

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 8 November 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor McRae, Convener; and Councillors Boulton, Clark, Cooke, Copland, Farquhar, Greig (as substitute for Councillor Bouse, the Vice Convener), Lawrence, Macdonald, Radley and Thomson.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

FORMER CULTS RAILWAY STATION - 230772

1. With reference to article 7 of the minute of the Planning Development Management Committee of 2 November 2023, 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 change of use from class 4 (business) to class 1A (shops and financial professional and other services) and class 3 (food and drink) with covered outdoor seating area including demolition of existing lean to extension and erection of single storey extension; alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated car parking and other associated works, at the former Cults Railway Station, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

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

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

(02) NOISE IMPACT ASSESSMENT COMPLIANCE

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

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

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

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

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

(03) HOURS OF OPERATION

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

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

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

(04) LITTER MANAGEMENT

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

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

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

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

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

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(06) OUTDOOR SEATING AREA AS PER APPROVED PLAN

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

Reason: In the interests of residential amenity.

(07) PEDESTRIAN/ VEHICLE ACCESS UPGRADES

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

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

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

(08) STAFF TRAVEL PLAN

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

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

(09) LANDSCAPING AS PER APPROVED PLANS

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

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

In addition, the use shall not take place unless the management and maintenance of the landscaping as shown on approved drawing Ref: 1014 Rev B is undertaken. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

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

(10) RESTRICTION OF USE CLASSES

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

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

(11) MATERIALS

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: in the interests of visual amenity.

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

The Convener moved, seconded by Councillor Greig:-

That the application be approved conditionally with amendments to conditions 7 and 11 to read:-

07) PEDESTRIAN/ VEHICLE ACCESS UPGRADES

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That the use hereby approved shall not occur unless works for the upgrading of the pedestrian and vehicular access to the site along Station Road as detailed on approved drawing Richard Dingwall Architects 1013 Rev A and 146779/sk1004 Rev A (as contained within the approved Roads Technical Note dated 28th September 2023 on our website) or such other drawings as may subsequently be submitted to and agreed in writing by the Planning Authority, have been implemented in full and in accordance with the agreed scheme. For avoidance of doubt this should include the following:

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

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

(11) MATERIALS

That no development shall take place unless a scheme detailing all external finishing materials to the roof, walls and external areas, including the paving area adjacent to the Deeside Way of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: in the interests of visual amenity.

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

That the application be refused for the following reasons:-

1. That the proposal would be contrary to Policy T2 Sustainable Transport of the Aberdeen Local Development Plan (ALDP) and would create an additional road safety hazard by virtue of the additional pedestrian movements and traffic movements generated along Station Road and the lack of a safe off road footway to the proposed café/bike shop and to the former Deeside line due the requirement for pedestrians to walk on the road carriageway and across the proposed parking area; and
2. The proposal would be contrary to Policy H1 and T2 of the ALDP and would have an adverse impact on residential amenity by virtue of the additional noise and disturbance to adjoining residents caused by patrons using the property during opening hours and additional traffic movements to the premises along Station Road.

On a division, there voted – for the motion (8) – the Convener; and Councillors Cooke, Copland, Clark, Farquhar, Greig, Macdonald and Radley – for the amendment (3) – Councillors Boulton, Lawrence and Thomson.

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The Committee resolved:-

to adopt the motion and therefore approve the application conditionally.

FORMER CULTS RAILWAY STATION RETENTION OF TAKEAWAY (12 MONTHS) - 230922

2. With reference to article 8 of the minute of the Planning Development Management Committee of 2 November 2023, 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 retention of a takeaway food kiosk and outdoor seating area with decking including change of use (temporary for 12 months), at the former Cults Railway Station, be approved subject to the following conditions:-

Conditions**(01) TEMPORARY PERMISSION**

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

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

(02) SITE CLEARANCE

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

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

(03) COOKING ACTIVITIES – RESTRICTION

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That no cooking or frying operations (including but not limited to: deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling, or broiling) shall be carried out on the premises.

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

(04) LITTER MANAGEMENT PLAN – COMPLIANCE

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

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

(05) HOURS OF OPERATION

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

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

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

The Convener moved, seconded by Councillor Greig:-

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

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

That the application be refused for the following reasons:-

3. That the proposal would be contrary to Policy T2 Sustainable Transport of the Aberdeen Local Development Plan (ALDP) and would create an additional road safety hazard by virtue of the additional pedestrian movements and traffic movements generated along Station Road and the lack of a safe off road footway to the proposed café/bike shop and to the former Deeside line due the requirement for pedestrians to walk on the road carriageway and across the proposed parking area; and
4. The proposal would be contrary to Policy H1 and T2 of the ALDP and would have an adverse impact on residential amenity by virtue of the additional noise and disturbance to adjoining residents caused by patrons using the property during

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opening hours and additional traffic movements to the premises along Station Road.

On a division, there voted – for the motion (8) – the Convener; and Councillors Cooke, Copland, Clark, Farquhar, Greig, Macdonald and Radley – for the amendment (3) – Councillors Boulton, Lawrence and Thomson.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally.

- **Councillor Ciaran McRae, Convener**