

## DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS)

28 MARCH 2013

### **34-36 ST PETER STREET - 120946**

1. With reference to Article 6 of the minute of meeting of the Development Management Sub Committee of 21 March 2013, wherein the Sub Committee agreed to visit the site, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Sub Committee express a willingness to approve the application in respect of planning permission for the demolition of existing buildings and the redevelopment of the site to construct a five storey student accommodation building comprising 125 studio units and associated communal areas and outdoor garden/amenity space, subject to the following conditions but to withhold issue of the consent document until such time as the applicant has entered into an appropriate agreement regarding the payment to the Council of developer contributions towards the extension and/or enhancement of core paths in the locality:-

- (1) 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;
- (2) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (SUDS) has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme;
- (3) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 950-P2-001-B of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval;
- (4) 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 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;
- (5) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority;
- (6) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm

Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]; (7) That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed. No building(s) on the development site shall be occupied unless (a) 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 (b) 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. 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 completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation; (8) That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; (9) That the premises hereby approved shall not be used other than for the approved purpose as accommodation for students in full-time education, with the exception of any arrangements submitted to and agreed in writing by the planning authority in relation to short-term occupancy outwith normal term-times; (10) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan statement, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets; (11) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities shown on drawing number 950-P2-030A has been implemented in full accordance with said drawing; and (12) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary 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 have been implemented in full.

The Sub Committee heard from planning and roads officials in relation to the application, following which members asked various questions of the officers in attendance.

The Convener moved, seconded by Councillor Lawrence:-

That the application be approved in accordance with the recommendation contained within the report.

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

That the application be refused on the grounds (1) that the proposed development, by reason of scale and massing, represented overdevelopment of the site; and (2) that there was insufficient car parking provision which would have an adverse impact on surrounding streets and residential amenity.

On a division, there voted:- for the motion (6) - the Convener; and Councillors Corall, Cormie, Lawrence, MacGregor and Thomson; for the amendment (6) - Councillors Boulton, Delaney, Finlayson, Grant, Jaffrey and Jean Morrison MBE.

There being an equality of votes, in terms of Standing Order 15(5), the Convener exercised his casting vote in favour of the motion.

**The Sub Committee resolved:-**

to adopt the motion.

**In terms of Standing Order 36(3), Councillor Boulton indicated that she wished the foregoing matter to be referred to Council for decision, and was supported by Councillors Delaney, Grant and Jaffrey.**