

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 17 March 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Copland (as substitute for Councillor Dickson), Corall, Cormie, Crockett, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Thomson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=3816&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 minute and this document will not be retrospectively altered.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 11 FEBRUARY 2016

1. The Committee had before it for consideration, the minute of its previous meeting of 11 February, 2016.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 18 FEBRUARY 2016

2. The Committee had before it, the minute of the Planning Development Management Committee (visits) of 18 February, 2016 for approval.

Members discussed the minute in detail and highlighted various changes they felt should be made. Officers advised that if members were minded to amend the minute, that the decision notice could not be altered as it had already been issued.

The Committee resolved:-

- (i) to request that item 1 resolutions (2), (6) and (8) be amended to read:-
 - (2) residents would be adversely affected by vehicle back-up from the barrier on King Street, which would have health and safety implications due to cars and buses using the same access point;

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- (6) historical significance of the setting of the nearby church would be affected by the development;
 - (8) insufficient relocation of boundary wall on Kings Crescent to provide public safety and concern over the relocation of the march stone in the wall which is on the boundary of the conservation area; and
- (ii) to otherwise approve the minute as a correct record.

DEMOLISH VICTORIA ROAD PRIMARY SCHOOL AND ERECT 62 RESIDENTIAL UNITS – 151260

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

That the item be deferred for a public hearing.

The Committee resolved:-

- (i) to note that a provisional date of Wednesday 18 May 2016 had been set for the public hearing, to be held in the Town and County Hall, and members would be notified in due course; and
- (ii) to otherwise approve the recommendation.

TARBOTHILL LANDFILL SITE - ERECTION OF LEACHATE PLANT, ASSOCIATED PIPELINE AND LEACHATE/ACID HOLDING TANKS - 160030

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

That the Committee approve the application for detailed planning permission for the erection of leachate plant, associated pipeline and leachate/acid holding tanks, subject to the following conditions:-

1. No development shall commence until the Local Planning Authority has received and agreed in writing information in respect of the final effluent quality, microbiological loading and potential impact to Balmedie bathing beach as requested in correspondence issued by SEPA on the 2nd February 2016 and a mechanism for monitoring the agreed details during the operational life of the development hereby permitted.

Reason: To protect the environmental quality of the area.

2. No development approved by this permission shall be commenced until a SUDS design and delivery timetable has been submitted to and approved in writing by the Local Planning Authority. The drainage

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works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

3. If the reverse osmosis plant hereby permitted ceases to operate for a continuous period of 6 months then a scheme for the decommissioning and removal of that plant and any ancillary equipment and structures relating to the reverse osmosis plant, shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the cessation period. Decommissioning shall take place in accordance with the approved scheme unless otherwise agreed in writing by the planning authority.

Reason: In the interest of the visual appearance of the area.

INFORMATIVE

In order to protect amenity of the occupants of the neighbouring residences and prevent any potential noise nuisance caused by site/ground preparation works and construction works, such operations should not occur:

- a) Out with the hours of 07:00 to 19:00 Monday to Friday;
- b) Out with the hours of 09:00 to 16:00 on Saturdays so that no noise is audible at the site boundary out with these times;
- c) During the accepted times the noise affecting residential premises is restricted to a maximum LAeq (12 hours) of 75dB.

The Committee resolved:-

to approve the recommendation.

LOWER KENNERTY MILL 8 BURNSIDE ROAD PETERCULTER – EXTENSION – 151767

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

That the Committee approve the application for a two storey extension to side of the existing dwelling house, subject to the following conditions:-

- (1) that no development shall take place until a sample of the granite proposed to the extension walls and slate to the proposed roof; and additionally, specification of all proposed venting and cast iron rainwater

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goods 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 - in the interests of visual amenity.

- (2) that no development shall take place unless a scheme for all proposed drainage design and method of discharge of all surface water in connection with the development 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.

INFORMATIVES

During construction work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice.

It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to: Deliberately kill, injure, disturb or capture/take European Protected Species of animal;

Damage or destroy the breeding sites or resting places of such animals

The Committee resolved:-

to approve the recommendation.

LOWER KENNERTY MILL, 8 BURNSIDE ROAD – LISTED BUILDING CONSENT - 151767

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

That the Committee approve the application for listed building consent due to alterations and extension to form swimming pool, sauna, steam room, changing room and garden store to lower ground floor, with kitchen and garden room at ground floor, subject to the following condition:-

That no development shall take place until a sample of the granite proposed to the extension walls and slate to the proposed roof; and additionally, specification of all proposed venting and cast iron rainwater goods hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the

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development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

The Committee resolved:-

to approve the recommendation.

DECLARATION OF INTEREST

At this juncture, the Convener indicated that he would be speaking on behalf of Old Aberdeen Community Council and Old Aberdeen Heritage Society in support of their objections in relation to the following two items of business, and therefore vacated the Chair in favour of the Vice Convener. Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, the Convener declared an interest in the matter and withdrew from the meeting. The Vice Convener then took the Chair.

29 ST MACHAR DRIVE – 151801

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

That the application for 1.5 storey rear extension, single storey side/rear extension, front and side dormers and front canopy to the existing dwelling house, be approved unconditionally.

The Committee resolved:-

to approve the recommendation.

DECLARATION OF INTEREST

The Convener addressed the Committee as indicated above in support of Old Aberdeen Heritage Society and Old Aberdeen Community Council in support of their objections. Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, the Convener declared an interest in the matter and withdrew from the meeting. The Vice Convener took the Chair.

7 ST MACHAR PLACE

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

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That the Committee approve the application for the removal of the rear chimney, fit slate vents, a new roof light, replacement of rear dormer windows, replacement kitchen door and kitchen window, brick up coal bunker door, small window and large window in kitchen, unconditionally.

Councillor Corall moved, seconded by Councillor Nicoll:-

That the application be approved in accordance with the recommendation set out in the report.

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

That the application be refused due to the impact on the conservation area of using PVC windows on the property.

On a division, there voted:- for the motion (10) Councillors Cooney, Copland, Corall, Cormie, Crockett, Lawrence, Malik, Jean Morrison MBE, Nicoll and Sandy Stuart; for the amendment (6) - the Vice Convener and Councillors Boulton, Greig, Jaffrey, Jennifer Stewart and Thomson; absent from the division – (1) the Convener.

The Committee resolved:-

to adopt the motion and therefore approve the application unconditionally.

At this juncture, the Convener re-joined the meeting and resumed the Chair.

FROGHALL ROAD AND TERRACE – ERECTION OF 41 TWO AND THREE BEDROOM APARTMENTS – 151316

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

That the Committee show a willingness to approve the application for the erection of 41 two and three bedroom apartments with associated infrastructure and open space, conditionally, subject to a legal agreement covering affordable housing, car club contributions, STF payment, education (primary and secondary), community facilities, sport and recreation and open space, and the following conditions.

Conditions

1. No development shall take place until full details of the materials (including colour of render including pantone where relevant) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local

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Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and in the interest of the visual amenity of the area to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012.

2. No cables, aerials, satellite or other communication equipment, flues, pipework (except rainwater goods) shall be fixed to any outward facing elevation of the development hereby approved.

Reason: In the interest of the visual amenity of the area and high quality design and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012.

3. The development hereby approved shall not be occupied until the cycle parking facilities shown on drawing No. A5390/P(--)-022 have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to the development at all times.

Reason: In the interest of promoting and securing sustainable modes of transport and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

4. No part of the development hereby approved shall be occupied until the refuse and recycling facilities indicated on the approved drawings have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy R6 of the Aberdeen Local Development Plan 2012.

5. The whole of the amenity areas shown on the approved drawings (including terraced gardens) shall be retained permanently for the benefit of the occupiers of the development hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with policy NE4 of the Aberdeen Local Development Plan 2012.

6. Prior to the commencement of development details of the proposed outdoor furniture as indicated on approved drawing A5390/P(--)-004B shall be submitted to an approved in writing by the local planning authority and

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the development shall be carried out in accordance with the approved details.

Reason: In the interest of the visual and public amenity of the area to comply with policies D2 and D5 of the Aberdeen Local Development Plan 2012.

7. Notwithstanding the approved drawings no part of the development hereby permitted shall be occupied until precise details of the materials, including specification, colour, jointing and the permeability of hard surfaces have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be completed prior to the occupation of any part of the development.

Reason: In the visual and public realm interest of the development and in the interest of flood management to comply with policies D1 D2, D5 and NE6 of the Aberdeen Local Development Plan 2012.

8. Prior to the occupation of any part of the development hereby approved details of a travel pack including details how it is to be promoted to residents shall be submitted to and approved in writing by the local planning authority.

Reason: In order to promote sustainable patterns of urban transport and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

9. Prior to the occupation of any residential unit the vehicular accesses as shown on Drawing No. A5390/P(--)-004B is constructed in full accordance with the design standards of the Aberdeen City Council.

Reason: To ensure a satisfactory means of access is provided in the interests of road safety

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, the green wall, means of enclosure and planting of the development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012

11. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out prior to the occupation of any part 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

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damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012.

12. If piling works are required in the construction of the development the method of piling shall be agreed in writing prior to those works commencing on site. There shall be no driven piling unless there are no other alternatives due to engineering considerations. The details of driven piling shall also be submitted to and agreed in writing by the Council and implemented in strict accordance with those details.

Reason: In order to safeguard the amenity of the local area and neighbouring residents at unsocial hours and to comply with policy H2 of the Aberdeen Local Development Plan 2012

13. No unit of residential accommodation unit of residential hereby permitted shall be occupied until written confirmation to the written satisfaction of the Local Planning Authority has been submitted demonstrating that the public foul sewerage network can cope with the flows from the proposed development.

Reason: In this interest of flood management and to comply with policy NE6 of the Aberdeen Local Development Plan 2012

14. The vehicle parking area shall be completed, delineated and available for use as shown on the approved plans prior to the occupation of any residential unit and shall thereafter be retained for vehicle parking

Reason: To ensure that adequate parking provision is retained

15. The car club space shown on the plans hereby approved shall be provided and made available for use before any apartment/part of the Development is occupied. Thereafter the space shall be retained and used only for parking cars associated with the Car Club.

Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with policy T2 and of the Aberdeen Local Development Plan 2012

16. Prior to the occupation of any part of the development the applicant shall have secured A Traffic Regulation Order to secure the retention of the car club and visitor parking space shown on the approved drawings.

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Reason: To limit car ownership/use and encourage sustainable modes of transport and in accordance with policy T2 and of the Aberdeen Local Development Plan 2012

17. Prior to the occupation of any part of the development hereby approved details of the area for the waiting restrictions shall be submitted to and approved in writing by the local planning authority and the agreed details shall be implemented before any part of the development is occupied.

Reason: In the interest of highway safety and to encourage sustainable modes of transport and in accordance with policy T2 and of the Aberdeen Local Development Plan 2012

18. 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

Reason: To comply with policy R2 of the Aberdeen Local Development Plan 2012

19. No residential unit hereby approved shall be occupied building unless:

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

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No residential unit shall 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

Reason: To comply with policy R2 of the Aberdeen Local Development Plan 2012

Members then asked a number of questions of officers in regards to the application.

The Convener moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendation set out in the report.

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

That the application be refused due to overdevelopment in the area.

On a division, there voted:- for the motion (15) – the Convener, the Vice Convener, and Councillors Boulton, Cooney, Copland, Corall, Cormie, Crockett, Greig, Lawrence, Malik, Jean Morrison MBE, Nicoll, Sandy Stuart and Thomson; for the amendment (2) – Councillors Jaffrey and Jennifer Stewart.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally.

32-36 FRASER PLACE – 150901

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

That the Committee show a willingness to approve the application for a change of use and redevelopment of the site to form 12 residential units, subject to a legal agreement covering affordable housing, car club contribution, education payment, community hall payment and sport, and the following conditions:-

(1) Notwithstanding the approved drawings no development shall take place beyond the erection of the superstructure until full details of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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Reason: To ensure a satisfactory appearance of the development and in the interest of the visual amenity of the area to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012

(2) No part of the development hereby approved shall be occupied until the cycle parking facilities shown on drawing no. 1981-01 rev G have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to the development at all times.

Reason: In the interest of promoting and securing sustainable modes of transport and to comply with policy D3 of the Aberdeen Local Development Plan 2012

(3) Notwithstanding the approved drawings no part of the development hereby approved shall be occupied until precise details of the materials including specification and colour and the permeability of hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be completed prior to the occupation of any part of the development.

Reason: In the visual and public realm interest of the development and in the interest of flood management to comply with policies D1, D2, D5 and NE6 of the Aberdeen Local Development Plan 2012.

(4) Prior to the occupation of any part of the development hereby approved the access and visibility splay as shown on Drawing No. 1981-06 rev B shall be constructed in full accordance with the design standards of the Aberdeen City Council.

Reason; To ensure a satisfactory means of access is provided and in the interest of road safety

(5) Notwithstanding Drawing No. 15-6-1 no part of the development hereby approved shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard landscaping, means of enclosure and planting of the development.

Reason: To enhance the appearance of the development in the interests of the visual amenity of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012

(6) All planting, seeding or turfing comprised in the agreed scheme of landscaping shall be carried out prior to the occupation of any part of the

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development; and any trees or plants which within a period of 5 years from first occupation of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping and means of enclosure shall be completed before any part of the development is occupied.

Reason: To enhance the appearance of the development in the interests of the visual amenity of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012

(7) No development shall commence until a SUDS scheme together with an assessment of short period flooding events and any necessary mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The agreed schemes shall be completed before any part of the development hereby approved is first occupied.

Reason: In the interests of flood prevention and to comply with policy NE6 of the Aberdeen Local Development Plan 2012.

(8) Prior to the occupation of any part of the development hereby approved is first occupied details for the reinstatement of the access and footway in front of the existing access shall be submitted to and agreed in writing by the Local Planning Authority and the agreed details shall be completed prior to the occupation of any part of the development hereby approved.

Reason: In the interest of the visual appearance of the development and for pedestrian and road safety reasons.

The Committee heard from Andrew Jones, Education and Children's Services, who explained that the local primary school of which this development would be in the catchment area, was predicted to be over capacity for the school year 2018, without any further developments being taking into consideration. Mr Jones advised that the school was currently looking at various options to see what could be done to allow for extra teaching areas, as well as the need for extra open space and canteen space which would be required for the extra pupils. Mr Jones intimated that Education officers were working closely with the Head Teacher at the school in regards to concerns raised about the lack of space in the playground as well as other issues.

The Committee resolved:-

- (i) to request that an extra advisory be added, to read "the attention of the applicant is drawn to the requirements to minimise noise and vibration on construction and demolition sites. This is particularly important where developments include foundation works which involve piling operations

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- from which associated noise and vibration that may affect local residents. It is requested that the developer contact Aberdeen City Council's Environmental Health service to discuss methodologies and construction practices in this regard (Nick Glover, Principal EHO. 01224 523026 or 07776465390; nglover@aberdeencity.gov.uk)." and
- (i) to otherwise approve the application conditionally.

CHESTER HOTEL QUEENS ROAD – 160030

11. The Convener intimated that this item had been withdrawn.

REVIEW OF ARTICLE 4 DIRECTION ORDERS

12. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information on a recent review of article 4 direction orders.

The report indicated that following a recent review of Direction Orders, it was advised that Article 4 Direction Orders be cancelled.

The report recommended:-

that the Committee –

- (a) approves the cancellation of Article 4 Direction Orders currently in place in coservation areas and instructs officers to undertake the necessary actions;
- (b) Approves the cancellation of the Article 4 Direction Order currently in place in Kingswells and instructs officers to undertake the necessary actions; and
- (c) Approves the cancellation of the Article 4 Direction Order currently in place restricting dormer windows and mansard roofs and instructs officers to undertake the necessary actions.

The Committee heard from Bridget Turnbull, Planning and Sustainable Development, who spoke in furtherance of the report and answered questions from members.

The Committee resolved:-

- (i) to request that officers write out to affected Community Council's to let them know of the changes; and
- (ii) to otherwise approve the recommendations.

- Councillor Ramsay Milne, Convener

