writing by, the planning authority by way of a matters specified in conditions application, a detailed Flood Risk Assessment (FRA) based on the Kaya FRA V3 March 2024 and the development shall not be operational unless the recommendations have been implemented in full and are fully operational on site.

Reason: In order to avoid flood risk and pollution of the water environment in accordance with Policy NE4 of the LDP 2023.

(13) PUBLIC TRANSPORT ACCESS STRATEGY

That no development shall take place to any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a Public Transport Access Strategy and Travel Plan with the aim of increasing access to public transport options.

Reason: To increase access to public transport.

(14) TRANSPORT ASSESSMENT

That no development shall take place to any individual plot unless there has been submitted to and agreed in writing with the planning authority by way of a matters specified in conditions application a Transportation Assessment of the impact on the local network and junctions on the A956 Wellington Road and in Torry and access strategy including a strategy for abnormal loads, in accordance with an agreed scope. Thereafter the development shall not be brought into use unless any recommendations of transport assessment and access strategy have been implemented in accordance with a timetable submitted to and approved through a MSC application.

Reason: In the interests of road safety.

(15) HEIGHT OF BUILDINGS

That no buildings on the site shall exceed the heights indicated on the Land Use and Development Capacity Plan (16 July 2024) above existing ground level (AOD) unless otherwise agreed in writing with the planning authority following submission of a justification including photomontage viewpoints via a Matters Specified in Conditions application. Existing ground levels on a sloping site shall be taken to be the lowest level of ground within the building footprint.

Reason: In the interests of visual amenity and to minimise the impact of the development on landscape character.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

(16) CEMP

That no development shall take place to any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a MSC application a detailed Construction Environmental Management Plan, including but not limited to, dust management, surface water management, ecological clerk of works and other measures noted within a detailed Biodiversity Protection and Enhancement Plan. Construction shall not take place other than in full accordance with the CEMP as so agreed unless otherwise agreed in writing by the planning authority.

Reason: To prevent pollution and damage to environment and wildlife.

(17) SURFACE AND FOUL DRAINAGE

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

- a) A detailed drainage plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the development, including how surface water run off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures.
- b) A scheme for the connection of buildings to the public waste water system has been submitted to and approved in writing by the Planning Authority.
- c) Details showing how drainage infrastructure will cross/crosses underneath the railway line.

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

SUDS measures for sites adjoining the Tullos Burn corridor shall be located adjacent to the burn unless otherwise agreed in writing with the planning authority.

Reason: in order to ensure adequate protection of the water environment from surface water run-off and maximise the visual, landscape and biodiversity benefits of SUDS measures. In the interests of rail safety.

(18) NOISE

That no development shall take place to any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application an appropriate noise assessment by a suitably qualified consultant to predict the impact on sensitive receptors and specify control measures. The assessment should be undertaken in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

(The methodology should be submitted and agreed in writing with the Environmental Protection Team in advance.)

The use shall not take place unless the recommendations of the noise assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of the amenity of nearby residents and occupiers.

(19) AIR QUALITY

Development shall not take place to any individual plot unless there has been submitted to and approved in writing by the planning authority an appropriate air quality assessment by a suitably qualified consultant to predict any impact on sensitive receptors and specify control measures, unless otherwise agreed with the planning authority based on the proposed use. (The methodology should be submitted and agreed in writing with the planning authority in advance.)

The use shall not take place unless the recommendations of the air quality impact assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of public health.

(20) MITIGATIONS

That no development shall take place to any individual plot within St Fittick's / Zone A unless there has been submitted to, and approved in writing by, the planning authority by way of a matters specified in conditions application, details of the proposed mitigations for that development plot. (It is expected that all the listed mitigations, or similar as agreed based on the approved drawings, would be implemented for development of Zone A and they are split proportionately between the plots within the zone.). Mitigation works shall be carried out in accordance with the timing agreed in condition 4 (Phasing) above.

Details shall include a description of community consultation that has taken place on the proposed mitigations, and location, layout and elevational plans as required, details of materials, planting, seed mixes and maintenance of landscaped spaces.

- a) Improvements to existing green and brownfield open spaces within Torry / Balnagask; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- b) St Fittick's Church interpretation and repair works - details to include Conservation Management Plan and plans of interpretation board(s); as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- c) Path network enhancements and wayfinding features in St Fittick's Park inside and outside the site – details to include schedule of works to the paths as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

- d) Improving water quality in East Tullos Burn – details to be agreed through condition 8 as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- e) Tullos Wood – access and pathway improvements, including more direct and legible entrance(s) and landscaping; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- f) Enhancing play and recreational equipment and areas, based on the list of off-site mitigation and compensation on the 'Illustrative Play and Recreation Masterplan Visualisation – Zone A Oct 2024 2391330' which includes enhancement / extension to the existing skate park and provision of 'pump' track – details to include specifications and layout plans.
- g) Enhancing habitats with pollinator planting and management for biodiversity; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- h) Replacement sports pitch at Tullos Primary School playing fields and enhancing recreational and leisure provision to complement existing Multi Use Games Areas (MUGA); as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- i) Enhancement to coastal path connections leading northwards to Torry Battery and south via Gregness. as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

Reason: To provide mitigation for loss of greenspace, recreational facilities, paths and path space; in accordance with Policies NE2 and NE3 in the LDP 2023 and the ETZ Masterplan.

(21) PROGRAMME OF ARCHAEOLOGICAL WORKS

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application 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 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.

(22) PROTECTIVE FENCING DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

authority. by way of a matters specified in conditions application. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the historic environment features to be protected during construction works; and
- b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment.

(23) LOW AND ZERO CARBON TECHNOLOGY, WATER EFFICIENCY AND HEAT NETWORKS

That no buildings shall be occupied unless a scheme detailing:

- a) compliance with the Aberdeen Planning Guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and water efficiency have been implemented in full
- b) an Energy Statement in compliance with Policy R8: Heat Networks has been submitted to, and approved in writing by the planning authority and any measures as so agreed have been implemented in full.

Reason: to ensure that this development complies with requirements for reductions in carbon emissions.

GREGNESS/ZONE B (as defined on “Illustrative Masterplan Visualisation” received 16 July 2024)

(24) PROVISION OF COAST ROAD UPGRADE

That no development within Gregness / Zone B shall be occupied unless the Coast Road upgrade works (known as Aberdeen South Harbour Link Road: [External Links to Aberdeen South Harbour | Aberdeen City Council](#) and as per application 240620/DPP or a subsequently approved related planning permission) are substantially complete and the road open to vehicular, foot and wheeled traffic, unless otherwise agreed in writing with the planning authority following submission of an access strategy and the implementation of:

- a) works to complete any missing links in safe walking and cycling routes.

In either case there shall be implemented:

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

- b) measures to prevent vehicular traffic associated with the construction and operation of the site from using routes through nearby residential areas.

Both a) and b) above shall be in accordance with details submitted to, and approved in writing by the planning authority by way of an application for Matters Specified in Conditions.

Reason: In the interests of residential amenity, public health and safety.

(25) DETAILS OF BUILDING, SITE LAYOUT AND DESIGN, INC COAST ROAD

That no development shall take place unless there have been submitted to and approved in writing by the planning authority matters specified in conditions application the details listed below. Thereafter the development shall take place in accordance with the details as so agreed, or other as is subsequently approved through this condition.

- a) A description of the proposed use (s) of the unit(s), including in relation to the Use Classes Order and justification in terms of relationship to renewable energy and need for a location which is close to the harbour;
- b) Elevational design and layout of all built structures, including boundary enclosures and external lighting;
- c) Cross sections through the site as necessary showing the proposed height of buildings, and site levels as proposed with an indication of the levels as existing, including cross sections through the site showing the relationship with the coastal edge and the Coast Road (including the upgrade project);
- d) Existing and proposed topographical survey plans;
- e) Details of any cut and fill operations;
- f) Details of external finishing materials, including any green walls and samples where requested by the planning authority;
- g) Site plan and details of siting of buildings, vehicle, motorcycle and short and long term cycle parking car parking areas, yards, electric vehicle charging points, pedestrian routes and other hardstanding and external storage and surface water drainage features, identifying the use of all external spaces and including the layout of the ASHLR/Coast Road upgrade project.
- h) Details of refuse storage areas;
- i) Layout and finish of roads and access junctions onto the adopted road network, including the ASHLR (upgrade of Coast Road) where appropriate;
- j) Enabling works and infrastructure;
- k) Marine Noise modelling, or a statement justifying why this is not required.

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).

(26) CYCLE PARKING AND OTHER PRE-OCCUPATION REQUIREMENTS

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

That the occupation of the development shall not take place unless there has been provided and implemented the matters listed below in accordance with plans that have been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application:

- a) Cycle parking on site (long stay and covered);
- b) Coastal path upgrades, including linkages to paths off site, improvements to the Coastal Path south as far as the settlement of Cove Bay and details of arrangement for crossing the access to the South Breakwater;
- c) Vehicle parking in accordance with a parking strategy;
- d) Electric Vehicle Charging;
- e) Surface water drainage systems (SuDS);
- f) High-speed communications infrastructure.

Reason: In the interests of encouraging sustainable and active travel and to avoid surface water flooding.

(26) HEIGHT OF BUILDINGS

That no buildings on the site shall extend more than the heights indicated on the Land Use and Development Capacity Plan (16 July 2024) above existing ground level (AOD) unless otherwise agreed in writing with the planning authority following submission of a justification including photomontage viewpoints via a MSC application. Existing ground level on a sloping site shall be taken to be the lowest level of ground within the building footprint.

Reason: In the interests of visual amenity and to minimise the impact of the development on landscape character.

(27) BIODIVERSITY PLAN

That no development shall take place unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a detailed biodiversity Protection and Enhancement Plan based on the principles and measures described in the BPEP Version 5, June 2024 and the ETZ Masterplan and including the requirements of Policy NE3: Natural Heritage in the adopted Aberdeen Local Development Plan 2023, or such other as is subsequently adopted.

The measures identified in the BPEP shall be implemented fully in accordance with the phasing plan agreed under condition 4.

Reason: To ensure biodiversity mitigation and enhancement.

(28) LANDSCAPING

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees, hedges and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting.

Reason: in the interests of the amenity of the area.

(29) LANDSCAPE PLANTING AND MAINTENANCE

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 as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a 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.

(30) PUBLIC TRANSPORT ACCESS STRATEGY

That no unit of the development shall be occupied unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a Public Transport Access Strategy and Travel Plan with the aim of increasing access to public transport options.

Reason: To increase access to public transport.

(31) TRANSPORT ASSESSMENT

That no development shall take place unless there has been submitted to and agreed in writing with the planning authority by way of a matters specified in conditions application a Transportation Assessment of the impact on the local network and junctions on the

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

A956 Wellington Road and in Torry and access strategy including for abnormal loads, in accordance with an agreed scope. Thereafter development shall not be brought into use unless any recommendations have been carried out or are implemented to the satisfaction of the planning authority in accordance with a timetable for implementation submitted to and approved through a MSC application.

Reason: In the interests of road safety.

(32) CEMP

That no development shall take place unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a detailed Construction Environmental Management Plan, including but not limited to, dust management, surface water management and other measures noted within detailed Biodiversity Protection and Enhancement Plan. Construction shall not take place other than in full accordance with the CEMP as so agreed unless otherwise agreed in writing by the planning authority.

Reason: To prevent pollution and damage to environment and wildlife.

(33) SURFACE AND FOUL DRAINAGE

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

- a) A detailed drainage plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the development, including how surface water run off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures.
- b) Details of measures to ensure that surface water would be discharged away from the Nigg Bay SSSI,
- c) A scheme for the connection of buildings to the public waste water system has been submitted to any approved in writing by the Planning Authority.

Thereafter development shall be implemented in accordance with the agreed scheme and no building shall be used 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 and protecting the Nigg Bay SSSI.

(34) NOISE

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

Development shall not take place unless there has been submitted to and approved in writing by the planning authority an appropriate noise assessment by a suitably qualified consultant to predict the impact on sensitive receptors and specify control measures. The assessment should be undertaken in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note. (The methodology should be submitted and agreed in writing with the Environmental Protection Team in advance.)

The use shall not take place unless the recommendations of the noise assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of the amenity of the occupiers of nearby buildings.

(35) AIR QUALITY

Development shall not take place unless there has been submitted to and approved in writing by the planning authority an appropriate air quality assessment by a suitably qualified consultant to predict any impact on sensitive receptors and specify control measures, unless otherwise agreed with the planning authority based on the proposed use. (The methodology should be submitted and agreed in writing with the planning authority in advance.)

The use shall not take place unless the recommendations of the air quality impact assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of public health.

(36) PROGRAMME OF ARCHAEOLOGICAL WORKS

No works in connection with the development hereby approved shall commence unless 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 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

(37) PROTECTIVE FENCING DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the historic environment features to be protected during construction works; and
- b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment.

(38) LOW AND ZERO CARBON TECHNOLOGY, WATER EFFICIENCY AND HEAT NETWORKS

That no buildings shall not be occupied unless a scheme detailing:

- a) compliance with the Aberdeen Planning Guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and water efficiency have been implemented in full
- b) an Energy Statement in compliance with Policy R8: Heat Networks has been submitted to, and approved in writing by the planning authority and any measures as so agreed have been implemented in full.

Reason: to ensure that this development complies with requirements for reductions in carbon emissions.

DOONIES/ZONE C (as defined on “Illustrative Masterplan Visualisation” received 16 July 2024)

(39) PROVISION OF COAST ROAD UPGRADE

That no development within Doonies/Zone C shall be occupied unless the Coast Road upgrade works (known as Aberdeen South Harbour Link Road: [External Links to Aberdeen South Harbour | Aberdeen City Council](#) (as per application 240620/DPP or a subsequently approved related planning permission) are substantially complete and the road open to vehicular, foot and wheeled traffic, unless otherwise agreed in writing with the planning authority following submission of an access strategy and the implementation of:

- a) works to complete any missing links in safe walking and cycling routes.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

In either case there shall be implemented:

- b) measures to prevent vehicular traffic associated with the construction and operation of the site from using routes through nearby residential areas.

Both a) and b) above shall be in accordance with details submitted to, and approved in writing by, the planning authority by way of an application for matters specified in condition.

Reason: In the interests of residential amenity, public health and safety.

(40) PHASING

That no development shall take place on any individual site within Doonies/ Zone C, unless there has been submitted to, and approved in writing by the planning authority via a MSC, a phasing plan. Development shall take place in accordance with such a plan, or other as is subsequently approved through this condition. The phasing plan shall include the relative timing of:

- a) The buildings on the individual development sites including SUDS, car parking and other associated infrastructure and landscape planting;
- b) The new road between Peterseat Drive and Coast Road;
- c) On-site strategic tree, shrub and plant planting;
- d) Any off-site compensatory and mitigatory tree planting (if required);
- e) Provision of footpaths on and off-site including improvement of the recreational path from the site onto Tullos Hill;
- f) Provision of measures from Biodiversity plan.

Reason: In the interests of avoiding pollution, flooding, access and biodiversity and to ensure that tree planting take place timeously.

(41) DETAILS OF BUILDING, SITE LAYOUT AND DESIGN, INC COAST ROAD

That no development shall take place of any individual plot until there have been submitted to and approved in writing by the planning authority by way of a matters specified in condition application the details listed below. The development shall be implemented fully in accordance with the details as so agreed.

- a) A description of the proposed use of the unit, including in relation to the Use Classes Order and the relationship of the use to the renewable energy industry and association with the South Harbour;
- b) A statement of justification in terms of Policy 9 in NPF4 for the demolition of Doonies Farmhouse and granite steadings and suitability for conversion to the proposed use, or reuse of those buildings;
- c) Elevational design and layout of all built structures, including boundary enclosures and external lighting;
- d) Cross sections through the site showing the height of buildings and ground levels;
- e) Existing and proposed topographical survey plans;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

- f) Details of cut and fill operations;
- g) Details of external finishing materials including green walls and roofs where appropriate, including samples as requested.
- h) Details of the reuse of granite from Doonies Farmhouse and steading, where these are to be demolished as part of the development.
- i) Site plan showing siting of buildings, vehicle parking areas, yards, electric vehicle charging points, pedestrian routes, other hardstanding and external storage and surface water drainage arrangements and with the use of all external spaces identified;
- j) Layout and finish of roads and access junctions onto the adopted road network, and including the links to Peterseat Drive;
- k) Locations, siting and design of refuse storage areas and swept path analysis showing access for refuse collection vehicles.

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).

(42) CYCLE PARKING AND OTHER PRE-OCCUPATION REQUIREMENTS

That the occupation of individual units shall not take place unless there has been provided the matters listed below in accordance with plans that have been submitted to and approved in writing by the planning authority by way of a matters specified in condition application:

- a) Cycle parking on site (long stay and covered);
- b) Core paths, and informal footpaths on and off-site, including footpath link to the path to Tullos Hill;
- c) Vehicle parking strategy;
- d) Electric vehicle charging;
- e) SUDS;
- f) Refuse storage facilities;
- g) High-speed communications infrastructure.

Reason: To help facilitate active travel choices to and from the site and prevent pollution.

(43) HEIGHT OF BUILDINGS

That no buildings on the site shall exceed more than 12m above existing ground level (AOD) unless otherwise agreed in writing with the planning authority following submission of a justification including photomontage viewpoints via a matters specified in condition application. Existing ground level on a sloping site shall be taken to be the lowest level of ground within the building footprint.

Reason: In the interests of visual amenity and to minimise the impact of the development on landscape character.

(44) BIODIVERSITY PLAN

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

That no development of any individual plot shall take place unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a detailed biodiversity Protection and Enhancement Plan related to that plot based on the principles and measures described in the BPEP Version 5, June 2024 and the ETZ Masterplan and including the requirements of Policy NE3: Natural Heritage in the adopted Aberdeen Local Development Plan 2023, or such other as is subsequently adopted.

The measures identified in the BPEP shall be implemented fully in accordance with the phasing plan agreed under condition 4.

Reason: To ensure biodiversity mitigation and enhancement.

(45) LANDSCAPING SCHEME

That no development pursuant to the planning permission hereby approved shall be carried out on any individual plot unless there has been submitted to and approved in writing for the purpose by the planning authority by way of a matters specified in condition application a further detailed scheme of landscaping for the on site and off site areas to be included as mitigation and compensation, which scheme shall include indications of all existing trees, hedges and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting,

The existing hedges along the northern site boundary, along the base of Tullos Hill (shown as G22 in the Tree Survey report by Struan Dalgleish Arboriculture, June 2023) shall remain unless otherwise agreed in writing by the planning authority.

Reason: in the interests of the amenity of the area.

(46) LANDSCAPE PLANTING AND MAINTENANCE

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 as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a 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 by way of a matters specified in condition application. Thereafter, all management and maintenance of the

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

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.

(47) CEMP

That no development on any individual plot at Doonies/Zone C shall take place unless there has been submitted to and approved in writing by the planning authority as part of a matters specified by condition application, a Construction Environmental Management Plan, including but not limited to, dust management and surface water management. The measures shall be implemented in full and thereafter remain in place and fully operational throughout the construction period.

Reason: In the interests of avoiding pollution.

(48) SURFACE AND FOULD DRAINAGE

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

- a) A detailed drainage plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the development, including how surface water run off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures.
- b) Details of all drainage infrastructure to be utilised that passes under the railway
- c) A scheme for the connection of buildings to the public waste water system has been submitted to any approved in writing by the Planning Authority.

Thereafter development shall be implemented in accordance with the agreed scheme and no building shall be used 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.

(49) NOISE

Development shall not take place on any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in condition application an appropriate noise assessment by a suitably qualified consultant to predict the impact on sensitive receptors and specify control measures. The assessment should be undertaken in accordance with Planning Advice Note (PAN)

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

1/2011 Planning and Noise and its accompanying Technical Advice Note. (The methodology should be submitted and agreed in writing with the Environmental Protection Team in advance.)

The use shall not take place unless the recommendations of the noise assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of the amenity of the occupiers of nearby buildings.

(50) AIR QUALITY

Development shall not take place on any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in condition application an appropriate air quality assessment by a suitably qualified consultant to predict any impact on sensitive receptors and specify control measures, unless otherwise agreed with the planning authority based on the proposed use. (The methodology should be submitted and agreed in writing with the planning authority in advance.)

The use shall not take place unless the recommendations of the air quality impact assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of public health.

(51) TRANSPORT ASSESSMENT

That no development shall take place on any individual plot unless there has been submitted to and agreed in writing with the planning authority by way of a matters specified in conditions application a Transportation Assessment of the impact on the local network and junctions on the A956 Wellington Road and in Torry and access strategy including for abnormal loads, in accordance with an agreed scope. Thereafter, development shall not be brought into use unless any recommendations in the approved assessment have been carried out or are implemented to the satisfaction of the planning authority in accordance with a timetable submitted to and approved through a MSC application.

Reason: In the interests of road safety.

(52) PUBLIC TRANSPORT ACCESS STRATEGY

That no unit of the development shall be occupied unless there has been submitted to and approved in writing by the planning authority, by way of a matters specified in condition application, a Public Transport Access Strategy and Travel Plan with the aim of increasing access to public transport options

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

Reason: To increase access to public transport.

(53) PROGRAMME OF ARCHAEOLOGICAL WORKS

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority by way of a matters specified in condition application 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 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.

(54) PROTECTIVE FENCING DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority by way of a matters specified in condition application. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the historic environment features to be protected during construction works; and
- b) the position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment.

(55) STANDING BUILDINGS SURVEY (Doonies)

No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures associated with Doonies Farm on the application site has been undertaken and has been submitted to and approved in writing by the planning authority by way of a matters specified in condition application. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

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

(56) LOW AND ZERO CARBON TECHNOLOGY, WASTE EFFICIENCY AND HEAT NETWORKS

That no building hereby approved shall be occupied unless a scheme has been submitted by way of a matters specified in condition application detailing:

- a) compliance with the Aberdeen Planning Guidance: Resources for New Development has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and water efficiency have been implemented in full
- b) an Energy Statement in compliance with Policy R8: Heat Networks has been submitted to, and approved in writing by the planning authority and any measures as so agreed have been implemented in full

Reason: to ensure that this development complies with requirements for reductions in carbon emissions.

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

The Committee then heard from Scott Herrett, Dr Susan Smith, Rachel Smith, Ishbel Shand and Chris Aldred, who all objected to the proposed planning application and asked that the application be refused.

The Committee then heard from Maggie McGinlay, Neil Young, Henry Farrar and Elaine Farquharson Black, who were all part of the team for the applicant, and spoke in support of the application.

Members had the opportunity to ask all speakers questions on their submissions.

The Convener moved, seconded by the Vice Convener:-

That the application be approved conditionally in line with the officer's recommendation, with an amendment to conditions 20 and 22, to read:-

20 Mitigations

That no development shall take place to any individual plot within St Fittick's / Zone A unless there has been submitted to, and approved in writing by, the planning authority by way of a matters specified in conditions application, details of the proposed mitigations for that development plot. (It is expected that all the listed mitigations, or similar as agreed based on the approved drawings, would be implemented for development of Zone A and they are split proportionately between

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

the plots within the zone.). Mitigation works shall be carried out in accordance with the timing agreed in condition 4 (Phasing) above.

Details shall include a description of community consultation that has taken place on the proposed mitigations, a statement of the impact on public health based on the Population Health Chapter of the EIA report, and location, layout and elevational plans as required, details of materials, planting, seed mixes and maintenance of landscaped spaces.

- a) Improvements to existing green and brownfield open spaces within Torry /Balnagask; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- b) St Fittick's Church interpretation and repair works - details to include Conservation Management Plan and plans of interpretation board(s); as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- c) Path network enhancements and wayfinding features in St Fittick's Park inside and outside the site – details to include schedule of works to the paths as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- d) Improving water quality in East Tullos Burn – details to be agreed through condition 8 as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- e) Tullos Wood – access and pathway improvements, including more direct and legible entrance(s) and landscaping; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- f) Enhancing play and recreational equipment and areas, based on the list of off-site mitigation and compensation on the 'Illustrative Play and Recreation Masterplan Visualisation – Zone A Oct 2024 2391330' which includes enhancement / extension to the existing skate park and provision of 'pump' track – details to include specifications and layout plans.
- g) Enhancing habitats with pollinator planting and management for biodiversity; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- h) Replacement sports pitch at Tullos Primary School playing fields and enhancing recreational and leisure provision to complement the existing Multi Use Games Areas (MUGA); as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- i) Enhancement to coastal path connections leading northwards to Torry Battery and south via Gregness as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

Reason: To provide mitigation for loss of greenspace, recreational facilities, paths and path space; in accordance with Policies NE2 and NE3 in the LDP 2023 and the ETZ Masterplan.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

22 Protective Fencing during construction

No works in connection with the development hereby approved shall commence unless a site protection plan for historic environment features has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the historic environment features to be protected during construction works; and
- b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment.

Councillor Alphonse, seconded by Councillor Lawrence, moved as an amendment:-

That the application be refused for the following reasons:-

That measures for planting trees, creating wildlife habitat, enhancing and creating recreational facilities and open space in St Fittick's Zone A were not considered to adequately mitigate the quantitative and qualitative losses of these features resulting from the proposed development contrary to OP56, NE3 and NE4 of the Aberdeen Local Development Plan and Policies 3,4 and 6 of National Planning Framework 4 as well as the ETZ Masterplan.

That the scale of the development and its proximity to the residential areas of Torry would result in the development having an adverse visual impact and impact on the landscape setting of the City, contrary to Policy D4 of the Aberdeen Local Development Plan.

On a division, there voted - for the motion (7) – the Convener, the Vice Convener and Councillors Boulton, Clark, Copland, Farquhar and Macdonald – for the amendment (2) – Councillors Alphonse and Lawrence.

The Committee resolved:-

to adopt the motion and therefore agree there be a willingness to approve the application conditionally, subject to a referral to the Scottish Ministers due to SEPA objection.

LAND AT RIGIFA FARM, COVE ROAD, ABERDEEN - 231336

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

That the application for Detailed Planning Permission for the erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road, at land at Rigifa Farm, Cove 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) LANDSCAPING

All soft landscaping proposals shall be carried out in accordance with the approved scheme of landscaping (Neo Environmental drawing: NEO01249_026_B) or such other drawing approved for the purpose) 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 five years from the completion of the development, in the opinion of the planning authority is dying, is severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – to satisfactorily integrate the development into the surrounding area and enhance biodiversity.

(03) NOISE – EQUIPMENT

No development shall take place unless evidence has been submitted to and approved in writing by the planning authority that the warranted sound power levels of the chosen equipment meets the assumptions considered in the Noise Impact Assessment: 231336-04 Rev D produced by Neo Environmental. Where the proposed items are found to vary in sound power level from the assumptions, confirmation is required that the operational noise levels will meet the relevant criteria (noise limits) through an updated noise impact assessment to be submitted to and approved in writing by the planning authority.

Reason – to protect surrounding residential properties from any unreasonable noise generated by the development.

(04) PROVISION OF NOISE BARRIER

The development hereby approved shall not be brought into use unless the noise barrier recommended in Noise Impact Assessment 231336-04 Rev D produced by Neo

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

Environmental has been installed in accordance with paragraph 3.70 and Figure 3.2 of the assessment along with the detailed design shown on Drawing No: J7/01166 and PLN00XX REV 1 (or other such details approved for the purpose). Thereafter, the barrier shall remain in place for the duration of the life of the development and shall be maintained to ensure that it continues to perform to the minimum specifications of the assessment.

Reason – to protect surrounding residential properties from any unreasonable noise generated by the development.

(05) CESSATION OF OPERATION

The operator of the battery energy storage system shall notify the planning authority in writing if the site does not function for a continuous period of more than six months. The notification must occur within one month of the expiry of the six-month period.

Reason – to define the cessation of operation and to give effect to the restoration of the development site.

(06) DECOMMISSIONING

Six months prior to the decommissioning of the battery energy storage system, a decommissioning and site restoration scheme shall be submitted for the written approval of the planning authority. The scheme shall provide details of (i) how equipment, ancillary structures and infrastructure located within the development hereby approved would be decommissioned and removed and the site made good; and (ii) a timescale for these actions. Thereafter, decommissioning and the making good of the site shall be carried out in accordance with the approved restoration scheme.

Reason – to ensure satisfactory restoration of the site and continued integrity of the green belt.

(07) DETAILED DESIGN – ACCESS ROAD

No development shall take place unless a detailed design for the proposed access road, including detailed cross-sections and protection measures for parts of the road adjacent to any existing infrastructure shall be submitted to and approved in writing by the Planning Authority. Thereafter, the proposed access shall be completed in accordance with the approved details.

Reason: to ensure that the proposed access road can be adequately constructed and in the interests of road safety.

(08) MITIGATION SCHEME – DESIGN OF BESS

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) hereby permitted have been submitted to and approved in writing by the Planning Authority. These details shall include:

- a) design (if deviating from the Noise Impact Assessment accompanying the application), layout and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed' and
- b) detailed design of the structures including foundations and insulation mount design to accept a higher peak particle velocity limit as detailed in the supporting documents "Response to Quarry Objection" and the updated Design and Access Statement. Thereafter, the battery storage containers and associated infrastructure shall be installed and operate in accordance with these approved details and maintained in the approved colours, free from rust, staining or discolouration until such time as the development is decommissioned. All cables between the battery storage containers, metering building and any point of connection to the public network shall be installed and kept underground.

Reason: to ensure the Planning Authority is aware of the development details and to protect the visual amenity of the area. Application Reference: 231336/DPP

(09) FUTURE EMERGENCY PLAN

In line with the recommendations of the approved Fire Risk Management Plan and prior to the occupation of the proposed facility, an emergency plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: to ensure that any potential fire risk/ accidents are adequately mitigated against and to ensure that appropriate mitigation measures are put in place.

(10) DRAINAGE DETAILS

That prior to the commencement of development, a Drainage Impact Assessment shall be submitted to, and approved in writing by the Planning Authority. For avoidance of doubt, the detailed drainage design should also include any drainage arrangements for the proposed access road. Thereafter, the proposals shall be implemented in full accordance with the approved scheme.

Reason: to ensure that the proposed site and mitigation measures are fit for purpose, and to ensure that the site can be adequately drained.

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

The Committee then heard from Colin Ortlepp, Leiths, who objected to the proposed application.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

The Committee then heard from David Bowman, on behalf of the applicant who spoke in support of the application.

Members had the opportunity to ask both parties questions.

The Committee resolved:-

to approve the application conditionally with conditions 8 and 9 amended to read:-

(08) MITIGATION SCHEME – DESIGN OF BESS

No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) hereby permitted have been submitted to, and approved in writing by, the Planning Authority. These details shall include:

- (a) design (if deviating from the Noise Impact Assessment accompanying the application), layout and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed;
- (b) detailed design including foundations and insulation design to accept a higher peak particle velocity limit as detailed in the supporting documents “Response to Quarry Objection” and the updated Design and Access Statement;
- (c) independent verification by a qualified firm of engineers of the validity and efficacy of the proposed design in terms of safety; and
- (d) the submission of a continual blast vibration monitoring programme (submitted prior to the commencement of development and thereafter annually from the date of this permission), to ensure that the development would not restrict quarrying operations.

Thereafter, the battery storage containers and associated infrastructure shall not be installed and operated other than in accordance with these approved details and shall be maintained in the approved colours, free from rust, staining or discolouration until such time as the development is decommissioned. All cables between the battery storage containers, metering building and any point of connection to the public network shall be installed and kept underground.

Reason: to ensure the Planning Authority is aware of the development details and to protect the visual amenity of the area.

(09) FUTURE EMERGENCY PLAN

In line with the recommendations of the approved Fire Risk Management Plan and prior to the occupation of the proposed facility, an emergency plan shall be submitted to and approved in writing by the Planning Authority. This document shall ensure full compliance with the recommendations and guidance contained within the National Fire Chiefs Council – Guidance for FRS. Thereafter, the development shall be carried out in accordance with the approved document.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

Reason: to ensure that any potential fire risk/ accidents are adequately mitigated against and to ensure that appropriate mitigation measures are put in place.

CLAYMORE DRIVE BRIDGE OF DON ABERDEEN - 240839

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

That the application for approval of matters specified in conditions 1 (phasing), 2 (detailed design), 3 (landscaping information), 4 (trees), 5 (drainage), 6 (historic drainage), 7 (SUDS), 8 (de-culverting/realignment), 9 (flood risk assessment), 10 (environmental enhancements), 11 (CEMP), 12 (street design), 13 (pedestrian crossing), 14 (traffic regulation orders), 15 (bus stops), 16 (safe routes), 17 (residential travel pack), 18 (noise assessment/mitigation measures), 19 (dust risk assessment), 20 (commercial floorspace), 21 and 22 (contaminated land) and 23 (carbon reduction/water efficiency) in relation to Planning Permission in Principle (Ref: 191904/PPP) for the erection of 67 homes, supporting infrastructure and open space, at Claymore Drive Bridge of Don Aberdeen, be approved unconditionally.

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

The Committee resolved:-

to approve the application unconditionally.

JANEFIELD, 43 HILLVIEW ROAD CULTS ABERDEEN - 240368

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

That the application for Detailed Planning Permission for the erection of a replacement 2 storey dwelling house with verandah and detached double garage with all associated works - Janefield, 43 Hillview Road Cults 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

(02) MATERIALS

That no development shall take place unless the specification, details and colour of the proposed render material to be used in the external finish of the approved development, has been submitted to and approved in writing by the Planning Authority. Thereafter the approved external finishes must be applied in accordance with the approved details.

Reason - In the interests of the appearance of the development and the visual amenity of the area.

(03) GRANITE REUSE

That no development shall take place unless details of, and a methodology statement for the reuse of the granite (resulting from the doughtaking of the existing dwelling and detached garage) in the construction and finishing of the hereby approved proposed new dwelling and detached garage, and in landscaping of the new development, have been submitted to and approved in writing by the Planning Authority. Thereafter prior to the development hereby approved being brought into use, the details as approved shall be implemented in full.

Reason: In the interests of retaining existing granite stone on the site and ensuring compliance with Policy D5 (Our Granite Heritage) of the Aberdeen Local Development Plan 2023.

(04) TREE PROTECTION AND SOIL INVESTIGATION

No development shall take place unless a scheme for the protection of all trees to be retained on the site during construction works, including details of tree protection fencing that complies with British Standard 5837: 2012 'Trees in Relation to Design, Demolition and Construction' has been submitted to, and approved in writing by, the Planning Authority. Once approved, the scheme shall be implemented in full and retained for the duration of the works hereby approved.

No development of the hereby approved proposed double garage shall take place until a soil investigation methodology has been submitted to and agreed in writing by the Planning Authority, detailing how the soil investigations would be undertaken and in what locations, to detail what extent the existing eastern boundary wall has impacted upon root growth into the proposed development site.

No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

Reason: in order to ensure adequate protection for the trees on and immediately adjacent to the site (covered by Tree Preservation Order) during the construction of the development.

(05) BIODIVERSITY ENHANCEMENT, TREE PLANTING AND LANDSCAPING

That no demolition or construction works pursuant to this development shall take place unless a scheme of soft landscaping, tree planting and biodiversity enhancement measures has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i. Existing landscape features / vegetated areas to be retained.
- ii. The location of new trees, shrubs, hedges, grassed / wildflower areas and water features / sustainable urban drainage systems.
- iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- iv. The location, design and specification of biodiversity enhancement measures.
- v. A programme for the implementation and subsequent maintenance of the proposed landscaping.

All soft landscaping, tree planting and biodiversity enhancement 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. The development shall not be occupied unless evidence of implementation of the scheme has been submitted to and approved by 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.

Reason - To ensure the implementation of a satisfactory scheme of landscaping and biodiversity enhancement, and in the interests of visual amenity, ecology and climate change mitigation.

(06) DRAINAGE DETAILS

That no development shall take place unless a full investigation and details of the condition, specification, repair/reinstatement (if required) and route of the land drain system at its whole length through the site have been submitted to, and approved in writing, by the Planning Authority. The land drain system shall be permanently retained thereafter, in accordance with the approved details.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

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

(07) APPROVED DRAINAGE SYSTEM CARRIED OUT

The dwelling house hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans (Drawing Ref: 231054-000-CAM-DR-C-400 REV C and 231054-000-CAM-RP-C-001 REV 3). The foul and surface water drainage systems shall be permanently retained thereafter, in accordance with the approved maintenance scheme.

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

(08) PATIO PRIVACY SCREENING

The dwelling house hereby approved shall not be occupied unless all associated privacy screening relating to the proposed external patio has been fully implemented in accordance with approved plans (Drawing Ref: PL02 Rev J, PL03 Rev H, and PL05 Rev H), and thereafter retained in perpetuity unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the residential amenity enjoyed by adjacent property is suitably maintained.

(09) STREET FRONTAGE BOUNDARY WALL AND ACCESS

The dwelling house hereby approved shall not be occupied unless the proposed front boundary wall, including gate piers and access, has been constructed in accordance with the hereby approved plans (Drawing Ref: PL02 Rev J, PL07 Rev I, and PL06 Rev G), or unless otherwise agreed in writing by the Planning Authority.

Reason - In the interests of the appearance of the development and the visual amenity of the area.

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

The Committee then heard from Louise Longhurst, John McKell and Duncan Millar who all objected to the proposed planning application.

The Committee then heard from David Windle and Bryan Yule (applicant), who both spoke in support of the proposed application.

Members also had the opportunity to ask questions of all of the representations.

Councillor Boulton, seconded by Councillor Copland, moved a procedural motion:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

That a site visit take place before determination.

On a division, there voted – for the procedural motion (5) – Councillors Boulton, Copland, Clark, Farquhar and Macdonald – against the procedural motion (4) – the Convener, the Vice Convener and Councillors Alphonse and Lawrence.

The Committee resolved:-

to adopt the procedural motion and therefore defer determination of the application until a site visit could take place on Thursday 14 November 2024.

FIRST BUS, 395 KING STREET ABERDEEN - 240961

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

That the application for Detailed Planning Permission for the erection of 2no. battery storage containers, associated ring main unit and transformer housings, 3m high acoustic fence and associated works - First Bus, 395 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.

(02) ACOUSTIC ATTENUATION

The equipment hereby approved shall not be used unless the following noise attenuation measures, as specified in the approved noise assessment (ref. NIA/10512/22/10893/v2/395 King Street, Aberdeen – dated 05/09/24) have been implemented in full, or alternative measures have been approved in writing by the Planning Authority and implemented in full

- The battery storage units and associated transformers are located as detailed in the GA Site Plan (Drawing No: 1300 - 201A), with the noise level of each unit not exceeding 83 dB LwA.
- An acoustic barrier is installed in accordance with, and to the specification shown in, the Detailed Plan (Drawing No: 1300 - 202C).

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

- GRP Housing is installed around the transformers as shown in the Detailed Plan (Drawing No: 1300 - 202C).

Reason – In order to protect the amenity of nearby residential premises due to noise emission from the proposed plant.

(03) LANDSCAPE / BIODIVERSITY ENHANCEMENT

The approved equipment shall not be used, nor shall the fence be installed unless:

- the approved landscape plan and planting (Drawing no. 1300 – 202 C) has been installed on site or,
- alternative landscape measures have been approved in writing by the Planning Authority and implemented in full,

and the planting is subsequently retained.

Reason: In order to address the visual impact of the proposed fence when viewed from Mounthooly Way and secure biodiversity enhancement on site

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

The Committee resolved:-

to approve the application conditionally.

FIRST ABERDEEN LTD, 395 KING STREET ABERDEEN - 240769

11. 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 installation of hydrogen refuelling station plant equipment with enclosure and acoustic barrier fence, at First Aberdeen Ltd, 395 King 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

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

(02) ACOUSTIC ATTENUATION

The Hydrogen Refuelling Station (HRS) hereby approved shall not be used unless the following noise mitigation measures, as identified in the approved Noise Impact Assessment (NIA) dated 28/08/24, as undertaken by RMP Acousics (ref. L-10000-CM2-RGM), have been implemented:

- The HRS is located as detailed on Proposed Site Plan (Drawing No. 3186-OBE-ZZ-00-D-A1010103 P04), with sound levels not exceeding those detailed in Table 2 of the NIA report.
- A 3 metre high 'Noistop' noise-absorbing fence (lined with Sealed Air Whisper absorptive material), or suitable equivalent alternative fence of specification to be agreed in writing by the Planning Authority, is installed adjacent to the south elevation of the Hydrogen Refuelling Station (HRS) as detailed in 'Proposed Site Section' plan (Drawing No. 3186-OBE-ZZ-ZZ-D-A-010301 P05), 'Proposed South Elevation' plan (Drawing No. 3186-OBE-ZZ-ZZ-D-A-010201-P01) and Figure 3 of the NIA report. The acoustic barrier must prevent line-of-sight between noise generating element (fan or louvres) and noise sensitive receptors.

Reason – in order to protect the amenity of nearby residential premises due to noise emission from the proposed plant.

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

The Committee then heard from Bill Ireland, agent for the proposed application, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally.

LAND ADJACENT TO 593 AND 595 KING STREET, ABERDEEN - 240648

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 installation of two EV charging points, feeder pillar and cabinet and associated works (retrospective), at land adjacent to 593 And 595 King Street, Aberdeen, be approved unconditionally.

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

The Committee then heard from Martin Walker, agent for the proposed application, who spoke in support of the application.

The Committee resolved:-

to approve the application unconditionally.

54 QUEEN'S ROAD ABERDEEN - 240816

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 change of use to dwellinghouse (Class 9) including installation of fence to rear and associated landscaping front and rear at 54 Queen's 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) BIODIVERSITY AND LANDSCAPING ENHANCEMENTS

That no development shall take place unless a scheme of soft and hard landscaping proposals and biodiversity enhancement measures 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;
- (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.
- (v) All proposed biodiversity enhancement measures.

All soft and hard landscaping proposals and biodiversity enhancement measures shall be carried out in accordance with the approved scheme and shall be completed prior to the occupation of dwellinghouse. 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 the

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

same size and species to those originally required to be planted, or of a similar size and species to be agreed in writing by the planning authority.

Reason - To ensure the implementation of a satisfactory scheme of landscaping and biodiversity enhancements which will help to integrate the proposed development into the local landscape, in the interests of the character and appearance of the conservation area and tackling the climate and nature crises.

(03) LAYOUT OF CURTILAGE

That the dwellinghouse hereby approved shall not be occupied unless the front and rear garden ground layout and boundary treatment within the curtilage as shown on Drawing SP02 REV C has been implemented in full in accordance with the approved plan and the scheme of soft and hard landscaping proposals and biodiversity enhancement measures referred to in Condition 1.

Reason: In the interests of the historic environment, the character and visual amenity of the surrounding area, to ensure a satisfactory residential environment is created for the occupants of the dwelling and to ensure there would not be an excessive provision of car parking.

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

The Committee resolved:-

to approve the application conditionally.

3 CRAIGIELEA MEWS, ABERDEEN - 240982

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

That the application for Detailed Planning Permission for the formation of a driveway and access gate to front, at 3 Craigielea Mews, Aberdeen, be approved subject to the following condition:-

Condition

(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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

7 November 2024

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

The Committee resolved:-

to approve the application conditionally.

47 THORNGROVE AVENUE ABERDEEN - 240888

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

That the application for Detailed Planning Permission for the erection of a single storey extension to the rear at 47 Thorngrove Avenue Aberdeen, be approved subject to the following condition:-

Condition

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.

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

The Committee then heard from Mike Packer, who objected to the proposed planning application.

The Committee then heard from Blair Macintyre, agent for the application, who spoke in support of the proposed application.

The Committee resolved:-

to approve the application conditionally.

- **Councillor Ciaran McRae, Convener**

This page is intentionally left blank

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 14 November 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse, Boulton, Clark, Copland, 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.

JANEFIELD, 43 HILLVIEW ROAD, CULTS ABERDEEN - 240368

1. With reference to article 9 of the minute of the Planning Development Management Committee of 7 November 2024, whereby it was agreed to hold a site visit before determination, the Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended**:-

That the application for Detailed Planning Permission for the erection of a replacement 2 storey dwelling house with verandah and detached double garage with all associated works, at Janefield, 43 Hillview Road, Cults Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

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

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

(02) MATERIALS

That no development shall take place unless the specification, details and colour of the proposed render material to be used in the external finish of the approved development, has been submitted to and approved in writing by the Planning Authority. Thereafter the approved external finishes must be applied in accordance with the approved details.

Reason - In the interests of the appearance of the development and the visual amenity of the area.

(03) GRANITE REUSE

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

14 November 2024

That no development shall take place unless details of, and a methodology statement for the reuse of the granite (resulting from the dountaking of the existing dwelling and detached garage) in the construction and finishing of the hereby approved proposed new dwelling and detached garage, and in landscaping of the new development, have been submitted to and approved in writing by the Planning Authority. Thereafter prior to the development hereby approved being brought into use, the details as approved shall be implemented in full.

Reason: In the interests of retaining existing granite stone on the site and ensuring compliance with Policy D5 (Our Granite Heritage) of the Aberdeen Local Development Plan 2023.

(04) TREE PROTECTION AND SOIL INVESTIGATION

No development shall take place unless a scheme for the protection of all trees to be retained on the site during construction works, including details of tree protection fencing that complies with British Standard 5837: 2012 'Trees in Relation to Design, Demolition and Construction' has been submitted to, and approved in writing by, the Planning Authority. Once approved, the scheme shall be implemented in full and retained for the duration of the works hereby approved.

No development of the hereby approved proposed double garage shall take place until a soil investigation methodology has been submitted to and agreed in writing by the Planning Authority, detailing how the soil investigations would be undertaken and in what locations, to detail what extent the existing eastern boundary wall has impacted upon root growth into the proposed development site.

No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: in order to ensure adequate protection for the trees on and immediately adjacent to the site (covered by Tree Preservation Order) during the construction of the development.

(05) BIODIVERSITY ENHANCEMENT, TREE PLANTING AND LANDSCAPING

That no demolition or construction works pursuant to this development shall take place unless a scheme of soft landscaping, tree planting and biodiversity enhancement measures has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i. Existing landscape features / vegetated areas to be retained.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

14 November 2024

- ii. The location of new trees, shrubs, hedges, grassed / wildflower areas and water features / sustainable urban drainage systems.
- iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- iv. The location, design and specification of biodiversity enhancement measures.
- v. A programme for the implementation and subsequent maintenance of the proposed landscaping.

All soft landscaping, tree planting and biodiversity enhancement 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. The development shall not be occupied unless evidence of implementation of the scheme has been submitted to and approved by 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.

Reason - To ensure the implementation of a satisfactory scheme of landscaping and biodiversity enhancement, and in the interests of visual amenity, ecology and climate change mitigation.

(06) DRAINAGE DETAILS

That no development shall take place unless a full investigation and details of the condition, specification, repair/reinstatement (if required) and route of the land drain system at its whole length through the site have been submitted to, and approved in writing, by the Planning Authority. The land drain system shall be permanently retained thereafter, in accordance with the approved details.

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

(07) APPROVED DRAINAGE SYSTEM CARRIED OUT

The dwelling house hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans (Drawing Ref: 231054-000-CAM-DR-C-400 REV C and 231054-000-CAM-RP-C-001 REV 3). The foul and surface water drainage systems shall be permanently retained thereafter, in accordance with the approved maintenance scheme.

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

14 November 2024

(08) PATIO PRIVACY SCREENING

The dwelling house hereby approved shall not be occupied unless all associated privacy screening relating to the proposed external patio has been fully implemented in accordance with approved plans (Drawing Ref: PL02 Rev J, PL03 Rev H, and PL05 Rev H), and thereafter retained in perpetuity unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the residential amenity enjoyed by adjacent property is suitably maintained.

(09) STREET FRONTAGE BOUNDARY WALL AND ACCESS

The dwelling house hereby approved shall not be occupied unless the proposed front boundary wall, including gate piers and access, has been constructed in accordance with the hereby approved plans (Drawing Ref: PL02 Rev J, PL07 Rev I, and PL06 Rev G), or unless otherwise agreed in writing by the Planning Authority.

Reason - In the interests of the appearance of the development and the visual amenity of the area.

Following the site visit, Members returned to deliberate the application and heard from Rebecca Kerr, Planner, who spoke in furtherance of the application and answered various questions from Members.

The Convener moved, seconded by the Vice Convener:-

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

Councillor Boulton moved as an amendment:-

That the application be refused.

Councillor Boulton's amendment failed to attract a seconder and was therefore not put to the vote, in accordance with Standing Order 29.14.

The Committee resolved:-

to approve the application conditionally.

- **COUNCILLOR CIARAN MCRAE, Convener**

	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			05 December 2024						
4	201 Union Street - 240947	To approve or refuse the application for change of use from class 1A (shops, financial professional and other services) to class 3 (food and drink) including installation of extract vent to rear flat roof with associated works		Roy Brown	Strategic Place Planning	Place	1		
5	Draft Aberdeen Guidance - Wind Turbine	At the Council meeting on 3 November 2023, it was agreed to instruct the Chief Officer - Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months.		David Dunne	Strategic Place Planning	Place	5	D	The Scottish Government is currently progressing guidance for hydrogen consenting across onshore and offshore regimes. Production of the revised Renewable Energy Developments Aberdeen Planning Guidance (APG) has been delayed until this guidance is published (currently anticipated late 2024). In addition, detailed monitoring and assessing of renewable energy planning consents that have been submitted over the last 12 months has been undertaken and, following from this, an exercise is also currently underway to determine if a more strategic approach to renewable energy in Aberdeen is required, including the possibility of a new capacity study. Report to June 2025.
6			16 January 2025						
7			13 February 2025						
8			13 March 2025						
9			24 April 2025						
10			22 May 2025						
11			19 June 2025						
12			21 August 2025						
13			25 September 2025						
14			30 October 2025						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
15			04 December 2025						
16			Future applications to PDMC (date of meeting yet to be finalised).						
17	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant/takeaway		Lucy Greene	Strategic Place Planning	Place	1		
18	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
19	Land At Greenferns Landward (OP 22), to the South of Kepplehills Road Newhills, Aberdeen - 240216	To approve or refuse the application for residential development comprising around 435 homes, open space, landscaping and supporting infrastructure		Gavin Clark	Strategic Place Planning	Place	1		
20	Land North Of Aryburn Farm, Dyce, Aberdeen - 241197	To approve or refuse the application for erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road		Gavin Clark	Strategic Place Planning	Place	1		
21	1 Anderson Avenue - 241094	To approve or refuse the application for change of use to class 1A (shops and financial, professional and other services), alterations to frontage to install sliding door and glazing infill, form slap to install side door, build up doors and all other associated works		Rebecca Kerr	Strategic Place Planning	Place	1		
22	The Works, the Bush - 241112	To approve or refuse the application for replacement of workshop building (in Class 5 use) and associated works		Roy Brown	Strategic Place Planning	Place	1		
23	Former AECC - 240850	To approve or refuse the application for MSC		Lucy Greene	Strategic Place Planning	Place	1		
24	James Hutton Institute - 241146	To approve or refuse the application for formation of car park		Roy Brown	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
25	116 Dee Village - 241277	To approve or refuse the application for change of use of flat to short term let accommodation with maximum occupancy of 4 people		Roy Brown	Strategic Place Planning	Place	1		
26	Planning Guidance	At the meeting on 15 May 2024, it was agreed to request that the Chief Officer – Strategic Place Planning, investigate the possibility of putting in place guidance to clarify the issue of drive thru restaurants in the context of Policy 27(d) of National Planning Framework 4 and report back to this Committee in due course.		David Dunne	Strategic Place Planning	Place	5		
27	Article 4 Directions	At the meeting on 19 September 2024, it was agreed to instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed recommendations on the Article 4 Directions to a subsequent Planning Development Management Committee within the next six months.		Laura Robertson	Strategic Placing Planning	Place	5		
28	Draft Aberdeen Planning Guidance: Health Impact Assessments	At the meeting on 20 June 2024, it was agreed to instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period.		Donna Laing	Strategic Place Planning	Place	5		

This page is intentionally left blank

Planning Development Management Committee

5 December 2024

Planning Appeals Update

This report informs Planning Development Management Committee (PDMC) 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) has received or decided since the last PDMC meeting. It also lists appeals that are still pending.

Appeals Determined

None

Notified Application

Application Reference	231371/PPP
Address	Land At Coast Road, St Fittick's Park/ Gregness Headland/Doonies Farm
Description	Proposed Business / Industrial Development (Class 4/5/6); Road Infrastructure; Active Travel Connections; Landscaping And Environmental Works Including Drainage And Other Infrastructure
History	PDMC of 4 November 2024 indicated a willingness to approve the application. Referral to the Scottish Ministers due to an objection by the Scottish Environment Protection Agency.
DPEA weblink	Scottish Government - DPEA - Case Details

Appeals Pending

Type of appeal	Advertisement Consent	Application Reference	240526/ADV
Address	Osborne House, 27-30 Carden Place		
Description	Installation Of 1 Non-Illuminated Freestanding Sign		
History	Refused under delegated powers on 29 August 2024. Awaiting registration.		
DPEA target date	10 Feb 2025		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Advertisement Consent	Application Reference	240624/ADV
Address	Osborne House, 27-30 Carden Place		
Description	Installation Of 1 Non-Illuminated Freestanding Sign (Retrospective)		
History	Refused under delegated powers on 29 August 2024. Awaiting registration.		
DPEA target date	10 Feb 2025		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Enforcement Notice Appeal	Application Reference	ENF240121
Address	Duncansgate, 26 Hopetoun Grange		
Description	Without Planning Permission, The Alleged Erection Of Boundary Fencing Exceeding 1M In Height From Ground Level Forward Of The Principal Elevation Of Dwellinghouse		
History	Ready for allocation to a reporter		
DPEA target date	15 Jan 2025		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Listed Building Consent	Application Reference	231347/LBC
Address	Kingswells House, Skene Road		
Description	Erection Of Replacement Single Storey Extension And Alterations To Door; Internal Alterations To Include Upgrading Existing Doors, Repair And Maintenance Works		
History	Refused under delegated powers on 9 July 2024. Allocated to a reporter.		
DPEA target date	18 Dec 2025		
DPEA weblink	Scottish Government - DPEA - Case Details		

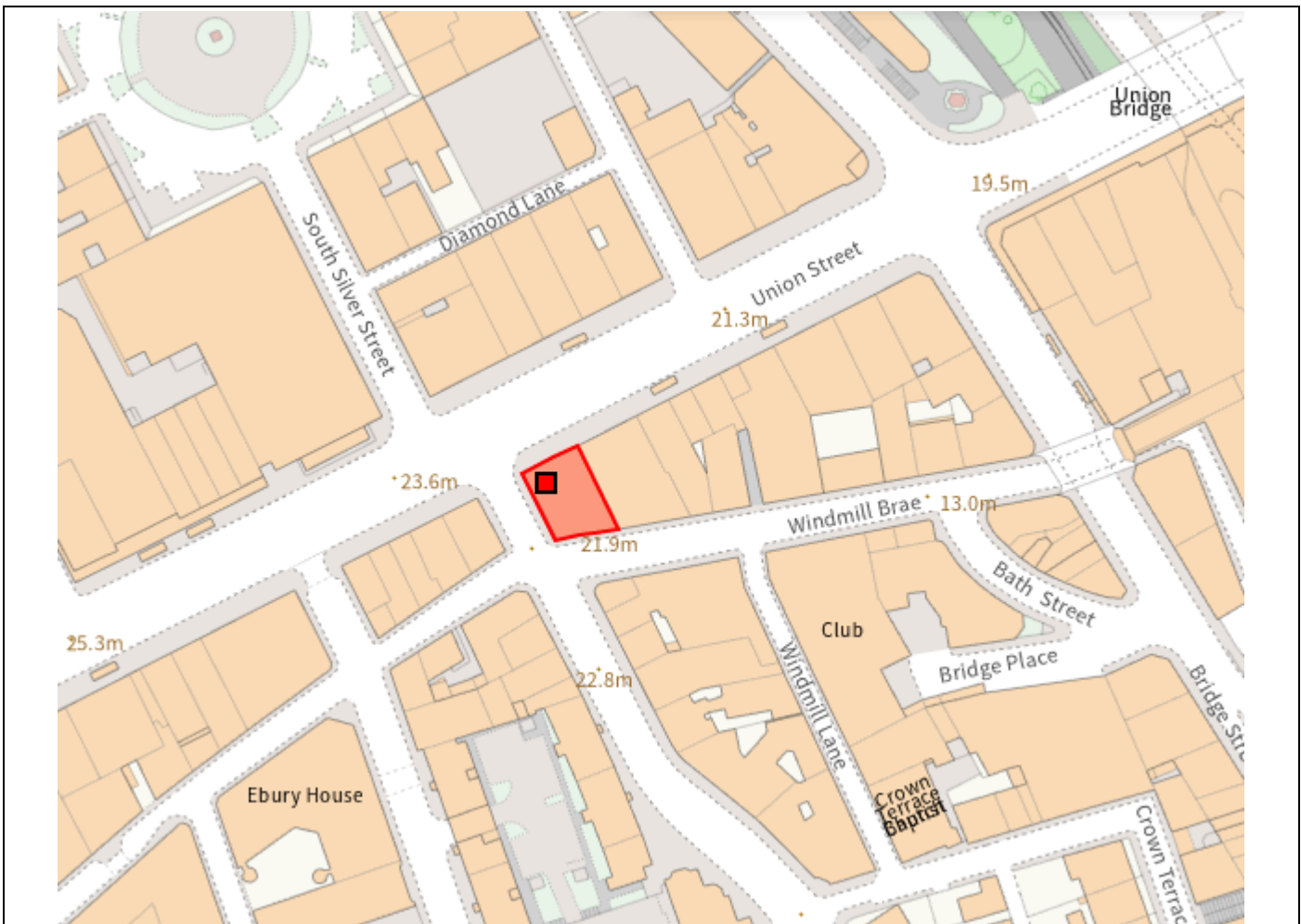
Type of appeal	Advert Consent	Application Reference	240459/ADV
Address	Facing Queen Elizabeth Bridge Roundabout - South Advertising Station, Craig Place		
Description	Installation Of 1 Illuminated Free Standing Digital Display		
History	Refused under delegated powers on 13 August 2024. Allocated to a reporter.		
DPEA target date	10 Dec 2025		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Planning Permission	Application Reference	231422/DPP
Address	Alba Gate, Stoneywood Park		
Description	Demolition of existing building and re-development of site to include change of use to form a mixed-use of 4 business units (Class 4), 2 ancillary cafe/restaurant units (Class 3) with drive thru takeaway (sui generis), electric vehicle charging hub, car parking, soft landscaping and associated works		
History	Refused by Planning Development Management Committee of 15 May 2024. Allocated to a reporter.		
DPEA target date	16 Sep 2024		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Type of appeal	Planning Permission	Application Reference	240488/S42
Address	Land South Of North Deeside Road, Milltimber		
Description	Variation Of Condition 3 (Scale Of Development - Residential) of Application Reference 200535/PPP to increase the maximum number of residential units from 80 to 99		
History	Refused by the Planning Development Management Committee of 20 June 2024. Allocated to a reporter.		
DPEA target date	02 Dec 2024		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 5 December 2024

Site Address:	201 Union Street, Aberdeen, AB11 6BB
Application Description:	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
Application Ref:	240947/DPP
Application Type	Detailed Planning Permission
Application Date:	8 August 2024
Applicant:	Sanaland Ltd
Ward:	Torry/Ferryhill
Community Council:	City Centre



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2024

RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a vacant commercial unit covering the ground and lower ground floor of a 3½ storey granite-built 'renaissance revival' styled building on Union Street, which dates from the late 19th century. The building is category B-listed and lies within the City Centre Conservation Area.

The ground and basement floors comprise a Class 1A (financial, professional and other services) unit that is currently vacant, having previously been in long-standing use as a 'Bank of Scotland' branch. There are five residential flats in floors above which are accessed via a communal stairwell and door on the southwest side of the building on Crown Street. The ground floor unit also has an emergency door which accesses the stairwell at ground floor level.

The building has a northwest facing principal elevation that fronts Union Street, a southwest side elevation that fronts Crown Street. The building adjoins 191-197 Union Street to the northwest. To the (southeast) rear, the building has a 1½ storey flat roofed annexe which projects c.7.5m from the primary 3½ storey section of the building and bounds Windmill Brae.

Relevant Planning History

Listed building consent 240941/LBC granted the installation of the extract vent to the rear of the building in November 2024.

Planning permission 220953/DPP and listed building consent 220682/LBC granted the removal of external signage, night safe, two external ATMs and an alarm box in 2022.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the change of use of the ground and lower ground floors of the building from class 1A (shops, financial professional and other services) to class 3 (food and drink) and the installation of an extract vent to the rear flat roof at first floor level. No other external alterations are proposed.

The layout shows that the public entrance would be from Union Street and the restaurant floor would cover c.150sqm of the ground floor. The commercial kitchen would be towards the rear of the building primarily within the rear annexe and would be c. 50sqm in area. There would be a disabled toilet on the ground floor. The lower ground floor would also include areas for food preparation, storage and customer convenience facilities. It would include an acoustic ceiling above the ground floor.

Amendments

In agreement with the applicant, the application has been revised since submission in that:

- A noise and odour impact assessment has been provided and noise and odour mitigation measures have been proposed. This includes installation of an acoustic ceiling throughout the ground floor to minimise noise transfer.
- Staff cycle storage would be provided in the lower ground floor adjacent to the rear access.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SHW95YBZIFD00>

- Heritage Statement
- Noise and Odour Impact Assessment (Ref: 3339212314 – V4)
- Supporting Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of six or more timeous letters of representation (following advertisement and/or notification) containing material planning considerations that express objection or concern about the proposal.

CONSULTATIONS

ACC - Environmental Health – Reviewed the Noise and Odour Impact Assessment (Couper Acoustics, 3rd October 2024 [Ref: 3339212314 – V4]) submitted in support of the development and comment as follows:

Environmental Odour Control

The Odour Impact Assessment (OIA) indicates that 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') is required. The report states:

'The EMAQ+ CONCKES guidance best practice advises that a very high level of odour control may include the following: Fine Filtration or Electrostatic Precipitators (ESP) followed by carbon filtration (carbon filters rated with a 0.4 – 0.8 second residence time) or Fine Filtration or ESP followed by carbon filtration and by counteractant/neutralising system or fine filtration or ESP followed by UV ozone system to achieve the same level of control. At this stage the applicant does not know which option will eventually be chosen so would request a suspensive condition to provide this information at a later date.'

The OIA is considered reasonable. The service is satisfied that a detailed specification for the Local Extract Ventilation (LEV) system could be secured by planning condition (suggestion below -italics). It is noted that the restaurant proposes to have a charcoal grill and specific issues associated with this solid fuel appliance will need to be considered at detailed design stage in-line with 'DW/172 Specification for kitchen ventilation systems (2nd edition)' and 'HSE Information Sheet CAIS26' guidance.

'Prior to development, the applicant shall submit a detailed specification for the Local Extract Ventilation (LEV) system that meets 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'.

This Service would also recommend that an advisory note is attached to any planning permission for the operator to establish a written Odour Management Plan, including cleaning and maintenance

procedures for the plant (based on extent of use) in accordance with manufacturers guidelines and report recommendations (Sections 7.04 - 7.05) – to reduce risk of malodour and statutory nuisance going forward.

Environmental Noise Control

Local Extract Ventilation (LEV) Noise

As a detailed LEV design specification is not available at this stage, the NIA has provided reversed calculations to derive notional sound power levels for the outlet/inlet fans. ACC - Environmental Health is satisfied that the LEV would not cause a noise nuisance provided:

- 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.
- The fans are installed internally in the premises.
- 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.
- The ventilation outlet is at least 6 metres from any receptor window.
- The premises and ventilation system only operates between the hours 10:00 and 23:00.
- Where a silencer is used, it must be installed on the atmospheric side of the fan and include melanex to avoid deterioration from grease.

Internal Noise Transmission

ACC - Environmental Health is satisfied that internal noise transmission through the intervening ceiling/floor to the residential properties above can be suitably controlled by inspecting and making good the existing ceiling (as detailed in Section 7.10) and by providing a new independent acoustic ceiling (as detailed in Section 7.11 and Drawing No. 7171 - L(00)03B). Other recommended mitigation measures include:

- Worktops, appliances, and surfaces in the preparation and kitchen areas must be free standing, ensuring they are not rigidly linked to the structural wall. Tables and chairs shall be fitted with rubber feet to reduce any noise from movement and the front door shall incorporate an automatic closer system. Any chimney breasts or walls cupboards must be blocked up. Any ventilation and air intake canopy, ducting, fan, odour control and any other accessories shall be resilient isolated from the building.
- Any music speakers shall be positioned on shelves lined with 20mm thick Sylomer foam or equivalent. No speakers should be directly fixed to the walls or the ceiling. Music shall be played at a low level so that conversation can easily take place.

ACC - Waste and Recycling – The development is classified as commercial and would therefore receive a business waste collection. Bins should be presented on a collection day and then stored in a specified bin storage area. Bins should not be permanently stored on the pavement. General business waste advice has also been provided.

ACC - Roads Development Management Team – No objection – Cycle parking provision would be provided, which is acceptable.

City Centre Community Council – No response received.

REPRESENTATIONS

Seven objections have been received in respect of the application. The matters raised can be summarised as:

1. It would adversely affect the upper storey flats in terms of noise.
2. It would result in adverse odours / air quality afforded to the upper floor residential flats, particularly in relation to the siting of the extract fan near the rear bedroom windows of the upper storey flats. Concern in relation to allergies from odour.
3. The matter of odour cannot be addressed through a condition.
4. The increase in disturbance around the property from customers, deliveries and general activity as a result of the increased footfall and the longer opening hours of the premises.
5. Waste management concerns.
6. The adverse impact on parking availability and it could increase traffic congestion.
7. The adverse impact on road safety, particularly from deliveries.
8. The adverse impact on the character of the building as it is predominantly residential.
9. The public notice displayed outside the application site showed an incorrect date.
10. Ambiguity if the development would also be a bar or hot food takeaway.
11. Concerns related to potential litter if it were to be used as a hot food takeaway.
12. Exacerbation of the over-provision of kebab and pizza establishments on Union Street.
13. The adverse impact of the extract fan on the historic environment. Existing chimney stacks should be used.
14. The concerns to the quality of life and wellbeing of the residents outweigh the benefit in terms of business growth.
15. It would not support the City Centre Masterplan, encourage people into the centre, and would be contrary to policies within the Development Plan.
16. The enforceability of the mitigation measures.

The impacts on property values, building insurance and property finance have been raised. However, these are not material planning considerations which can be taken into account in the assessment of this planning application. Fire safety risk has been raised, which would be a matter addressed through the licensing process and building regulations.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 23 (Health and Safety)
- Policy 27 (City, Town, Local and Commercial Centres)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC1 (Vibrant City)
- Policy VC4 (City Centre and Retail Core)
- Policy VC5 (City Centre Living)
- Policy WB2 (Air Quality)
- Policy WB3 (Noise)
- OP91 (Union Street West City Centre Masterplan intervention Area)

Aberdeen Planning Guidance

- Amenity and Space Standards
- Harmony of Uses
- Transport and Accessibility
- Waste Management Requirements for New Developments

Other National Policy and Guidance

- Historic Environment Policy for Scotland

Other Material Considerations

- City Centre and Beach Masterplan

EVALUATION

Principle of Development

The application site lies within the defined City Centre Boundary and zoned as Policy VC4 (City Centre Retail Core) on the Proposals Map of the ALDP.

The application site is also on land within the allocated OP91 (Union Street West City Centre Masterplan Intervention Area) opportunity site in the ALDP, but would not affect its delivery, nor any of the related development proposals referred to within the masterplan.

Vitality and Viability of the City Centre

Policies 27 (City, Town, Local and Commercial Centres) of NPF4, and VC1 (Vibrant City) and VC4 (City Centre and Retail Core) of the ALDP, support development within the city centre which supports its vibrancy and vitality throughout the day and/or into the evening; make a positive contribution to footfall; and to contribute towards the wider aims of the City Centre Masterplan and its vision for the city centre as a major regional centre.

In this regard, the proposed change of use of a vacant Class 1A (shops and financial, professional and other services) unit to Class 3 (food and drink) would support the vibrancy and vitality of Union Street during the day and evenings, as well as make a positive contribution to footfall by increasing visitors to the city centre, and notably to Union Street. The proposal would bring a vacant unit on Union Street back into use. The main entrance of the premises would be from Union Street and the unit would retain a dual frontage on both Union Street and Crown Street, improving the vitality and passive surveillance of both streets, and maintaining an active street frontage which is accessible to the public from the street, in accordance with Policy VC4 of the ALDP. The proposal would accord with the objectives of the City Centre Masterplan in terms of increasing *'the city centre employment base'* through bringing a vacant ground floor commercial unit back into use and *'creating a metropolitan outlook'* by increasing activity within the city centre (Representation 15).

City Centre Living

The upper floors of the building are in residential use. One of the objectives of the City Centre Masterplan is also to create a 'living city for everyone'. Paragraph 10.17 of the ALDP states:

'Living in the city centre is a positive way to ensure it has vibrancy, vitality and viability and support an economy based around day to day living. To achieve this there needs to be an increase in the number of people living in the city centre.'

Policies 27 of NPF4, and VC1 and VC4 of the ALDP also require development to demonstrate that any adverse impacts on neighbouring uses can be mitigated and, where applicable, that a suitable level of residential amenity is achieved or maintained.

Whilst applicable to new residential development, Policy VC5 (City Centre Living) of the ALDP states that there is a presumption that suitable residential amenity cannot be achieved if proposed residential developments are within the same built structure as a restaurant / café and if there is a common or shared access with a use detrimental to residential amenity.

As such, for the principle of the change of use to Class 3 to accord with the city centre policies and the aims of the City Centre Masterplan, it must be clearly demonstrated that the residential amenity of the residential flats above can be maintained. This is considered under the 'Amenity' heading further in this evaluation.

Mix of Uses in the Area

Policy 27 of NPF4 supports development that increases the mix of uses in city centres. Policy VC4 of the ALDP requires development to not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the regional centre.

In accordance with this policy, the development would not result in an overprovision of Class 3 uses in the immediate vicinity, whereby the character and amenity of the regional centre would be undermined (Representation 12). There is a mix of primarily Class 1A uses at street level in this section of Union Street, in addition to Class 3, licensed premises, betting shops and a footfall generating assembly and leisure premises (Music Hall). The change of use from Class 1A to Class 3 would thus retain the mix of uses, in accordance with Policies 27 of NPF4 and VC4 of the ALDP (Representation 8).

Amenity

The qualities of successful places referred to in Policy 14 of NPF4 and the qualities of successful placemaking referred to in Policy D1 (Quality Placemaking) of the ALDP also seek development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including from in relation to noise and odour. Policy D2 (Amenity) of the ALDP seeks developments to be designed to afford occupiers adequate levels of amenity in relation to noise.

Residential Stairwell

The proposed development would retain the emergency escape door which connects to the ground floor of the communal stairwell to the residential flats above. The entrance for patrons would be via the entrance on Union Street and there is a door on Windmill Brae to the rear, which would be used by staff. Whilst there is a possibility that staff may use the door onto Crown Street which is shared with the apartments above, this is an existing arrangement and there is a low risk that this door would be used on any regular basis. In particular, given the layout of the premises whereby the walk-in fridge, food preparation area and stores would be in the basement, deliveries would likely be from the rear entrance on Windmill Brae as the closest and most convenient access. The staff cycle store would also be at the rear of the premises adjacent to the rear exit. The presence of the existing door into the stairwell would be very unlikely to result in any harm to the neighbouring residents in the floors above.

Noise

Policy 23 (Health and Safety) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported. Policy WB3 (Noise) of the ALDP states that there will be a presumption against noise generating developments, as identified by a noise impact assessment, being located close to noise sensitive developments, such as existing or proposed housing.'

A Noise and Odour Impact Assessment (Ref: 3339212314 – V4) has been submitted. This assessment identifies that without mitigation, noise could affect the residential flats above from noise associated with the extract fan and from patron / activity noise from within the premises permeating through the ceiling (representations 1 and 4). The noise impact assessment identifies several noise mitigation measures to ensure that noise levels would not exceed acceptable levels as a result. This includes the formation of an acoustic ceiling throughout the ground floor, repairing the existing ceiling and the incorporation of silencers on the ventilation system. ACC – Environmental Health have been consulted and have advised that the noise mitigation measures are acceptable.

Paragraph 10.15 states that *'the responsibility for mitigating any detrimental impact of noise from a new development or operation lies with those carrying out the new development or operation'*.

As such, the recommendation is for approval, subject to a condition requiring the implementation of the noise mitigation measures and evidence of this to be provided. Furthermore, another condition to limit the hours of operation outside of night time hours is proposed to mitigate any risk of noise from the proposed use during sensitive night time hours (Representation 2). Given the city centre location on Union Street, there would not be a significant increase in disturbance as a result of the proposed development outside the premises.

Upon the implementation of these mitigation measures, the development would not adversely affect the level of residential amenity afforded to the residential dwellings above the premises, in accordance with Policies 23 of NPF4 and WB3 of the ALDP.

Odour

Without mitigation, there is a risk that the proposed class 3 use could result in malodour (Representation 2), which adversely affects the residential amenity of the residential dwellings above. The proposed layout shows that the premises would have a charcoal grill.

The Noise and Odour Impact Assessment (Ref: 3339212314 – V4) indicates that 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') would be required. It states:

'The EMAQ+ CONCKES guidance best practice advises that a very high level of odour control may include the following: Fine Filtration or Electrostatic Precipitators (ESP) followed by carbon filtration (carbon filters rated with a 0.4 – 0.8 second residence time) or Fine Filtration or ESP followed by carbon filtration and by counteractant/neutralising system or fine filtration or ESP followed by UV ozone system to achieve the same level of control. At this stage the applicant does not know which option will eventually be chosen so would request a suspensive condition to provide this information at a later date.'

With respect to the charcoal grill, there are specific issues associated with this solid fuel appliance will need to be considered at detailed design stage in-line with 'DW/172 Specification for kitchen ventilation systems (2nd edition)' and 'HSE Information Sheet CAIS26' guidance.

ACC – Environmental Health have advised that a detailed specification for the Local Extract Ventilation (LEV) system could be secured by planning condition on the basis that there are systems that exist which would be sufficient to prevent malodour from being produced. As there is a solution (Representations 3 and 16), the recommendation is for a condition to be applied that the unit shall not be brought into Class 3 (food and drink) use unless a detailed specification 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, thereafter that the LEV system has been installed in full in accordance with the approved detailed specification and confirmation is submitted to the planning authority.

The Amenity and Space Standards Aberdeen Planning Guidance states that flue termination points located at low levels in relation to adjacent buildings, can cause problems for amenity, as well as having visual impacts. It furthermore states that consideration should be given when designing extraction for commercial kitchens to the location and height of these points.

In this regard, the proposed extract vent would be located on the flat roof at the rear of the premises and terminate on first floor level. It would be at least 6m from the nearest window of the residential dwelling at first floor level. ACC – Environmental Health have advised that they do not object on the basis that such a separation distance can be achieved. The proposal has been designed to maximise the distance between the neighbouring window and the extract point. In conjunction with the design of a satisfactory scheme to prevent malodour, the distance between the vent and the window would be acceptable.

The proposed flue would be a relatively small fixture on the roof and would not appear overbearing nor adversely affect the outlook afforded to the residential dwelling by any significant degree. The overall visual impact of the fixture is considered in detail below under the 'Historic Environment' heading.

An advisory note is also to be attached, for the operator to establish a written Odour Management Plan, including cleaning and maintenance procedures for the plant (based on extent of use) in accordance with manufacturers guidelines and report recommendations (Sections 7.04 - 7.05). This would ensure the system is sufficient to mitigate odour. ACC – Environmental Health have also advised that this would reduce the risk of statutory nuisance for the purpose of environmental health legislation.

Amenity - Summary

Subject to the implementation of acceptable noise and odour mitigation measures, which would be addressed by way of planning conditions, the change of use to Class 3 would maintain the existing level of residential amenity afforded to the upper floor residential dwellings, notably in terms of noise and odour, in accordance with the aims of Policies 14 (Design, Quality and Place) and 23 (Health and Safety) of NPF4, as well as Policies D1 (Quality Placemaking), D2 (Amenity) and WB3 (Noise) of the ALDP and the aims of the 'Noise' and 'Amenity and Space Standards' Aberdeen Planning Guidance. The proposal therefore accords with the aims of the City Centre Masterplan and Policies 27 (City, Town, Local and Commercial Centres) of NPF4, and VC1 (Vibrant City), VC4 (City Centre and Retail Core) of the ALDP (Representations 14 and 15).

Waste Storage and Collection

Policy R5 (Waste Management Requirements for New Development) of the ALDP requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The proposal would incorporate a waste storage area in the lower ground floor of the site. ACC - Waste and Recycling have been consulted and do not object to the application. The development would incorporate appropriate waste storage, in accordance with Policy R5 of the ALDP and the aims of the Waste Management Requirements for New Development Aberdeen Planning Guidance. Beyond the planning process, it would be for the operator to ensure that they comply with waste management regulations (Representation 5).

Sustainable Transport

Policy 13 (Sustainable Transport) on NPF4 and Policies T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Given its central location on Union Street, the development would be accessible using a range of sustainable and active travel methods (Representation 6). The proposal incorporates cycle storage for staff use, in accordance with the Transport and Accessibility Aberdeen Planning Guidance. The development would be within 400m of the nearest bus stop, in accordance with Policy T2 of the ALDP.

Policy T3 (Parking) of the ALDP states that within the City Centre boundary – as specified in the Proposals Map – the principle of ‘zero parking’ shall be applied with respect to all new development. The proposal would have no associated parking provision, in accordance with Policy T3 of the ALDP. There would be space for loading / unloading on Windmill Brae to the rear of the site without obstruction. The development is of a scale and siting whereby it would not result in significant traffic generation (Representation 6). The proposal would not impact road safety and the ACC – Roads Development Management Team have been consulted and have raised no road safety concerns (representation 7).

The development would thus have a negligible impact on the local transport network and would be accessible using sustainable and active travel methods, in compliance with Policies 13 of NPF4 and T2 and T3 of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance.

Historic Environment

Policy 7 (Historic Assets and Places) of NPF4 states that development proposals for the alteration of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Policy D6 (Historic Environment) of the ALDP states that appropriate developments, including new features and fixings, must be designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings and conservation areas.

Given the functional design of the extract fan outlet flue and that it would be visible, to a degree, from Windmill Brae and Crown Street, it would have a minor adverse visual impact on the special architectural and historic interest of this listed building, its setting and the character and appearance of the City Centre Conservation Area. Nevertheless, it would be appropriately located on the secondary elevation at the rear and would be partially screened by the existing parapet. It is also accepted as a necessary feature of the odour mitigation to enable the change of use. Consideration has been given as to whether any existing chimneys could be used instead of the proposed flue. However, the kitchen would be located at the rear of the premises within the rear annexe and would not be directly underneath any former chimney stacks. Using such a system could require extensive alterations to the building and in the upper floors of the building, which are not within the application site. The chimney stacks also may not be suitable to process the odours of the commercial system, required to protect the amenity of the upper floor residents. The change of use would bring the vacant ground and basement floors of this listed building back into use, ensuring the long term retention of this historic building (Representation 13). Whilst the design of the fixture has tensions with Policies 7 (Historic Assets and Places) of NPF4 and D6 (Historic Environment) of the ALDP, they are not to such a degree that would warrant refusal.

Nevertheless, because of the unsympathetic design of the fixture, a condition is to be applied to ensure that the extract fan is to be removed and the roof reinstated, should the use cease and the extract flue becomes redundant / obsolete.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

Given its very accessible location in the city centre, the development would accord with the principles of Policy 20 (Local Living and 20 Minute Neighbourhoods) of NPF4. It would bring a vacant unit on Union Street in an existing building back into use, in accordance with the principles of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4. Otherwise, the proposal is sufficiently small-scale such that it would not have any material impact on the global climate and nature crises, climate mitigation and adaptation, nor are there any opportunities that can be identified to minimise greenhouse gas emissions given the nature of the proposal.

Therefore, the proposal is compliant with Policies 1 and 2 of NPF4. Whilst this proposal would not include measures to enhance biodiversity, which would have minor tensions with Policy 3 of NPF4, the proposal is for a change of use of the building, is small-scale and does not offer the opportunity for meaningful biodiversity enhancements.

Other Matters Raised in the Representations

The proposal is for a change of use to Class 3 and is not for the change of use to a licensed premises or a hot food takeaway. The material use of the premises as either of these uses would require planning permission separately (Representations 10 and 11).

A public notice has been displayed outside the premises with the correct date of publication, as required by Sections 60 and 65 of the Town and Country (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Subject to appropriately worded conditions to ensure sufficient noise and odour mitigation measures are implemented, the proposed change of use to Class 3 would support the vibrancy and vitality of the city centre, make a positive contribution to footfall, and, proportionate to the scale of development, contribute towards the wider aims of the City Centre Masterplan and its vision for the city centre as a major regional centre. The development would bring a vacant unit on Union Street back into use and would retain an active street frontage. Noise and odour mitigation measures would ensure that the residential amenity of the city centre residential dwellings in the upper floors of the building would be maintained. As such, the development accords with Policies 14 (Design, Quality and Place), 23 (Health and Safety) and 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4. It would accord with Policies D1 (Quality Placemaking), D2 (Amenity), VC1 (Vibrant City), VC4 (City Centre and Retail Core) and WB3 (Noise) of the ALDP. Furthermore, it would accord with the aims of the 'Noise' and 'Amenity and Space Standards' Aberdeen Planning Guidance.

Given the functional design of the extract flue, it is anticipated to have a minor adverse visual impact on the special architectural and historic interest of this listed building, its setting and the character and appearance of the City Centre Conservation Area, which would have tensions with Policies 7 (Historic Assets and Places) of NPF4 and D6 (Historic Environment) of the ALDP. However, it would be sited to minimise the visual impact and the fixture would be a necessary feature of the odour mitigation to enable the change of use and the bring the vacant unit back into use, ensuring the long term retention of this historic building.

The proposal would have suitable waste storage arrangements, in accordance with Policy R5 (Waste Management Requirements) of the ALDP and the aims of the Waste Management Requirements for New Development Aberdeen Planning Guidance.

The proposal would be accessible using sustainable and active travel methods, it would incorporate staff cycle storage, and it would have a negligible impact on the local transport network, in accordance with Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport and T3 (Parking) of the ALDP, as well as the Transport and Accessibility Aberdeen Planning Guidance.

In terms of climate change, it thus accords with the principles of Policy 20 (Local Living and 20 Minute Neighbourhoods) of NPF4. The proposal would bring a vacant unit in a historic granite building back into use, in accordance with the principles of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4. The proposal is sufficiently small-scale such that it would not have any material impact on the global climate and nature crises, climate mitigation and adaptation, nor are there any opportunities that can be identified to minimise greenhouse gas emissions given the nature of the proposal. Therefore, the proposal is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Change Mitigation and Adaptation) of NPF4. Whilst this proposal would not include measures to enhance biodiversity, which has minor tensions with Policy 3 of NPF4, the proposal is a change of use, small-scale and does not offer the opportunity for meaningful biodiversity enhancements.

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.

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.

(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.

ADVISORY NOTES FOR APPLICANT

The operator should establish a written Odour Management Plan, including cleaning and maintenance procedures for the plant (based on the extent of use) in accordance with the manufacturers guidelines and recommendations of the Noise and Odour Impact Assessment (Sections 7.04 - 7.05). This is to prevent of malodour and minimise any risk of statutory nuisance.