

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 20 January 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, the Depute Provost, Vice Convener; and Councillors Allan, Cooke, Copland, Greig, Henrickson (as substitute for Councillor Cormie), MacKenzie and Malik.

**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 9 DECEMBER 2021**

1. The Committee had before it the minute of the previous meeting of 9 December 2021, for approval.

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

to approve the minute as a correct record.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 16 DECEMBER 2021**

2. The Committee had before it the minute of the Planning Development Management Committee (visits) of 16 December, 2021, for approval.

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

to approve the minute as a correct record subject to the amendment of Councillor Cooke's name on page 3 of the minute.

### **COMMITTEE PLANNER**

3. The Committee had before it a planner of future Committee business.

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

to note the information contained in the Committee business planner.

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**LAND AT TILLYOCH, CULTER HOUSE ROAD - PRE DETERMINATION HEARING - 211699**

4. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which considered whether the planning application for Tillyoch Culter House Road Aberdeen, which triggered the statutory criteria to require that a Pre-Determination Hearing be held, should be determined by the Planning Development Management Committee or by Full Council.

**The report recommended:-**

that the Committee -

- (a) note the contents of the report; and
- (b) agree that the application be subject of a statutory pre-determination hearing by a special meeting of the Planning Development Management Committee and that the application then be determined at a subsequent scheduled Planning Development Management Committee meeting.

**The Committee resolved:-**

to approve the recommendations.

**51 FROGHALL TERRACE ABERDEEN - 211499**

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

That the application for detailed planning permission for the change of use from class 9 (house) to class 8 (residential institution) at 51 Froghall Terrace be approved subject to the following condition:-

**Condition**

1. Cycle Storage

The use hereby approved shall not take place unless details of the proposed secure cycle storage on site has been submitted to and approved in writing by the Planning Authority and such facilities have been made available for use by occupants.

Reason: In order to promote sustainable transport methods.

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 recommendation and therefore approve the application conditionally.

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**At this juncture, the Convener advised that items 6.2 and 6.3 on the agenda (minute items 6 and 7), would be considered at the same time.**

**ALBYN HOSPITAL ABERDEEN - 211019**

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

That the application for detailed planning permission for the erection of a two storey extension with a plant room to the rear, erection of entrance extension with ramp to the front and side, alterations to the car parking and landscaping and other associated works at Albyn Hospital, Aberdeen, be approved subject to the following conditions:-

**Conditions****(1) TREE PROTECTION**

No development (including demolition or site setup) shall take place unless an updated tree protection plan and method statement has been submitted to and approved in writing by the planning authority. The plan and method statement shall take account of the addendum to arboricultural assessment dated December 2021. Thereafter the protection measures shall be implemented and remain in place for the duration of construction of the development.

Reason – to protect trees from damage during construction. in accordance with Policy NE5 (Trees and Woodlands).

**(2) TREE PLANTING**

The theatre extension hereby approved shall not be brought into use unless a scheme of compensatory tree planting has been submitted to and approved in writing by the planning authority. The scheme shall include trees at the southern boundary of the site shared with 1 Albyn Grove for the purposes of softening the interface between the two uses.

Thereafter all planting 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.

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**(3) EXTERNAL FINISHING MATERIALS**

No development shall take place unless a scheme detailing all external finishing materials of the proposed extension and entrance area has been submitted to and approved in writing by the planning authority. The scheme shall include detailed specifications of all materials to be used on the external areas of the building. Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure an appropriately high quality of detailing commensurate with the setting of the proposal.

**(4) DRAINAGE**

The theatre extension hereby approved shall not be brought into use unless the surface water drainage proposals shown on Cameron + Ross drawing A210085-XX-CAM-DR-C-001 (Rev.2) have been installed and are available for use.

Reason – to ensure that surface water is satisfactorily dealt with.

**(5) CYCLE PARKING**

The theatre extension hereby approved shall not be brought into use unless a scheme for cycle parking has been submitted to and approved in writing by the planning authority. The scheme shall include details of long-stay secure and covered cycle parking. Thereafter the development shall not be occupied unless the approved scheme has been implanted and is available for use.

Reason – to encourage cycling.

**(6) NOISE**

The theatre extension hereby approved shall not be brought into use unless –

- Details demonstrating that the noise from the intake duct of supply fan SF/1.02 does not exceed 48 dBA at 1m from the louvre;
- Details demonstrating that noise from the plantroom will not exceed 21 dBA outside the nearest dwelling on Albyn Grove with all mechanical plant units within operated at maximum duty. The details shall include location, dimensions and design of the louvres.

Have been submitted to and approved in writing by the planning authority. Thereafter the development shall not be occupied unless the development has been implemented in accordance with the approved details and any mitigation measures have been implemented or are in operation.

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Reason – to protect surrounding residential properties from noise disturbance.

### (7) TRAVEL PLAN

The theatre extension hereby approved shall not be brought into use unless a travel plan has been submitted to and approved in writing by the planning authority. The plan shall outline sustainable measures to deter the use of the private car, in particular single occupant trips and provide detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

Reason – to encourage more sustainable forms of travel to the development.

### (8) OBSCURE WINDOW

The theatre extension hereby approved shall not be brought into use unless any windows within the door on the south elevation of the extension have been fitted with obscure glass (minimum obscuration level 3). The obscure glass shall thereafter remain in place as long as the door exists.

Reason – to protect the occupiers of 1 Albyn Grove from overlooking.

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

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

to refuse the application unanimously for the following reasons:-

1. That the proposal would constitute overdevelopment of the site by virtue of the adverse impact of the proposal, in particular the 2 storey element on the residential amenity of residential properties at 1 and 3 Albyn Grove; and
2. That the proposal would be contrary to Policy D4 – Historic Environment of the adopted Local Development Plan 2017, particularly in respect of the 2 storey element of the proposed extension, and would have an adverse impact on the character of the conservation area due to its visual prominence in views from Albyn Grove and Albyn Lane.

## **ALBYN HOSPITAL ABERDEEN - 211020**

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

That the application for listing building consent for the erection of a two storey extension with a plant room to the rear, erection of entrance extension with a ramp to the front and side, alterations to car parking and landscaping and other associated works at Albyn Hospital, Aberdeen, be approved subject to the following conditions:-

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### Conditions

#### (1) EXTERNAL FINISHING MATERIALS

No development shall take place unless a scheme detailing all external finishing materials of the proposed extension and entrance area has been submitted to and approved in writing by the planning authority. The scheme shall include detailed specifications of all materials to be used on the external areas of the building. Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure an appropriately high quality of detailing commensurate with the setting of the proposal.

The Committee heard from Matthew Easton who spoke in furtherance of the application and answered questions from members.

### The Committee resolved:-

to refuse the application unanimously for the following reasons:-

That the proposal would be contrary to Policy D4 – Historic Environment of the adopted Aberdeen Local Development Plan 2017 in that it would have an adverse impact on the character of the category C listed buildings at 21 and 24 Albyn Place and category B listed buildings at 22 and 23 Albyn Place.

### **SITE AT QUATTRO HOUSE, WELLINGTON CIRCLE ABERDEEN - 210973**

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

That the application for planning permission in principle for a residential development of 79 units, comprising the conversion of an existing office building and the erection of a new build and associated infrastructure at the site at Quattro House, Wellington Circle Aberdeen, be approved subject to the following conditions:-

### Conditions

#### **(1) DESIGN AND LAYOUT OF ACCESSES, PATHS AND BUILDINGS**

No development within any particular phase or block shall take place unless a matters specified in conditions application, including the detailed layout and design of access points, roads, parking areas, buildings and other structures for that particular phase or block, has been submitted to and approved in writing by the planning authority.

The proposed development shall be in accordance with the overarching layout, siting, design, height and massing principles of roads, paths and buildings established by this grant of planning permission in principle and the matters specified in conditions applications shall comprise:

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- a) details of existing and proposed site levels (including cross sections);
- b) details of the mix of residential unit numbers, type, size and tenure;
- c) details of layout, design and external appearance of –
  - (i) vehicular and pedestrian access points (including connections to Wellington Road);
  - (ii) all buildings and ancillary structures;
  - (iii) vehicular and motorcycle parking;
  - (iv) short and long-term secure cycle parking;
  - (v) storage and collection arrangements for waste and recyclables;
  - (vi) boundary enclosures around and within the site, including details of any new openings in existing stone boundary walling; and
  - (vii) external lighting
- d) details of the elements of the existing building to be retained and incorporated into the alteration and extension of Block A.

Thereafter the development shall not be implemented other than in full accordance with the approved details.

Reason – to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

### **(2) LANDSCAPING**

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme of hard and soft landscaping covering all areas of public and private open/green space for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

1. Those areas reserved as private space and those areas that will be freely accessible for all residents and the general public;
2. Existing and proposed finished ground levels;
3. Existing landscape features, trees, woodland and vegetation to be retained or removed, following an up to date tree survey that takes account of bat roost potential and a scheme for the protection of all trees to be retained within and immediately adjacent to the site;
4. Existing and proposed services and utilities including cables and pipelines;
5. Proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting.
6. Location, design and materials of walls, fences, gates, play equipment and street furniture;
7. Arrangements for the management and maintenance of existing and proposed open space, and landscaped areas; and
8. Proposed hard surface finishing materials.

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 each respective phase of the development or such other date as may be agreed in writing with the Planning Authority.

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Any planting which, within a period of 5 years from the completion of each phase 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 – in order to integrate the development into the surrounding landscape, increasing the biodiversity and recreational value of the site and creating a suitable living environment for future residents.

### **(3) NOISE IMPACT ASSESSMENT MITIGATION**

No unit shall be occupied unless a matters specified in conditions application has been submitted to and approved in writing by the planning authority, which shall include details of compliance with all of the following mitigation measures (as recommended in the Noise Impact Assessment - Vibrock – Ref: R21.11148/4/IK - 22 November 2021):

- a) Erection of acoustic barriers 3.0 metres high along the northern boundary of the site and a 1.8 metres high around the rest of the site boundaries as detailed within section 9.1.2 and figure 5 of the Noise Impact Assessment;
- b) bedrooms are positioned on aspects with no view of the Royal Mail Depot;
- c) the gable end aspects of Block A facing the industrial commercial noise sources are designed to accommodate circulation spaces, including, but not limited to, hallways and stairwells;
- d) installation of the recommended minimum sound insulation requirements discussed in section 9.2.9 and presented in Table 5 of the Noise Impact Assessment, for the worst-case aspects including requirements to achieve night-time 45 dB L<sub>Amax</sub> in Block B – Habitable rooms facing Wellington Circle;
- e) an appropriate form of glazing and ventilation is incorporated into the scheme's final design (with provision of associated specifications for the entire scheme to meet the criteria adopted to the satisfaction of the planning authority);

And thereafter no unit shall be occupied until the details approved in the said approved matters specified in conditions application have been fully implemented in accordance with the details so approved.

Reason: In order to ensure that a satisfactory residential environment can be created for the occupants of the proposed development.

### **(4) CONTAMINATED LAND – SITE INVESTIGATION**

No development shall take place unless a matters specified in conditions application including a scheme to address any significant risks from contamination on the site has been submitted to and approved in writing by the planning authority.

The scheme shall follow the procedures outlined in “Planning Advice Note 33 Development of Contaminated Land” and shall be conducted by a suitably qualified person in accordance with best practice as detailed in “BS10175 Investigation of Potentially Contaminated Sites - Code of Practice” and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination



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2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

Reason: to ensure that the site is suitable for use and fit for human occupation.

### **(5) CONTAMINATED LAND - REMEDIATION**

No building(s) on the development site shall be occupied unless a matters specified in conditions application including:

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

Has been submitted to and approved in writing by the planning authority.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason: to ensure that the site is suitable for use and fit for human occupation.

### **(6) DUST MANAGEMENT PLAN**

No development (including site stripping, service provision or establishment of site compounds) within any part of the site shall take place unless a matters specified in conditions application comprising a Dust Management Plan has been submitted to and approved in writing by the planning authority. The Dust Management Plan shall include the following;

1. An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant carried out in line with the IAQM 2014 Guidance entitled 'Guidance on the Assessment of Dust from Demolition and Construction' (or equivalent as demonstrated) to predict the likely dust levels and impact on air quality including a determination of its significance; and
2. A plan for dust management produced in line with the aforementioned guidance and based on the outcome of the Dust Risk Assessment, detailing the necessary dust control measures to be implemented.

Reason – to control air pollution from dust associated with the construction of the development and to protect the amenity of neighbouring land uses.

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**(7) SITE WASTE MANAGEMENT**

No development shall take place unless a matters specified in conditions application including a Site Waste Management Plan, detailing how construction-phase waste would be minimised and disposed of, has been submitted to and approved in writing by the planning authority.

Reason – in order to minimise waste at source on the construction site, in accordance with Scottish Planning Policy (paragraph 218).

**(8) SURFACE WATER DRAINAGE**

No development within any particular phase or block shall take place unless a matters specified in conditions application including a detailed scheme for surface water drainage for that particular phase or block has been submitted to and approved in writing by the planning authority.

Reason – in order to ensure adequate protection of the water environment from surface water run-off and to ensure that the site can be adequately drained without increasing flood risk.

**(9) ELECTRIC VEHICLE CHARGING POINTS**

No unit shall be occupied unless a matters specified in conditions application including:

- (i) details of the type and location of electric vehicle charging points and bays;
- (ii) markings and signage to identify the bays; and
- (iii) a phasing plan for their provision, have been submitted to and approved in writing by the planning authority.

Thereafter the charging points and bays shall be provided in accordance with the agreed phasing plan prior to the occupation.

Reason – to provide for and encourage the use of electric vehicles.

**(10) RESIDENTIAL TRAVEL PACK**

No unit shall be occupied unless a matters specified in conditions application including a residential travel pack for that phase or block has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

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

### **(11) WATER EFFICIENCY STATEMENT**

No development within any particular phase or block shall take place unless a matters specified in conditions application including a water efficiency statement for that particular phase or block has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings or BREEAM level 5 for non-domestic buildings. Thereafter the approved measures shall be implemented in the construction of the development.

Reason – in order to help minimise water abstraction from the River Dee.

### **(12) LOW AND ZERO CARBON BUILDINGS**

No development within Block B shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the building has been submitted to and approved in writing by the planning authority. Thereafter, the building shall not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

### **(13) WASTE-WATER CONNECTIONS**

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme for the connection of buildings to the public waste water system for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public waste-water system are in place. Thereafter no building shall be occupied unless connection has been made to the public waste-water network in accordance with the approved details.

Reason – in order to ensure that sewage is satisfactorily treated and disposed of.

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

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

to refuse the application unanimously for the following reasons:-

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1. The proposal is contrary to Policy B1 (Business and Industrial land) of the adopted Aberdeen Local Development Plan which states that land zoned for business and industrial uses shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types such as the residential development proposed;
  2. The proposal is contrary to Policy D1 – Quality Placemaking of the Aberdeen Local Development Plan and constitutes an unsuitable location for residential development in terms of the amenity of future residents due to its location between a busy main road and adjoining commercial properties that operate at all hours of the day and are heavily used by HGV vehicles, and the high levels of light pollution caused by nearby floodlights – all of which would create an environment that would be detrimental to residential amenity; and
  3. The development would not be accessible by a safe route to school due to young school children having to cross several busy junctions on the way to the adjoining primary school.
- **Councillor Marie Boulton, Convener**