

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 16 March 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Copland (as substitute for Councillor Cormie), Donnelly, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart and Sandy Stuart .

The agenda and reports associated with this minute can be found at:-  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=4363&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 9 FEBRUARY 2017

1. The Committee had before it the minute of its previous meeting of 9 February 2017 for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### DECLARATION OF INTEREST

The Vice Convener declared a personal interest in the following article, due to his property being situated within close proximity to the application site, and took no part in the committee's deliberation.

### VARIATION OF CONDITION 3 OF 130490 FOR EXTENSION TO QUARRY AT BLACKHILLS QUARRY - 161759

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

That there be a willingness to approve the application for the variation of condition 3 of 130490 for an extension to the quarry at Blackhills Quarry, subject to a s75 Planning Obligations agreement and also the following conditions:-

- (1) At least one (1) year prior to mineral workings ceasing on the site, a restoration and aftercare plan shall be submitted for the written approval of the

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planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The plan must include information on any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment, including groundwater quality and quantity. The said plan must also include an assessment of the effect that any backfilling below the water table will have on groundwater - to prevent pollution of the water environment and to minimize and prevent mineral waste on site.

(2) That the proposed operations hereby granted permission shall cease on or before 28 November 2050 unless the written approval of the planning authority is first obtained - in order to protect the environment and amenity of the area in general.

(3) That the hours of operations for:

extraction and processing during the period of 16 March 2017 to 18 July 2017 shall be restricted to:

- i) 07:00am - 08.00pm, Mondays to Fridays;
- ii) 07:00am - 5.00pm, Saturdays; and
- iii) At no time on a Sunday, bank holidays, or national holidays; unless written consent of the planning authority is obtained; and

the despatch of dry aggregates during the period of 2 May 2017 to 18 July 2017 shall be restricted to:

- i) Monday 06:00am to Saturday 06.00pm (continuous working);
- ii) At no time on a Sunday, bank holidays, or national holidays; unless written consent of the planning authority is obtained.

Outwith those dates, the hours of operations for extraction and processing and despatch of dry aggregates shall be restricted to:

- i) 07:00am - 07.00pm, Mondays to Fridays;
  - ii) 07:00am - 1.00pm, Saturdays; and
  - iii) At no time on a Sunday, bank holidays, or national holidays;
- Unless written consent of the planning authority is obtained - in the interest of residential amenity.

(4) That the hours of operations for operation and dispatch from the asphalt plant shall be restricted to:

- i) 06:00am - 07.00pm, Mondays to Fridays;
  - ii) 06.00am - 04.00pm, Saturdays; and
  - iii) At no time on a Sunday, bank holidays or national holidays;
- Unless the written consent of the planning authority is obtained – in the interest of residential amenity.

(5) That the equivalent noise level (Leq) shall not exceed 55dB(A) measured as a one hour free field Leq at any existing noise sensitive property external to the

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site boundary, the details for measuring which are to be submitted to, and approved in writing by the Planning Authority.

South Blackhills may be periodically subject to higher levels but not exceeding 60dBL provided that the property remains under the control of the applicant and suitable noise attenuation measures that are submitted to and approved by the Planning Authority are introduced to the property - in the interest of residential amenity.

(6) That the ground vibration as a result of the blasting operations shall not exceed a peak particle velocity of 6mms-1 ppv for 95% of events with no blast exceeding 12.0mm/sec-1 at existing private residential and commercial properties, with a limit of 12mms-1 being applied at railway structures and 14.8mms-1 being applied at Haven Cottage - which is owned by the applicant - in the interests of residential amenity.

(7) That prior to the commencement of any blasting operations, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the planning authority - in the interest of public safety.

(8) That prior to the commencement of any blasting operations, details of the methods employed to minimise air pressure from blasting operations, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place only in accordance with the scheme as approved or such subsequent amendments as may receive the written approval of the planning authority - in the interests of public safety.

(9) That the depth of the quarry shall not exceed 48m above ordinance datum (AOD) without the prior written approval of the planning authority - in order to protect the character of the area.

(10) 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 - in the interests of the amenity of the area.

(11) 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

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with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(12) That no blasting shall take place within the site unless the prior approval of Network Rail is obtained. For the avoidance of doubt, Network Rail should be notified seven days in advance of any blasting in order to afford them an opportunity of making comment - in the interests of public safety.

(13) The level of vibration at the railway boundary shall not exceed a maximum peak particle velocity of 25mm/sec - to maintain the integrity of the railway infrastructure.

(14) That the proposal should ensure that there is no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(15) Without the prior approval of Network Rail, the proposed works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(16) Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(17) Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(18) Cranes and jibbed machines, used in connection with the works, must be positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres - to maintain the safety of railway operations.

(19) All cranes, machinery and constructional plant must be positioned and used to prevent the accidental entry onto railway property of such plant or loads attached thereto, in the event of failure - to maintain the safety of railway operations.

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(20) Vibration monitoring shall be carried out by the developer, or their contractors, to determine the effects of blasting on the railway, and Network Rail, in consultation with the Planning Authority, shall be supplied with a copy of the results - to maintain the safety of railway operations and the integrity of railway infrastructure.

(21) That a procedure shall be set in place between Network Rail and Leith's (Scotland) Limited on the design and operation of a "Safe System of Work" to ensure the protection of rail traffic whilst blasting is being undertaken - to maintain the safety of railway operations and the integrity of railway infrastructure.

(22) The developer shall (a) meet the costs of all reasonable protective works carried out by Network Rail, which are directly attributable to the proposed use of explosives pursuant to the foregoing conditions, and (b) indemnify Network Rail against all third party claims arising by reason or in consequence of the said use of explosives except insofar as the same are caused by the negligence of Network Rail, their servants, agents or licensees - to maintain the safety of railway operations and the integrity of railway infrastructure.

(23) Where alterations to existing ground levels are proposed within 10 metres of the boundary of railway land (including the construction of storage mounds) detailed plans of the development, including cross-sections should be forwarded to Network Rail, in consultation with the Planning Authority, for assessment and comment before development commences - to maintain the safety of railway operations and the integrity of railway infrastructure.

(24) Network Rail shall be notified of any significant alterations to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, blasting specification etc. – for safety, Network Rail needs to be aware of all development adjacent to its property.

(25) That notwithstanding the details submitted as part of the application submission, the prior to the commencement of the temporary revised operation hours in Condition 3 above, a scheme detailing the traffic routing to the Aberdeen Harbour Extension site shall be submitted to and agreed in writing by the Planning Authority. Thereafter such scheme shall be adhered to in its entirety – in the interests of the residential amenity of the area, and road safety.

**ADVISORY NOTES FOR APPLICANT**

Where possible, the free face of workings shall be orientated away from the railway to reduce the risk of material being projected onto railway property as a result of blasting operations.

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Any dewatering during excavations should be in compliance with CAR General Binding Rule (GBR) 2 and GBR 15. Abstraction of groundwater in quantities greater than 10m<sup>3</sup>/day may require authorisation under CAR depending on the scope and duration of the works.

Members then heard from Mr Paul Williamson, Senior Planner, who spoke in furtherance of the report and provided further details on the application. Mr Williamson also answered a number of questions from members, relating to the operations hours, noise element, vibration level, traffic monitoring and the use of monitoring equipment for noise impact.

The Committee also heard from Mr Nick Glover, Principal Environmental Health Officer, who provided information on the environmental impact of the application as well as answering various questions from members. Mr Glover advised that the application was considered reasonable following various surveys that were carried out.

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

- (i) to request that two additional conditions be added to read;
  - 26) that prior to the commencement of the extended operation hours referred to in Condition 3 above, a scheme for the monitoring of road noise accessing and egressing the site, and principally adjacent to Cove Road, and the Old Wellington Road, has been submitted to and approved in writing by the Planning Authority. Thereafter said scheme shall be implemented in its entirety, and retained during the duration of the extended operational hours – in the interests of residential amenity and the character of the area.
  - 27) That prior to the commencement of the extended operation hours referred to in Condition 3 above, an Operational Management Plan shall be submitted to and approved in writing by the Planning Authority. Thereafter said plan shall be adhered to in its entirety during the duration of the extended operational hours – in the interests of residential amenity and the character of the area and
- (ii) to otherwise approve the application conditionally and subject to a s75 Planning Obligations/agreement.

### **PROPOSED 4 STOREY DEVELOPMENT OF RESIDENTIAL FLATS AND RETAIL UNIT AT 325 HOLBURN STREET ABERDEEN – 160557**

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

That the application for the proposed four storey development of residential flats and retail unit at 325 Holburn Street, Aberdeen, **be refused**.

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

to approve the recommendation and therefore refuse the application.

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**DEMOLITION OF EXISTING BUILDING AND GARAGE ANNEXE AND ERECTION OF FOUR RESIDENTIAL FLATS AT 431 NORTH DEESIDE ROAD, CULTS – 161804**

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

That the application for the demolition of the existing building and garage annexe and erection of four residential flats at 431 North Deeside Road, Cults, be **refused**.

**The Committee resolved:-**

to approve the recommendation and therefore refuse the application.

**ERECTION OF A TWO STOREY DWELLINGHOUSE AT LAND BETWEEN AIRYHALL HOUSE AND NORTHCOTE CARE HOME – 161760**

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

That the application for the erection of a two storey dwellinghouse at the land between Airyhall House and Northcote Care Home on Airyhall Road, be **refused**.

**The Committee resolved:-**

to approve the recommendation and therefore refuse the application.

- Councillor

Ramsay

Milne,

**Convener**

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27 October 2016

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