

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 24 May 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillor Donnelly, the Depute Provost (as substitute for Councillor A MacKenzie) ; and Councillors Allan, Cooke, Copland, Greig, Malik and Townson (as substitute for Councillor Cormie).

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=6264&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 26 APRIL 2018 - FOR APPROVAL

1. The Committee had before it the minute of the previous meeting of 26 April 2018, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

2. The Committee had before it a planner of future Committee business.

The Committee resolved:-

to note the information contained in the Committee report planner.

76 MORNINGSIDE AVENUE - 180409

3. The Committee had before it a report by the Interim Chief Officer, Strategic Place Planning, **which recommended:-**

That the application for the erection of a 1.5 storey extension to the rear of 76 Morningside Avenue Aberdeen, be approved unconditionally.

Councillor Yuill spoke as a local member in regards to the application and asked Members to consider a site visit for the application before determination.

The Committee resolved:-

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to agree to defer the application in order a for a site visit to take place on Thursday 31 May at 9.30am.

LAND AT DUBFORD, BRIDGE OF DON - 180415

4. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the modification of planning obligation associated with 141506 to amend clause 4.2 to remove the requirement to provide two affordable housing units at land at Dubford, Bridge of Don, Aberdeen, be approved.

The Committee resolved:-

to approve the modification of the application.

26 CRAIGMAROINN GARDENS - 180482

5. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the change of use from public amenity space to garden ground and the erection of a boundary wall at 26 Craigmarronn Gardens Aberdeen, be approved unconditionally.

Gavin Clark, Senior Planner, spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the application unconditionally.

SALTOUN ARMS, 69 FREDERICK STREET - 180518

6. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the retrospective application for the change of use of garden ground area to outdoor bar seating area to the rear, be approved subject to the following conditions:-

CONDITIONS

- (1) The external area hereby approved shall not be used between the hours of 10pm and 10 am the following day. The external area shall not be used unless the external access doors to it, as formed in the rear wall of the premises, are of a self-closing type, so as not to remain open other than when being used for access or egress

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purposes, and otherwise kept locked shut when the beer garden is not in use. – In order to ensure that the residential amenity of existing residents is not adversely impacted late at night and in order to prevent escape of noise in order to comply with the aspirations of policy H2 (Mixed Use Areas) within the Adopted Local Plan and relevant supplementary guidance regarding Harmony of Uses.

- (2) The external area hereby approved shall not be used for amplified music / performances. – In order to protect the residential amenity of adjacent occupants.

ADVISORY NOTES FOR APPLICANT

The applicant is advised of the need for a premises license in relation to use of the external area.

Lucy Greene, Senior Planner, spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

- (i) to request that the Chief Officer – Strategic Place Planning, write to the applicant to highlight that the application had been submitted retrospectively and work had been carried out without planning consent; and
- (ii) to otherwise approve the application conditionally.

ABERDEEN EXHIBITION AND CONFERENCE CENTRE, EXHIBITION AVENUE, BRIDGE OF DON - 150824

7. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the proposed demolition of existing buildings, and the erection of mixed use development to include residential units, commercial and business use, recycling centre and park and ride facility at the Aberdeen Exhibition and Conference Centre, be approved conditionally, with permission to be withheld until a legal agreement is entered into to secure affordable housing and developer obligations relating to primary education, community facilities, sports and recreation, healthcare, transportation and open space.

Conditions

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for

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'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) No development in connection with each respective phase/block of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase/block of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. Depending on the phase/block, and unless otherwise agreed in writing with the planning authority, the MSC applications shall include:

- a) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant phase/block of development;
- b) A detailed Drainage Plan for the relevant phase/block of development, including full details of the proposed means of disposal of surface water from the relevant phase/block of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
- c) Full details of the connection to the existing Scottish Water foul water drainage network for the relevant phase/block of development;
- d) Details of all cut and fill operations in the relevant phase/block of the development;
- e) The details of all roads, footpaths and cycleways throughout the relevant phase/block of the development;
- f) Details of any screen walls/fencing to be provided within the relevant phase/block of the development;
- g) Details of all landscaping, planting and screening associated with the relevant phase/block of the development;
- h) Full details of the layout, siting, design and finish of all residential properties, throughout the relevant phase/block of development;
- i) Full details of the layout, siting, design and finish of all non-residential properties throughout the relevant phase/block of development. This shall include but is not limited to: commercial premises, the Park and Choose, household waste and recycling centre (HWRC), local scale retail units; and,
- j) Full details of all waste/recycling collection points, for residential and non-residential properties;

- In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(3) The landscaping details to be submitted pursuant to Condition 2 above shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point;

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- b) Existing landscape features and vegetation to be retained. Tree survey, including layout plan showing proposed development together existing trees;
- c) Existing and proposed services including cables, pipelines and substations;
- d) The location of new trees, shrubs, hedges, grassed areas and water features;
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A Biodiversity Action Plan;
- i) A Management Plan detailing appropriate management measures for all watercourse buffer strips;
- j) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment.

(4) That the development shall not be brought into use and no residential units shall be occupied unless there has been implemented on site the works detailed below, in accordance with details submitted to and approved in writing by, the planning authority, unless otherwise agreed in writing with the planning authority. The works are:

- a) A shared use path alongside the frontage of the proposed site on Ellon Road;
- b) The repositioning of existing pedestrian crossing facilities on Ellon Road and their upgrading to include toucan crossing facilities (to provide linkage to the northbound bus stop on Ellon Road).
- c) Provision of dropped kerb crossing facility on Exploration Drive in the vicinity of the pedestrian access junction.
- d) Upgrading of existing bus stop infrastructure and the provision of dedicated bus layby.
- e) Provision of bus stops located at internal site on Exhibition Drive.
- f) Relocating of existing bus stop outside AECC (on Ellon Road) to a layby close to the Park and Choose, timing of this shall coincide with the relocation of the pedestrian crossing;
- g) Bus stops on the northern section of the upgraded Exhibition Avenue;
- h) Layout of the footpaths within the site to provide linkage with the existing path leading through to King Roberts Way to the south west of the application site.

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- In the interest of road safety and connectivity.

(5) That no residential units shall be occupied unless there has been submitted, to and approved in writing by the planning authority, details identifying safe routes to schools within the proposed development. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school. No residential units shall be occupied unless the works have been implemented on site including the works detailed below, unless otherwise agreed in writing with the planning authority. The works are in relation to providing safer routes to school and include the following:

1. Drop Kerb facilities with tactile paving at North Donside Road/ Broadfold Drive Junction
2. Drop Kerb facilities with tactile paving at North Donside Road/ Gordon Road Junction
3. Tactile pavers should be installed on pedestrian crossing link to Fraserfield Gardens.
4. A crossing point on Scotstown Road to allow safe crossing point from Fraserfield Gardens.

- in the interests of road safety and encouraging walking.

(6) that the existing Park and Ride service shall be retained on site and operational during the construction period on the wider application site, unless otherwise agreed in writing with the planning authority – in the interests of continuity of public transport provision.

(7) No part of the development shall be occupied prior to the Aberdeen Western Peripheral Route being open to traffic, and the consequent removal of trunk road status for the A90 Parkway / Ellon Road. - To restrict the scale of the development in order to minimise the interference with the safety and free flow of traffic on the trunk road.

(8) No part of the development shall be occupied until a comprehensive Travel Plan for that part of the development that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.- To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

(9) That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a Framework Travel Plan, setting out proposals for reducing dependency on the private car. – in the interests of reducing travel by private car.

(10) No more than 498 residential dwellings and 2400sq.m. of office space, or other such development combination of equivalent traffic generating uses as demonstrated to

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the satisfaction of the Planning Authority shall be occupied unless the mitigation scheme for the A90(T) Parkway/ Ellon Road roundabout, generally in accordance with AECOM drawing number SKE001 (November 2015) has been implemented unless otherwise agreed in writing with the planning authority- in the interests of road safety.

(15) That no dwellings shall be occupied until such time as a public transport strategy, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy, have been submitted to and approved by the Planning Authority. Thereafter the agreed strategy shall be implemented in full in accordance with such a scheme, unless otherwise agreed in writing with the Planning Authority - in the interests of encouraging the use of public transport.

(10) That no development shall take place unless there has been submitted to and approved in writing by, the planning authority in consultation with SEPA prior to any works on site:

- The hydraulic model is re-run to incorporate an allowance for Climate Change as part of the sensitivity analysis
- Consideration is made of the flood events which have been documented at the Park and Ride car park on the site, by Aberdeen City Council in their 4th and 5th Biennial Flood Reports.
- No development will be permissible within the 1 in 200 year flood plain outline. With the present information provided this is defined in Figure 11 of the Flood Risk Assessment for Planning Application in Principle, dated 12 October 2015, by Kaya Consulting Ltd for Goodson Associates.
- In regard to the proposed opening up of a culvert on the site - detailed modelling of the new channel is provided.

- to protect people and property from flood risk in accordance with Scottish Planning Policy.

(11) Prior to commencement of any work in any phase of the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA [and SNH or other agencies as appropriate]. This shall include:

Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development.

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All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

- to protect and improve the water environment.

(12) that no development in any individual phase/block shall take place unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

- to ensure adequate protection of the water environment from surface water run-off.

(13) No development shall take place on site in each independent phase/block pursuant to this planning permission unless a site specific Construction Environmental Method Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of necessary demolition and construction works on the environment.

(14) The details to be submitted pursuant to Condition 2 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as:

- a) Inspection regime relating to matters such as outlets/inlets;
- b) Frequency and method of cleaning of filter trenches, removal of silt etc.;
- c) Grass cutting (and weeding) regime for swales;
- d) Means of access for future maintenance;
- e) How to ensure that planting will not be undertaken over perforated pipes;
- f) Details of the contact parties for future factoring/maintenance of the scheme;

- to protect the water environment and help reduce flooding.

(15) Prior to the commencement of any phase of development, as identified in the approved phasing plan required by condition 1, for each respective phase full details of

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the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, cycleway provision, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. The development shall be carried out in complete accordance with such a plan and buildings shall not be occupied unless the streets and parking areas for the respective block are complete and available for use - in the interests of road safety.

(16) No development shall take place until an assessment of emissions to air from road traffic associated with the whole development has been submitted to and approved in writing by the planning authority. The assessment shall be undertaken in accordance with a method approved by Council's Environmental Health Service and take into account additional traffic associated with other consented or proposed developments in the area, including the 3rd Don Crossing and Aberdeen Western Peripheral Route. Where the development is assessed as having an adverse impact on local air quality mitigation measures shall be specified in the report. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority. Reason – in order to mitigate the impact of road traffic associated with the development on local air quality.

(17) Prior to the occupancy of each block, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy in accordance with the Council's Car Parking Standards, unless otherwise agreed in writing with the planning authority - in the interests of road safety.

(18) No development in any particular phase of the development hereby approved shall take place unless surveys for protected species (red squirrel / bats /badgers) for that phase have been carried out and submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place within the relevant phase of the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the Planning Authority. No development shall take place within the relevant phase unless the mitigation measures which have been agreed in writing by the Planning Authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species.

(19) No development shall take place within any individual block until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publications.

(20) that no development within any individual phase/block 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

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in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(21) that no development in any individual phase/block shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(22) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) in any individual phase/block has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

(23) that there shall be no development involving hard surfaces or buildings within the area of the application site zoned as green belt under Policy NE2 of the adopted Local Development Plan 2012. No development or works shall take unless details have been submitted to and approved in writing by the planning authority – in the interests of the green belt and landscape areas setting of adjacent areas.

(24) That any overlap in operation of the existing AECC and the proposed facility at Rowett North (including event testing) shall be implemented only in accordance with an operational and transportation statement to be agreed in writing with the planning authority – in the interests of ensuring that there is no detrimental impact on the capacity of the road network

Informatives

INFORMATIVE 1

DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection, of 5 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the development.

The provisions of section 59(2) shall therefore be read as follows:

1) that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this

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grant of planning permission in principle in respect of phase 1(as defined in terms of condition 1) has been made before whichever is the latest of the following:

- (i) the expiration of 5 years from the date of this grant of planning permission in Principle;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

2) that this planning permission in principle shall lapse unless a further application or applications for the requisite approval of the matters specified in all condition(s) attached to this grant of planning permission in principle in respect of each phase subsequent to phase 1 (as defined in terms of condition 1) has been made before whichever is the latest of the following:

- (i) the expiration of 3 years from the date of the last grant of requisite approval for the previous phase;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions for the phase in question was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3) that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions on the final phase (as defined in condition 1 of this permission) being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development of the final phase to which the permission relates is begun before that expiration – pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 2:

For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

INFORMATIVE 3.

Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

INFORMATIVE 4

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It is advisable that the developer contact the Council's Waste Aware Team to discuss the appropriate waste storage and uplift arrangements for the residential developments.

INFORMATIVE 5

The applicant is advised that should any contamination of the ground be discovered during development the Planning Authority should be notified. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority. This is in order to ensure that the site is suitable for use and fit for human occupation.

The report noted that at the Planning Development Management Committee of 10 December 2015, they resolved to approve the application conditionally, along with securing of affordable housing and developer obligation contributions. It was noted that a new Supplementary Guidance was now in place which resulted in a contribution towards healthcare provision also being required.

The Committee heard from Lucy Greene, Senior Planner, who answered questions from members in regards to the application and clarified the current position with the application. Elena Carlisle, Legal Team Leader, Planning and Enforcement, updated the Committee in regards to the Section 75 legal agreement.

The Committee resolved:-

to approve the recommendation contained within the report.

- **Councillor Marie Boulton, Convener**

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