

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 28 November 2013. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Cameron (as substitute for Councillor MacGregor for items 1 to 6), Corall, Cormie, Crockett (as substitute for Councillor Grant for item 5 and as substitute for Councillor Boulton for item 6), Grant, Greig, Jaffrey, Lawrence, MacGregor (for items 7 to 16), Jean Morrison MBE, Samarai, Jennifer Stewart, Thomson and Townson.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2877&Ver=4>

### WELCOME

1. The Convener welcomed Aberdeen University Land Economy students to the meeting.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 29 OCTOBER, 2013

2. **The Committee resolved**:-  
to approve the minute.

### 363 UNION STREET / 50 LANGSTANE PLACE, ABERDEEN - 131087

3. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended**:-

That the Committee express a willingness to approve the application, subject to the conditions listed below, in respect of planning permission for the proposed part demolition of the existing vacant retail premises and the erection of a new 9-storey building as a hotel, including a rooftop restaurant and separate bar/ restaurant at 363 Union Street/ 50 Langstane Place, Aberdeen, but to withhold the issue of the consent document until such time as a developer's contribution has been secured towards work to the core paths/ public realm improvements in the area and the strategic transport fund:-

- (1) That no development shall take place unless a scheme, including submission of materials samples, 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 full details, including elevational and cross sectional drawings, shall be submitted to

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

show all works, including repair and cleaning works, to the remaining fabric of the listed building. These shall include where the new build joins the existing building, the ground floor frontage to Langstane Place and the replacement shop front on Union Street. Any revolving door shall be of such a height that its mechanism shall be hidden behind the fascia level. That all works, as so agreed must be implemented fully in accordance with such details. These shall be in accordance with the approved plans, or others subsequently approved and that none of the building shall be used unless the Union Street frontage is available for use as the main entrance to the building, unless otherwise agreed in writing with the planning authority. (3) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved have been provided. (4) That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car in accordance with the principles set out in the Transport Assessment (TA) by Cameron and Ross July 2013, or other TA as subsequently approved. (5) That none of the development shall be brought into use unless the footpath on Langstane Place has been reinstated in accordance with a scheme to be agreed in writing with the planning authority, unless otherwise agreed in writing with the planning authority. (6) That servicing shall take place only from Langstane Place, unless otherwise agreed in writing with the planning authority. (7) That no window replacement shall take place unless there has been submitted to, and approved in writing by, the planning authority a full survey of the windows showing that they are beyond repair. Any replacement frames shall match those existing and shall be implemented fully in accordance with details, including cross sections, submitted to and approved in writing by, the planning authority. (8) 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. (9) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority. (10) That no part of this development shall take place unless a detailed assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises has been submitted to, and approved in writing by, the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area shall be installed prior to commencement of the use hereby approved, unless the planning authority has given prior written approval for a variation. (11) That the existing Bruce Miller's clock shall be refurbished and replaced on the Union Street frontage of the premises in accordance with a scheme to be submitted to, and

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 November 2013

agreed in writing with the planning authority. The hotel shall not be brought into use unless the clock is in place, unless otherwise agreed in writing with the planning authority.

The Convener moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendation contained within the report, with the addition of the following condition – that the development shall not be occupied unless showers/lockers have been provided and made available to hotel staff who cycle to work; that condition (11) be amended to stop at “unless the clock is in place” and that the Green Travel Plan be amended to include the provision that the hotel park visitors’ cars for them.

Councillor Cormie moved as an amendment, seconded by the Vice-Convener:-

That the application be refused on the grounds of lack of parking associated with the application.

On a division there voted:- for the motion (11) – the Convener; and Councillors Boulton, Cameron, Corall, Grant, Jaffrey, Lawrence, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (4) – The Vice-Convener; and Councillors Cormie, Greig and Jennifer Stewart.

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

to adopt the motion.

### **ABERDEEN ART GALLERY, SCHOOLHILL - 131246**

4. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application, subject to the following conditions and referring the application to Historic Scotland for planning permission for the internal alterations (including insertion of new stairlifts and extending the War Memorial balcony), demolitions (including the existing gallery roofs, 1925 gallery extension and 1970’s office extension) and extension (including new rooftop gallery extension, roof terraces and education, gallery and support areas extension to the rear of the building) at the Aberdeen Art Gallery, Schoolhill, Aberdeen:-

(1) Prior to commencement of the following works, a finalised specification, including, where appropriate, larger scale elevation and section drawings, brochure details and samples, shall be submitted to and approved by the planning authority, in consultation with Historic Scotland. Full details of the repair and restoration works to the Art Gallery buildings (internal and external) including: details of protective measures for the interior and exterior fabric and features that are to remain in situ during the works; lime mortar specification for repointing of external walls, including a methodology for removal of existing pointing to avoid damage to stonework; mortar mix; protective measures for

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

carbonation stage; details of window and door repairs and repainting, including proposed colour; details of the internal wall, floor and ceiling treatment and finishing, including within the Cowdray Hall and War Memorial Court (inclusive of details of the new memorial panels and new hanging art work/light display); and proposed treatment for retained special architectural features, including decorative frieze on first floor (to include details of storage and repositioning). (2) Prior to commencement of the following works, a finalised specification, including, where appropriate, larger scale elevation and section drawings, brochure details and samples, shall be submitted to and approved by the planning authority, in consultation with Historic Scotland. Full details of any alteration/new works (internal and external) including: 1:20 scale section drawings and plans for the roof terrace and glazed balustrades; Details of any new signage, external lighting, and other new fixtures to be attached to the exterior walls of the building, to include non-ferrous fixings into masonry joints; Larger scale elevation and section drawings for new opening for staircase within north west corner of the Sculpture Court; External stone repair, including details of stone replacement, and samples. (3) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by Aberdeen City Council as planning authority. (4) That no development shall take place unless samples of all external finishing materials (including a coloured sample of the copper capping piece for the roof addition) of the development hereby approved has been submitted to, and approved in writing by Aberdeen City Council as planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

The Committee were also circulated with (1) a report by the Aberdeen City and Shire Design Review Panel in relation to the proposal; and (2) a letter from Historic Scotland regarding the application.

The Convener moved, seconded by Councillor Jean Morrison, MBE:-

That the application be approved, in accordance with the recommendations contained within the report and that an extra condition be added that the downtakings from the internal staircase be preserved so that it could be incorporated into a future project thus preserving it for the City.

Councillor Corall moved as an amendment, seconded by Councillor Cameron:-

That the application be refused on the basis of the form and massing of the application, the proposed demolition of the internal staircase and changes to the front entrance façade to the building.

The Vice-Convener moved as an additional amendment, seconded by Councillor Boulton:-

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 November 2013

That the application be deferred and instruct officers to enter into discussion with the architect regarding reducing the apparent massing of the new top floor extension as viewed from the public street.

There being a motion and two amendments, the Committee divided firstly between the two amendments. On a division, there voted:-

For the amendment by Councillor Corall (8) – Councillors Cameron, Corall, Cormie, Greig, Jaffrey, Samarai, Jennifer Stewart and Townson; for the amendment by the Vice-Convener (7) – The Convener; the Vice-Convener; and Councillors Boulton, Grant, Lawrence, Jean Morrison, MBE and Thomson.

On a division between the motion and the successful amendment by Councillor Corall, there voted:-

For the motion (4) – the Convener; and Councillors Grant, Lawrence and Jean Morrison, MBE; for the amendment by Councillor Corall (9) – Councillors Cameron, Corall, Cormie, Greig, Jaffrey, Samarai, Jennifer Stewart, Thomson and Townson; declined to vote (2) – the Vice Convener; and Councillor Boulton.

**The Committee resolved:-**  
to adopt the amendment.

**In terms of Standing Order 36(3) the following Councillors requested that the decision above be referred to the Council for final determination:- the Convener; the Vice-Convener; and Councillors Boulton, Grant, Lawrence and Jean Morrison, MBE.**

### **LAND AT WEST HUXTERSTONE, LANG STRACHT / KINGSWELLS - 130912**

5. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve, subject to the conditions listed below, in respect of planning permission for the erection of 97 residential properties and associated works at land at West Huxterstone, Lang Stracht/ Kingswells, Aberdeen but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure (1) on-site affordable housing provision; (2) strategic transport fund contributions; (3) developer contributions towards: - off-site affordable housing provision; the upgrading of local education facilities; the upgrading of local community and recreation facilities; the upgrading of the local core path network; and local healthcare facilities; and (4) provision of a footpath along the southern side of the Lang Stracht between the application site and Fairley Road, then returning down Fairley Road, and the provision of a pedestrian crossing on Fairley Road near the junction with the Lang Stracht.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

(1) That no more than 70 of the hereby approved residential units shall be completed until such time as an Roads Construction Consent compliant road link to Fairley Road has been provided, all to the satisfaction of Aberdeen City Council, as planning authority. (2) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation, such a programme shall be submitted in advance for the written approval of Aberdeen City Council as planning authority. (3) That no hereby approved development shall take place, unless there has been submitted to and approved in writing by Aberdeen City Council as planning authority, a detailed scheme of site and plot boundary enclosures. No individual dwellinghouse shall be occupied unless the approved plot boundary treatment has been implemented in its entirety. (4) That no individual dwellinghouse hereby approved shall be occupied unless the car parking areas relative to that house have been constructed, drained, laid-out and demarcated in accordance with drawing No. 96333/1001 rev P of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by Aberdeen City Council as planning authority. Such areas shall not thereafter be used for any other purpose other than the parking of cars ancillary to the development. (5) Development shall not commence until a bird hazard management plan has been submitted to and approved in writing by Aberdeen City Council as planning authority. The submitted plan shall include details of the developer's commitment to managing the risk of attracting birds to the site during excavation activities, measures put in place for the safe dispersal of birds, and thereafter the such approved measures shall be implemented in full. (6) That no hereby approved development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (with a 1 in 200 year event level) has been submitted to and approved in writing by Aberdeen City Council as planning authority and thereafter no individual house shall be occupied unless the drainage required for that house has been installed in complete accordance with such an approved scheme. (7) That no hereby approved development shall be carried out unless there has been submitted to and approved in writing by Aberdeen City Council as planning authority a further detailed scheme of landscaping for the site, including indications of all existing trees and landscaped areas 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 phased implementation, numbers, densities, locations, species, sizes and stage of maturity at planting. (8) That all planting, seeding and turfing comprised in the approved scheme of landscaping required by condition 7 shall be carried out in the first planting season following the completion of the 97<sup>th</sup> dwellinghouse and any trees or plants which, within a period of 5 years from such completion, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of an appropriate size and species, or in accordance with such other scheme as may be submitted to and approved in writing by Aberdeen City Council as planning authority. (9) That no hereby

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

approved dwellinghouse shall be occupied unless a 'scheme of tree protection during development' and a plan and report illustrating appropriate management proposals for the care and maintenance of all trees/hedgerows to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by Aberdeen City Council as planning authority. Such approved protection/management proposals shall be carried out, unless the planning authority has given prior written approval to any variation.

(10) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of Aberdeen City Council as planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" as soon as practicable.

(11) That 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 during development' required by condition 11 without the written consent of Aberdeen City Council as 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.

(12) That no dwelling hereby granted planning permission shall be occupied unless the 'Play Area' indicated on plan No.: HUX/POS Rev F is completed, laid out and equipped in accordance with a detailed scheme, including a programme of future maintenance, which has been submitted to and approved in writing by Aberdeen City Council as planning authority. The approved 'Play Area' shall not thereafter be used for any purpose other than as a Play Area.

(13) That no more than 70 of the hereby approved dwellinghouses shall be occupied unless the road and associated footways as shown on drawing 96333/1001 Rev P, connecting to the land to the west, have been constructed in full accordance with the hereby approved plans up to the legal boundary of the application site, unless Aberdeen City Council as planning authority has given written consent for any variation.

(14) That no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (final report dated 20/08/2013) have been implemented in their entirety.

(15) That at least 2 months prior to the commencement of any works, a site specific environmental management plan (EMP) must be submitted for the written approval of Aberdeen City Council as planning authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise and dust management.

(16) That lighting schemes required during construction phases or in association to the completed development shall be of a flat glass, full cut off design, mounted horizontally and shall ensure that there is no light spill above the horizontal.

(17) That no development pursuant to the planning permission hereby approved shall take place unless a scheme of street and footpath lighting has been submitted to, and approved in writing by Aberdeen City Council as planning authority. No development shall be carried out unless in full accordance with the scheme of

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

lighting approved in writing by the planning authority. (18) That none of the affordable housing units (plots 36-55) hereby granted planning permission shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by Aberdeen City Council as planning authority, and thereafter implemented in full accordance with said scheme.

The Committee were also circulated with a letter from Councillor Delaney, as one of the local members for the ward, expressing his concern regarding the application.

The Committee were also circulated with amended conditions as follows:-

(11) That 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 during development' required by condition 9 without the written consent of Aberdeen City Council as 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 - in order to ensure adequate protection for the trees on site during the construction of the development.

(12) That no more than 70 dwellings hereby granted planning permission shall be occupied unless the 'Play Area' indicated on plan No: HUX/POS Rev F is completed, laid out and equipped in accordance with a detailed scheme, including a programme of future maintenance, which has been submitted to and approved in writing by Aberdeen City Council as planning authority. The approved 'Play Area' shall not thereafter be used for any purpose other than as a Play Area.

(13) That no dwellinghouse hereby approved dwellinghouses shall be occupied unless the access road and associated footways along the Lang Stracht and Fairley Road, as shown on drawing 96333/1001 Rev P, have been constructed in full accordance with the hereby approved plans, unless Aberdeen City Council as planning authority has given written consent for any variation.

(15) That no development shall commence on site unless a site specific environmental management plan (EMP) must be submitted for the written approval of Aberdeen City Council as planning authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise and dust management.

**The Committee resolved:-**

- (i) to agree that the Section 75 Legal Agreement required affordable housing to be provided on a pro rata basis as part of the original 70 units built; and
- (ii) to otherwise approve the application with the amended conditions as detailed.



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

**LAND ADJACENT TO SCOTT HOUSE, SITE 38, HARENESS ROAD, ALTENS INDUSTRIAL, ABERDEEN - 131312**

6. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application, subject to the conditions listed below, in respect of planning permission for the erection of a 4 storey office building (Class 4 - Business) incorporating basement car parking and landscaping at the land adjacent to Scott House, Site 38, Hareness Road, Altens Industrial Estate, Aberdeen but to withhold the issue of the consent document until (1) the applicant has entered into a memorandum of agreement with the Council to secure the provision of:- (a) a new public car park on land between Wellington Road and Altens Farm Road; and (b) improvements to the section of core path 103 between Wellington Road and Tullos Hill and (2) the applicant has entered into a Section 75 legal agreement to:- (a) secure a financial contribution towards the strategic transport fund; and (b) secure a financial contribution towards planned improvements to Wellington Road.

(1) That no development shall take place unless a scheme of all drainage works (including calculations as necessary) designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority. Thereafter no part of the office building shall be occupied unless the drainage has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority. (2) That no development (other than site preparation and ground works) shall take place unless a scheme for all proposed external lighting has been submitted to and approved in writing by the planning authority. Thereafter no part of the office building shall be occupied unless the external lighting has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority. (3) That no development (other than site preparation and ground works) shall take place unless a scheme for the relocation of the stone rubble wall which currently is located along the south east boundary of the site has been submitted to and approved in writing by the planning authority. Thereafter no part of the office building shall be occupied unless the wall has been rebuilt in accordance with the said scheme, unless a written variation has been granted by the planning authority. (4) That no development (other than site preparation and ground works) shall take place unless a scheme of 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. Thereafter the development shall be carried out in accordance with the details so agreed. (5) That no development shall take place unless a site specific construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address the following issues (a) surface water management, (b) site waste management, (c) watercourse engineering, and (d) borrow pits. Thereafter all works on site must be

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the planning authority. (6) That no part of the office building shall be occupied unless there has been submitted to and approved in writing a detailed occupier specific green travel plan which (a) shall be in general accordance with the travel plan framework included within Transport Assessment 100924/ED/T/R01 dated September 2013 and produced by Fairhurst and (b) must outline 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. (7) That no development (other than site preparation and ground works) shall take place unless a further detailed scheme for the landscaping for the site (which shall include (a) 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, (b) tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting and (c) the proposed materials to be used to surface areas of hard landscaping) has been submitted to and approved in writing by the planning authority. (8) 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 5 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. (9) That no part of the office building shall be occupied unless the mitigation works to the A956 Wellington Road / Hareness Road junction have been completed in accordance with the proposals shown on Fairhurst drawing 100924/003C, or such other drawings as may subsequently be approved in writing the planning authority. (10) That no part of the office building shall be occupied unless the proposed public car park on the Council owned land at Altens Farm Road has been completed in accordance with the details shown on Hirst Landscape Architects drawing 1283 03C, or such other drawings as may subsequently be approved in writing the planning authority. (11) That no part of the office building shall be occupied unless the proposed improvements to Core Path 103 (Wellington Road to Balnagask) have been completed in accordance with the details shown either on (a) Hirst Landscape Architects drawing 1283 02B; or as the case may be (b) Hirst Landscape Architects drawing 1283 06A, or such other drawings as may subsequently be approved in writing the planning authority. (12) That no part of the office building shall be occupied unless the vehicle and motorcycle parking approved under planning application P131497 has been constructed, drained, laid-out and demarcated in accordance with Michael Laird Architects drawing ADH1.AR(PL)003\_B, or such other drawings as may subsequently be approved in writing the planning authority. Thereafter such areas shall not be used for any purpose other than the parking of vehicles, cycles and motorcycles ancillary to the approved office development. (13) That no part of the office building shall

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

be occupied unless the surface and basement vehicle, cycle and motorcycle parking has been constructed, drained, laid-out and demarcated in accordance with Michael Laird Architects drawings ADH.AR(PL)003\_C and ADH.AR.(PL)004\_B or such other drawing approved in writing by the planning authority. Thereafter such areas shall not be used for any purpose other than the parking of vehicles, bicycles and motorcycles ancillary to the approved office development.

**The Committee resolved:-**

to approve the recommendations contained in the report.

**50-52 COLLEGE BOUNDS, OLD ABERDEEN - 130907**

7. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission for the erection of a proposed entrance light at 50-52 College Bounds, Aberdeen, subject to the following condition:-

That details of the type of fixing of lamp should be provided prior to the start of works. The fitting and means of fixing should be non-ferrous to prevent damage and staining and should use existing fixing holes or joints.

**The Committee resolved:-**

to approve the recommendation contained within the report.

**5 CASTLE STREET, ABERDEEN - 131365**

8. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission in respect of the part change of use of pavement to form a pavement cafe for 5 tables and 10 chairs at 5 Castle Street, Aberdeen.

**The Committee resolved:-**

to approve the application with an informative to be added to the decision notice explaining that separate consent for the proposal is required from the Street Occupation Team.

**FORMER WATERWORKS, STANDING STONES, DYCE, ABERDEEN - 130119**

9. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

That the Committee (partly in retrospect) approve the application for planning permission for the proposed change of use to establish 2 private permanent gypsy/traveller pitches (with provision for 6 caravans) and associated ancillary units, surfacing, fencing, landscaping and site servicing at the former waterworks, Standing Stones, Dyce, Aberdeen, subject to the following conditions:-

(1) That within three months of the date of this approval, a scheme of all surface water drainage works designed to meet the requirements of Sustainable Urban Drainage Systems shall be submitted to and approved in writing by Aberdeen City Council as planning authority. Within three months of such approval the said scheme shall have been implemented and become operational. Failure to have met these requirements shall invalidate the occupancy of the site for residential purposes and any such use should cease forthwith. (2) That within three months of the date of this approval, a further detailed scheme of site and plot boundary enclosures and a programme of future maintenance, including retention of the existing granite boundary walls, shall be submitted to and approved in writing by Aberdeen City Council as planning authority. Within three months of such approval the said scheme shall have been fully implemented. Failure to have met this requirement shall invalidate the occupancy of the site for residential purposes and any such use should cease forthwith. (3) That within three months of the date of this approval, a scheme for the provision of foul sewerage and wholesome water facilities, shall be submitted to and approved in writing by Aberdeen City Council as planning authority. Within three months of such approval the said scheme shall have been fully implemented. Failure to have met this requirement shall invalidate the occupancy of the site for residential purposes and any such use should cease forthwith. (4) That within three months of the date of this approval, a further detailed scheme of landscaping for the site, which shall include indications of all existing trees and landscaped areas on the site, and details of any to be retained, together with measures for their protection in the course of development, and all proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, shall be submitted to and approved in writing by Aberdeen City Council as planning authority. Such approved scheme shall be fully implemented during the first available planting season following the completion of the development and any trees or plants which within a period of 5 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.

The Convener moved, seconded by Councillor Grant:-

That the recommendation contained in the report be approved.

Councillor MacGregor moved as an amendment, seconded by Councillor Cormie:-

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

That the application be refused due to (a) the site not being suitable as there is inadequate drainage on site which could lead to flooding; and (b) the lack of facilities in the area.

On a division, there voted:- For the motion (7) – the Convener; and Councillors Corall, Grant, Jaffrey, Lawrence, Jean Morrison, MBE and Townson. For the amendment (8) – the Vice-Convener; and Councillors Boulton, Cormie, Greig, MacGregor, Samarai, Jennifer Stewart and Thomson.

**The Committee resolved:-**

to adopt the amendment.

**FORMER POLICE STATION, MIDSTOCKET ROAD, ABERDEEN - 131363**

**10.** The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission for the proposed change of use to residential accommodation of the Former Police Station, Midstocket Road, Aberdeen, subject to the following conditions:-

(1) That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the planning authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full. (2) That no development shall take place unless a scheme detailing all external finishing materials to the roof terrace 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. (3) That no development shall commence until full details of the replacement window(s) hereby approved (including detailed cross section(s) has been submitted to and approved by the planning authority. The visible part of the outer frame of the front windows hereby approved shall not exceed 25mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation. Thereafter, the windows shall be implemented in accordance with the approved plans.

The Convener moved, seconded by Councillor Corall:-

That the recommendations contained in the report be approved.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

Councillor Cormie moved as an amendment, seconded by Councillor Jennifer Stewart:-  
That the application be refused due to the potential impact the roof garden will have on the amenity of other residents in the area, ie, noise pollution, lack of privacy etc.

On a division, there voted:- For the motion (10) – The Convener; the Vice-Convener; and Councillors Boulton, Corall, Grant, Lawrence, MacGregor, Jean Morrison, MBE, Thomson and Townson. For the amendment (5) – Councillors Cormie, Greig, Jaffrey, Samarai and Jennifer Stewart.

**The Committee resolved:-**  
to adopt the motion.

**ZONE H (SITE BETWEEN) COUNTESSWELLS ROAD / HAZLEDENE ROAD, ABERDEEN - 130820**

11. With reference to Article 9 of the Minute of Meeting of the Development Management Sub Committee of 23 August, 2012, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve, subject to the conditions listed below, in respect of planning permission for the application relating to means of access, siting, design and external appearance of buildings and landscaping for Zone H only; 48 dwellings (Condition 23); and measures for the control of surface water run-off during construction across the whole Hazledene site at Zone H:-

- (1) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied. (2) That 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.

The Convener moved, seconded by Councillor Grant:-  
That the recommendations in the report be approved.

Councillor Greig, moved as an amendment, seconded by Councillor Jennifer Stewart:-  
That the application be refused due to water management concerns, ie flooding and drainage issues, the impact the development will have on the local road network, road safety concerns and the impact the development will have on the amenity of other residents in the area.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

On a division, there voted:- For the motion (12) – The Convener; the Vice-Convener; and Councillors Boulton, Cormie, Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (3) – Councillors Corall, Greig and Jennifer Stewart.

**The Committee resolved:-**

to adopt the motion.

**ZONE B AND C (SITE BETWEEN) COUNTESSWELLS ROAD / HAZLEDENE ROAD, ABERDEEN - 131044**

12. With reference to Article 9 of the Minute of Meeting of the Development Management Sub Committee of 23 August, 2012, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission for matters specified in Condition 23 (Means of access, siting, design and external appearance of buildings and landscaping) relating to A8/0530 planning permission in principle at Zone B and C (site between) Countesswells Road/ Hazledene Road, Aberdeen, subject to the following conditions:-

- (1) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied. (2) That 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.

The Convener moved, seconded by Councillor Boulton:-

That the recommendations contained in the report be approved.

Councillor Greig moved as an amendment, seconded by Councillor Jennifer Stewart:-

That the application be refused on the grounds of the impact on the local road network, the visual impact on the local area and the impact the development would have on the amenity of other residents in the area.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

On a division, there voted:- For the motion (12) – The Convener; the Vice-Convener; and Councillors Boulton, Cormie, Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (3) – Councillors Corall, Greig and Jennifer Stewart.

**The Committee resolved:-**

to adopt the motion.

**ZONE A (SITE BETWEEN) COUNTESSWELLS ROAD / HAZLEDENE ROAD, ABERDEEN - 130994**

**13.** With reference to Article 9 of the Minute of Meeting of the Development Management Sub Committee of 23 August, 2012, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission for the residential development of 50 dwellings with associated roads and landscaping addressing condition 23 of the planning approval (A8/0530) at Zone A (site between) Countesswells Road / Hazledene Road, Aberdeen, subject to the following conditions:-

- (1) That no development within Zone A shall take place unless there has been submitted to, and approved in writing by, the planning authority a scheme for the supervision of the arboricultural protection measures and works to include the time and method of site supervision, record keeping including updates and that this supervision is administered by a qualified arboriculturalist approved by the planning authority but instructed by the applicant. The proposals and scheme of supervision shall subsequently be carried out in complete accordance any information thereby approved in writing by the planning authority. (2) That no development shall be undertaken within Zone A until a finalised scheme of works necessary to bring Hazledene Road up to adoptable standard has been submitted to, and approved in writing by, the planning authority. Any such scheme shall include such revised arboricultural assessment as the planning authority may deem necessary based on the degree of change from the indicative plans provided in support of this application. (3) That no building within Zone A shall be occupied until works for the upgrading of Hazledene Road have been implemented in full, in accordance with a scheme approved in connection with condition (2), above.

The Convener moved, seconded by Councillor Boulton:-

That the recommendations contained in the report be approved.



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

Councillor Greig moved as an amendment, seconded by Councillor Jennifer Stewart:-

That the application be refused due to the loss of mature trees, the impact on the local road network, road safety concerns and the impact the development will have on the amenity of other residents in the area.

On a division, there voted:- For the motion (11) – The Convener; the Vice-Convener; and Councillors Boulton, Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (4) – Councillors Corall, Cormie, Greig and Jennifer Stewart.

**The Committee resolved:-**

to adopt the motion.

**PINEWOOD, ZONE D, E, F AND G, COUNTESSWELLS ROAD, HAZLEHEAD, ABERDEEN - 131055**

**14.** With reference to Article 9 of the Minute of Meeting of the Development Management Sub Committee of 23 August, 2012, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission for matters specified in condition 12 (siting, design and external appearance of buildings and landscaping) relating to A7/2178 planning permission in principle at Pinewood, Zone D, E, F and G, Countesswells Road, Hazlehead, Aberdeen, subject to the following conditions:-

(1) That 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. (2) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied.

The Convener moved, seconded by the Vice-Convener:-

That the recommendations contained in the report be approved.

Councillor Greig moved as an amendment, seconded by Councillor Jennifer Stewart:-

That the application be refused on the grounds of the impact the development will have on the local road network, road safety concerns, inadequate buffering and the impact the development will have on the amenity of other residents in the area.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

On a division, there voted:- For the motion (12) – The Convener; the Vice-Convener; and Councillors Boulton, Cormie, Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (3) – Councillors Corall, Greig and Jennifer Stewart.

**The Committee resolved:-**  
to adopt the motion.

**34-36 SOUTH ESPLANADE WEST, TORRY, ABERDEEN - 131118**

**15.** The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission in respect the demolition of the existing building and the erection of a 4 storey office development with associated access and car parking at 34-36 South Esplanade West, Torry, Aberdeen, subject to the following conditions:-

- (1) 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: an investigation to determine the nature and extent of contamination, a site-specific risk assessment, 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 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 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 that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.
- (2) That, except as the planning authority may

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

otherwise agree in writing, no construction or demolition work shall take place: outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; outwith the hours of 9.00 am to 4.00 pm Saturdays; or 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]. (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. PL(20)012 Rev C 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 the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No B9308 - 101 or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan. (5) That none of the units hereby granted planning permission shall be occupied unless the cycle storage and motorcycle parking facilities as shown on drawing no. PL(20)012 Rev C have been provided. (6) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan, 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. (7) That no other development in connection with the permission hereby approved shall take place and the access hereby approved shall not be brought into use unless visibility of 60 metres in both directions along the public road has been provided from a point 2.4 metres measured at right angles from the existing carriageway surface along the centre line of the approved access. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted between 0.26m and 1.05m above carriageway level within the visibility splays so formed. (8) 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. (9) That no part of the development hereby approved shall be occupied unless the site and plot boundary enclosures for the entire development hereby granted planning permission have been implemented in their entirety.

The Committee were also circulated with (1) the following additional condition;

“That the development hereby granted planning permission shall not be occupied unless the southwest elevation of the adjacent property, 33 South Esplanade West that will be exposed by development work has been remediated in full accordance with a scheme that has been approved in writing by the planning authority, unless the

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 November 2013

planning authority gives written notification that no remediation is required”; and (2) suggested amended wording for condition 5 (as detailed above), as follows; “That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision and showering facilities has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.”

The Committee noted that if the application was approved, that delegated authority could be given to the Head of Planning and Sustainable Development to enter into discussions with the applicant and the Planning Gain Team to secure developer’s contributions.

The Convener moved, seconded by Councillor Grant:-

That the recommendation contained in the report, along with the additional condition and the amended condition 5 be approved.

Councillor Corall moved as an amendment, seconded by Councillor Cormie:-

That the application be refused due to the massing and scale of the development.

On a division, there voted:- For the motion (8) – The Convener; and Councillors Boulton, Grant, Lawrence, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (7) – The Vice-Convener; and Councillors Corall, Cormie, Greig, Jaffrey, MacGregor and Jennifer Stewart.

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

- (i) to adopt the motion; and
- (ii) to agree to delegate authority to the Head of Planning and Sustainable Development to enter into discussions with the applicant and the Planning Gain Team to secure developer’s contributions.

### **DEVANHA GARDENS NURSING HOME, 9 POLMUIR ROAD, FERRYHILL, ABERDEEN - 130597**

**16.** The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application, subject to the conditions listed below in respect of planning permission for the conversion and extension of the existing nursing home into 11 flats, including demolition of previous modern extensions and the formation of parking areas, at the former Devanha Gardens Nursing Home, 9 Polmuir Road, Ferryhill, Aberdeen:-

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

(1) 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 drawings No. L(20)010D and L(20)011D 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. (2) That the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 901 and the submitted Drainage Impact Assessment (dated 4<sup>th</sup> November 2013) or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan. (3) 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. (4) 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 5 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. (5) That no development shall take place unless until details of the zinc cladding proposed for the entrance to 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. (6) 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 - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'. (7) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. L(20)010D have been provided. (8) That the window(s) and dormer(s) hereby approved shall be constructed in full accordance with the detailed cross section(s) submitted and approved (as detailed in drawing nos. A(21)03 and A(21)01A with the application and that the visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in width at the top and

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2013

sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation. (9) That the use hereby granted planning permission shall not take place unless the refuse provision as highlighted in drawing no. L(20)011D has been provided. (10) That the use hereby granted planning permission shall not take place until details have been provided to the planning authority with regards to the proposed lighting for the underground parking facility.

**The Committee resolved:-**

to approve the recommendations contained the report.

- **RAMSAY MILNE, Convener**.