

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 18 February, 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Finlayson, Vice Convener; and Councillors Boulton (for article 1 only), Cooney, Corall, Copland (as substitute for Councillor Cormie), Dickson, Greig, Jaffrey, Lawrence, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Thomson

Also in attendance:- Councillor Hutchison (for article 1).

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=3806&Ver=4>

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

### LAND AT ST PETER STREET/KINGS CRESCENT – STUDENT ACCOMMODATION - 151811

1. With reference to Article 2 of the minute of meeting of the Planning Development Management Committee of 11 February 2016, wherein it had been agreed to visit the site, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission subject to conditions, but consent to be withheld until contributions towards the provision of a City Car Club vehicle, including leasing and costs associated with the progression of Traffic Regulation Orders as necessary, have been secured.

The conditions were as follows:-

- (1) No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from 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:

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

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

11 November 2015 2016

- (2) No building(s) on the development site shall be occupied unless:
- (i) 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
  - (ii) 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 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

- (3) 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 - in the interests of residential amenity.
- (4) The building hereby approved shall not be occupied unless a scheme detailing proposals for the storage and collection of refuse generated on the site, including recycling facilities has been submitted to and approved in writing by the planning authority – and the provisions of that scheme shall be implemented in full at all times when the building is in use.

Reason: to promote sustainable principles and safeguard public health and residential amenity.

- (5) No works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. All planting, seeding and turfing shall be carried out in accordance with the approved scheme during the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development are, in

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

11 November 2015 2016

the opinion of the planning authority, dying or have been severely 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.

Reason: to ensure the implementation of a satisfactory scheme of landscaping in the interests of the amenity of the site and the surrounding area

- (6) The development hereby approved shall not be occupied unless the proposed car parking areas have been constructed, drained, laid-out and demarcated, all in accordance with drawing nos. PL-03 and PL-04-revD of the plans hereby approved or other such drawing as may be subsequently submitted and approved in writing by the planning authority. Thereafter, parking areas at lower ground floor level shall not be used for the parking of vehicles relating to the student accommodation, with surface level parking only utilised for that purpose. None of the units hereby approved shall be occupied unless the cycle storage facilities shown on drawing number 950-P-029-C have been implemented and are available for use.

Reason: to ensure public safety and traffic management of the area concerned and to encourage use of sustainable forms of transport.

- (7) 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 within that scheme for the reduction of carbon emissions have been implemented in full - to ensure the building complies with the council's requirements regarding energy efficiency and carbon emissions.
- (8) No development in connection with the permission hereby approved shall take place unless the full details of the proposed means of disposal of foul and surface water from the development have been submitted to and approved in writing by the planning authority. Unless otherwise agreed in writing by the planning authority, surface water shall be disposed of via the use of a sustainable urban drainage system and the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter at all times in accordance with the approved scheme - to ensure the provision of an adequate drainage system in the interests of the amenity of the area.
- (9) No development in connection with the permission hereby approved shall take place unless details of all the materials to be used in the external finishes for the proposed development have been submitted to and approved in writing by the planning authority. The development shall be carried out in full accordance with the approved details - In the interests of the appearance of the development and safeguarding the visual amenity of the area.

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

11 November 2015 2016

- (10) No development in connection with the permission hereby approved shall take place unless a detailed methodology for down taking and reconstruction of the existing boundary wall, including details of the proposed railings and the re-siting of the existing march stone, has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in full accordance with the approved details - In the interests of safeguarding the visual amenity of the area and preserving the character of the conservation area.
  
- (11) No development, including down takings, in connection with the permission hereby approved shall take place unless a detailed photographic record of the existing boundary wall has been submitted to and approved in writing by the planning authority - in the interests of recording the wall in its current condition and informing future assessment of proposals within the Conservation Area.
  
- (12) The development hereby approved shall not be occupied unless provision has been made for the upgrading of the footway at the development frontage on St Peter Street and King's Crescent, in accordance with a scheme which has first been submitted to and approved in writing by the planning authority prior to the commencement of works- in the interests of safe pedestrian accessibility.
  
- (13) That no development shall be undertaken pursuant to this grant of planning permission unless a scheme detailing the provision of a Car Club vehicle on Advocate's Road, along with associated lining and signage. Thereafter the development shall not be occupied unless provision has been made in accordance with the agreed scheme – in order to provide an appropriate alternative to on-site residents' car parking.
  
- (14) That the development hereby approved shall not be occupied unless a Travel Plan has been submitted to and agreed in writing by the planning authority, including details of a Travel Pack to be provided to residents of the development – in the interests of encouraging sustainable travel.
  
- (15) That the development hereby approved shall not be occupied unless a Management Plan relating to the operation of the approved student accommodation facility has been submitted to and agreed in writing by the planning authority, and thereafter is managed in accordance with the details so agreed – in the interests of preserving residential amenity and managing vehicle traffic associated with the development.

### **INFORMATIVE:**

- 1. In order to protect residents of the surrounding properties from any potential noise nuisance from the proposed demolition and building works, demolition and construction should not occur:
  - (a) outwith the hours of 0700 –1900 hours, Monday-Friday inclusive;
  - (b) outwith the hours of 0800-1600 hours on Saturdays; and

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

11 November 2015 2016

- (c) at any time on Sundays, except for works inaudible outwith the site application site boundary.

The applicant should contact this Service at an early stage and before construction work has started to discuss the proposed means of noise control.

A revised condition and an additional informative note had been submitted as follows:-

- (14) Travel Plan – That the development hereby approved shall not be occupied unless a Travel Plan has been submitted to and agreed in writing by the planning authority, including details of a Travel Pack to be provided to residents of the development. Thereafter, the development shall operate in full accordance with all measures identified in the Travel Plan from first occupation.

(a) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

(b) Within the timeframes specified in the agreed Travel Plan, evidence shall be submitted to demonstrate compliance with the agreed monitoring and review mechanisms.

Reason: In order that the planning authority is satisfied as to the practicality, viability and sustainability of the Travel Plan and to ensure compliance with policy D3 of the Aberdeen Local Development Plan 2012.

### **ADDITIONAL INFORMATIVE NOTE:**

For the avoidance of doubt, this application has been considered on the basis of purpose built student accommodation representing a 'sui generis' use which is distinct from mainstream residential flats. It should be clearly understood that this building may not be occupied for any other use, including mainstream residential use, without a subsequent grant of planning permission.

The Committee heard from the planning officer in relation to the application, following which members asked various questions.

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

to refuse the recommendation on the following grounds:-

- (1) Use of materials inappropriate for adjacent conservation area;
- (2) Residents would be adversely affected by vehicle back-up from the barrier on King Street, which would have health and safety implications;
- (3) Adverse impact on amenity;
- (4) Insensitive design would encroach on neighbouring properties;
- (5) Car Club proposal would not sufficiently off-set parking problems;
- (6) Historical significance of nearby church would be affected by the development;

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

11 November 2015 2016

- (7) Height and massing issues including an overdevelopment of the site; and
- (8) Unnecessary relocation of boundary wall on Kings Crescent.

### 17 UNIVERSITY ROAD – SUBDIVISION AND ERECTION OF 3 BEDROOM DWELLING - 151150

2. With reference to Article 3 of the minute of meeting of the Planning Development Management Committee of 11 February 2016, wherein it had been agreed to visit the site, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission subject to the following conditions:-

- (1) that the dwellinghouse hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No. 1786-PL002-revD or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety, the free flow of traffic and visual amenity.
- (2) 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'.
- (3) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. The dwelling hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.
- (4) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems 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 - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

11 November 2015 2016

**INFORMATIVE**

It is recommended that no construction or demolition work take place:

- (a) outwith the hours of 0700-1900 hours Mondays to Fridays;
- (b) outwith the hours of 0900-1600 hours Saturdays; or
- (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary - in the interests of residential amenity and preventing noise nuisance.

The Committee heard from the planning officer in relation to the application, following which members asked various questions.

**The Committee resolved:-**

to refuse the recommendation on the following grounds:-

- (1) Use of materials (zinc) inappropriate for a property within the conservation area;  
and
- (2) Density and massing of development including the subdivision of the feu is inappropriate for the area and would set a precedent.

- **COUNCILLOR ANDREW FINLAYSON, Vice-Convenor.**