

**REMIT  
DEVELOPMENT MANAGEMENT SUB COMMITTEE  
13<sup>TH</sup> MAY 2010**

**PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS  
DEVELOPMENT PLAN DEPARTURES.**

**DECLARATION OF INTEREST**

**Councillor Dean having declared an interest in the application referred to in the following article by reason of her position as a member of the Board of NHS Grampian, an objector to the application, withdrew from the meeting and took no further part in the proceedings. In the absence of the Convener the Chair was taken by the Vice-Convener, Councillor McCaig.**

**1. OAKBANK SCHOOL SITE, MID STOCKET ROAD, ABERDEEN – OFFICE BUSINESS PARK, SUPPORTING USES AND RESIDENTIAL.** Reference was made (one) to Article 5 of the Minute of Meeting of the Aberdeen City Planning Committee on 23<sup>rd</sup> July 2009, at which time there was under consideration a report by the then Head of Planning and Infrastructure on the application (090566) for planning permission to demolish the existing buildings on the former Oakbank School site at Mid Stocket Road, Aberdeen and to develop the site as an office business park with supporting uses in the form of a gymnasium, a café, a convenience store and a children's nursery and also including four detached residential properties (infill along Oakhill Road), improved access from Mid Stocket Road, car parking, landscaping and ancillary development, which application was deemed a departure from the Development Plan by reason of the introduction of a commercial use on a significant scale into a residential area; and (two) to the Minute of Meeting of the Development Management Sub Committee on 10<sup>th</sup> March, 2010, at which time a departure hearing was held in pursuance of the decision taken by the Sub Committee on 23<sup>rd</sup> July 2009 to the effect that, given the large number of representations received in respect of the proposal, a hearing in accordance with the guidance contained within Planning Advice Note 41 (PAN 41) would be appropriate. The Sub Committee now had before it the final report on the application as prepared by the Head of Planning and Sustainable Development.

The report before members again contained a detailed description of the site and the surrounding area and of the proposed development the subject of the application, which had been identified with the number 090566; and indicated that the design concept and external finishing materials of all three proposed buildings would be contemporary with a mix of large expanses of glass and areas of aluminium cladding and polished granite. On the matter of car parking and access, the report confirmed that four hundred and thirty-five of the total number of parking spaces to be provided (622) would be at basement level (under buildings 1 and 2 and part of building 3) with the remainder of the spaces (187) being provided on the surface; and confirmed also that access to the office business park would continue to be from Mid Stocket Road, utilising the existing main entrance which would be widened and up-graded to include the provision of traffic signals on Mid Stocket Road itself. It was also stated that an emergency access for fire

tenders would be provided from Oakhill Road, leading to a footpath/fire track around the periphery of the development which would provide access to both sides of the buildings and, at other times, be available as a pedestrian route through the site involving access from both Mid Stocket Road and Oakhill Road.

The report advised that should the planning authority be of a mind to approve the proposal, the applicant had agreed to make a financial contribution towards the improvement of the playing capacity of existing Council sports pitches and also a planning gain contribution to be used for community facilities. The funding of various off-site roadworks by the applicants was also highlighted within the report, following the identification by Council roads officials of certain improvements to the local road network that would be required to accommodate the additional traffic which the proposed development was expected to generate. The improvements identified were a traffic signal junction at the access to the site from Mid Stocket Road; the installation of a controlled pedestrian crossing on Kings Gate; the provision of traffic calming measures on a number of streets surrounding the application site; and a contribution towards the cost of the possible future widening of the junction approach on Raeden Park Road with Westburn Road. The report made clear that the monies payable would include a sum for the capitalised maintenance of the traffic signals and emphasised that the infrastructure improvements identified were designed to address road and pedestrian safety issues arising from the development proposed.

In addressing the application proposal, the report contained a note of the responses received from the various statutory consultees, in particular local roads officers, Transport Scotland, SportsScotland and the local Community Council; an indication of the level of opposition to the application from local residents and the basis of the concerns being expressed in the many letters of representation received; an explanation of the changes made to the original proposal with a view to addressing some of these concerns; an indication of the relevant planning policy considerations against which the proposed development fell to be assessed; and a detailed evaluation of the application which considered the proposal under a number of headings, eg. Oakbank Design Brief, Location of Development, Economic Development Impact, Design Scale and Form of the Development, Visual Impact of the Development, Impact on Trees and the Landscape Character of the Site, Traffic Impacts, Access Arrangements and Car Parking, Impact on Residential Character and Amenity, Loss of Urban Green Space and Playing Pitch and Site Drainage.

The conclusions arrived at within the report prepared by the Head of Planning and Sustainable Development were that the proposed development did represent a departure from the Development Plan by virtue of the conflict with Policy 40 (Residential Areas), specifically the scale of development proposed which would clearly impact adversely on the existing residential character and amenity of the area; that the application does not conform to the 1999 Oakbank Design Brief; that although the proposal conflicts with policies relating to residential amenity, greenspace, trees and design, the development if approved would bring significant local economic benefits to the city; that the proposed development would also meet a key objective of the structure plan to provide opportunities which encourage economic development and create new employment in a range of areas; and therefore that notwithstanding the impacts on residential character and amenity, the economic benefits to the city that would arise from the proposed development would justify approving the application contrary to the provisions of the Development Plan.

**The report recommended:-**

- (a) that the Sub-Committee indicate a willingness to approve the application, on the following conditions:- (1) That the car parking areas, the upgraded entrance off Midstocket Road, the access road, the raised decking, the perimeter fire track/footpaths and all other footpaths shall be constructed, drained and laid out in complete accordance with the detailed specification shown on Drawing Nos. A/08456/900/2, A/08456/901/1, A/08456/902/1 and A/08456/905/1. (2) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been laid-out and demarcated in accordance with Drawing Nos. PL(90)002E and PL(90)003E 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 than the parking of cars ancillary to the development and use hereby granted approval. (3) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority a detailed construction methodology and site management scheme for the development hereby granted planning permission. The method statement shall include details of the phasing of the construction of the development, the entrance to be used by all construction traffic/vehicles entering the site, the vehicles to be used on the site during demolition and construction works and those used to deliver all building materials to the site, details of all plant and machinery, the location of the site compound and storage areas and the tree protection measures. (4) That no development shall take place unless samples of all external finishing materials to the roof and walls of the office development and houses hereby approved have 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. (5) That the office development, or any individual phase of the office development hereby granted planning permission shall not be occupied unless the SUDS scheme detailed in the Drainage Impact Assessment and shown on Drawing No. A/08456/900/2 has been implemented in full and is operational. (6) That none of the houses hereby granted planning permission shall be occupied unless the SUDS scheme detailed in the Drainage Impact Assessment and shown on Drawing No. A/08456/900/2 has been implemented in full and is operational. (7) That development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'. Thereafter the Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building unless the written consent of the planning authority is given for any subsequent alteration to the plan. (8) 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, including the water landscaping works, 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. The said scheme shall comply with Advice Note 3 'Potential Bird Hazards From Amenity Landscaping and Building Design'. The said scheme shall also maintain the connectivity between the existing areas of woodland and hedges

and the surrounding habitat. (9) 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 in complete accordance with the approved landscaping scheme and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority. (10) That no trees, other than the trees identified on Drawing No. KD-Z(90)XX\_003A, shall be felled unless the written approval of the planning authority has been given for any subsequent scheme of tree felling. Any such subsequent scheme shall include a report by a licensed bat worker that assesses the trees' suitability for roosting bats and survey results of any evidence of bats. (11) That no development shall take place unless the scheme for the protection of all trees to be retained on the site during construction works shown on Drawing No. KD-Z(90)XX\_003A has been implemented. Thereafter the protective fencing shall remain in place throughout the duration of the construction of the development unless the written approval of the planning authority has been given for a subsequent variation to the scheme of tree protection. (12) 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: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied. (13) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities, other than those shown on Drawing Nos. KD-Z(90)XX\_003A and A/08456?901/1 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 5.0 metres of foliage, branches or trunks. (14) That, before development pursuant to the planning permission hereby granted commences on site, details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, shall be submitted to and approved by the planning authority, and the completed development shall not be occupied unless the equipment has been installed in accordance with those approved details. (15) That no development shall take place unless a scheme for external lighting to be used during the construction of the development and for the completed development has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme. (16) That no part of the development hereby granted planning permission shall be occupied unless a Travel Plan aimed at promoting sustainable travel modes and reducing the reliance on the private car shall be submitted to and approved in writing by the planning authority in consultation with Transport Scotland. In particular, the travel plan will identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan. (17) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place: (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the

use of machinery]. (18) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme detailing cycle storage provision and thereafter no part of the development shall be occupied unless the scheme has been implemented in full accordance. (19) 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, details of the location of the proposed replacement trees on Oakhill Terrace. (20) That the proposed replacement tree as described on drawing no. L(90)042A shall be planted at the location approved under Condition 2 of the planning permission in the first planting season following the completion of the development. If the tree within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with a tree of a size and species similar to that 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. (21) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a detailed scheme for the construction of the driveways for the houses hereby granted planning permission, the said scheme to include details of the surface material, drainage, gradient and its connection to the public road. (22) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme of boundary enclosures for the whole of the development, including for the individual house plots. (23) That houses on the westmost and eastmost plots hereby granted planning permission shall not be occupied unless obscure glass has been installed in the dormer window on the east and west elevations of the houses respectively, details of which shall be submitted to and approved in writing by the planning authority prior to the commencement of any construction works. (24) That no development shall take place unless there has been submitted to and approved in writing by the planning authority (i) 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; (ii) a plan and report illustrating appropriate management proposals for the care and maintenance of all of the trees 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 the planning authority. The proposals and scheme of supervision shall subsequently be carried out in complete accordance with any information thereby approved in writing by the planning authority;

- (b) that in view of the objection being maintained by Sportscotland to the loss of the playing field at Oakbank, it be remitted to the Head of Planning and Sustainable Development to forward the application in terms of paragraph 2(vi) of the Schedule to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, to Scottish Ministers for their consideration; and
- (c) to authorise the Head of Planning and Sustainable Development, in the event that the application is not called-in following the notification referred to at (b) hereof, to withhold the release of the approval Notice pending the conclusion, in terms satisfactory to the Head of Legal and Democratic Services, of a binding legal agreement under which the applicant would undertake (1) to make planning gain contributions to the Council in respect of improvements to the playing capacity of existing local authority pitches in the city and to community facilities in the area; (2) to meet the cost of certain off-site road improvement works,

being a traffic signal junction on Mid Stocket Road at the access to the site, a controlled pedestrian crossing on Kings Gate and traffic calming measures on a number of streets surrounding the application site; (3) to make a contribution toward the cost of the future widening of the junction approach on Raeden Park Road with Westburn Road; and (4) to pay to the Council as roads authority, the capitalised maintenance costs of the traffic signals to be installed at the access to the site on Mid Stocket Road.

Councillor Cassie moved, seconded by Councillor Clark:-

that on the basis that the most important material consideration arising in connection with the proposal for the Oakbank site is the economic benefits that the development would bring to the city, the application be supported in accordance with the report recommendations.

The Vice-Convenor moved as an amendment, seconded by Councillor Cormie:-

that the application be refused for the reason that the proposal, if implemented, would significantly alter the residential amenity and character of the surrounding area by reason of the scale, massing and form of the buildings proposed, contrary to the provisions of Local Plan Policy 40.

On a division, between the motion and the amendment, there voted:- for the motion (4) – Councillors Adam, Cassie, Clark and Penny; for the amendment (5) – the Vice-Convenor; and Councillors Corall, Cormie, Milne and Robertson; absent from the division (1) – the Convenor.

**The Sub Committee resolved:-**

that the application be refused in accordance with the terms of the successful amendment.

**Councillor Cassie at this point moved, in terms of Standing Order 36(3), that the application be referred to Council. Councillor Cassie's motion in this regard was supported by Councillors Adam, Clark and Penny.**