

## DEVELOPMENT MANAGEMENT SUB COMMITTEE

ABERDEEN, 19 July 2012. Minute of Meeting of the DEVELOPMENT MANAGEMENT SUB COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Dickson (as substitute for Councillor McCaig), Finlayson, Grant, Lawrence, MacGregor, Jean Morrison MBE, Stuart (as substitute for Councillor Jaffrey) and Thomson.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2550&Ver=4>

### MINUTE OF MEETING OF DEVELOPMENT MANAGEMENT SUB COMMITTEE OF 14 JUNE 2012

1. The Sub Committee had before it the minute of its previous meeting of 14 June 2012.

**The Sub Committee resolved:-**

to approve the minute.

### MINUTE OF MEETING OF DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS) OF 21 JUNE 2012

2. The Sub Committee had before it the minute of meeting of the Development Management Sub Committee (Visits) of 21 June 2012.

**The Sub Committee resolved:-**

to approve the minute.

### ABERDEEN AIRPORT SPORTS AND SOCIAL CLUB, FARBURN TERRACE, DYCE - 120481

3. With reference to Article 2 of the minute of meeting of the Development Management Sub Committee (Visits) of 21 June 2012, wherein a site visit had been undertaken, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Sub Committee approve the application in respect of planning permission for external alterations including the overcladding of the existing frontage, replacement windows and doors, the formation of two new openings, internal fit out of existing buildings, and the change of use from a leisure facility (Class 11) to a passenger terminal, subject to the following conditions:-

- (1) That the development hereby approved shall not be occupied unless the car parking and drop-off area hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No.

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002(Rev.B) 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 other than for the purpose of the parking of cars and as a drop-off and collection point for passengers using the terminal; (2) That the terminal shall not be used 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, 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; (3) 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; (4) That the terminal shall not be occupied unless a scheme for external lighting has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; and (5) That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

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

to approve the recommendation subject to the addition of the following condition:-

- (6) That the terminal shall not be occupied unless the gate piers at the car park entrance have been reduced to a height of no more than 1m from ground level.

### **BIELDSIDE LODGE, NORTH DEESIDE ROAD - 120491**

4. With reference to Article 3 of the minute of meeting of the Development Management Sub Committee (Visits) of 21 June 2012, wherein a site visit had been undertaken, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Sub Committee approve the application in respect of planning permission for the erection of a dwelling house subject to the following conditions and with the

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permission being withheld until the applicant had entered into a legally binding agreement preventing vehicular access being taken further into the site:-

(1) That no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of the (i) detailed design and external appearance of the building(s) the highest point of which shall be no more than 37.5m AOD and shall be planted with grass or other plants in accordance with a scheme to be agreed as required by other conditions; (ii) the landscaping of the site, including construction and laying out of the access and the installation of a swale or other measures in order to handle water from the former mill lade; (iii) details of the boundary treatment, including the hedge and temporary treatment to the boundary in the period before the hedge reaches its intended height; (iv) a construction method statement including details of how construction of the house and any retaining structures shall take place avoiding damage to the listed structures near to the site, including the garden wall and summerhouse; and, how construction vehicles and materials will be brought to and stored upon the site, including how these will be transferred onto the site taking into account the need to protect trees; (2) That this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following: (i) the expiration of 3 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; (3) That this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions 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 to which the permission relates is begun before that expiration; (4) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place: (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm 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]; (5) That notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no extensions, alterations or improvements which materially affect the external appearance of the dwelling house, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority; (6) That no development shall

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take place unless a scheme detailing all external finishing materials to the roof and walls of the development 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; (7) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (SUDS) 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; (8) That the dwelling house hereby granted planning permission shall not be occupied unless a scheme for the provision of foul sewerage and wholesome water facilities has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented; (9) That the developer shall afford access at all reasonable times to any archaeologists nominated by the planning authority and shall allow them to observe work in progress and record items of interest and finds. No development pursuant to this planning permission shall take place unless written notification of the commencement date has been given to the Keeper of Archaeology, Aberdeen City Council not less than 14 days before development commences; (10) 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, 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; (11) 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; (12) That no development 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; (13) 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) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such

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plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (14) 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; (15) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities 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 metres of foliage, branches or trunks; and (16) That notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended no extensions, alterations or improvements which materially affect the external appearance of the dwelling house, nor any hard surface be laid, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling house, hereby approved without a further grant of planning permission from the planning authority.

The Sub Committee was addressed by Ms Lucy Greene, Senior Planner, Planning and Sustainable Development who provided the following verbal update:-

At the committee site visit on 21<sup>st</sup> June, planning officers explained that neighbours had been re-notified of this application and the application had been re-advertised. The end of the period for the receipt of representations was just after the date for finalising reports for the agenda for this meeting. For that reason it is necessary to update members verbally on the matters raised and addressing all new points raised in objection since the report was written.

The update to the report contained within the agenda describes the eleven representations that had been received up to that point. A further ten representations have now been received. These consist of four letters of objection and six letters of support.

All the letters of objection received in response to this second round of notification are from parties who objected previously, although there are some new concerns raised. The 13 letters of support are from parties who had not previously made representations. Objections have therefore been made by 23 parties and a total of 14 letters of support have been received.

It should be reiterated that all objections made to the application are valid and the matters raised are dealt with in the report, or will be dealt with in this verbal update.

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The update to the report lists those additional matters raised in the second round of notification. The following are the new points raised since the report was updated:

- that the report fails to take proper account of the findings of the two previous unsuccessful appeals; and
- Further detail is provided in relation to the point of concern that the report materially misrepresents the provisions of the local development plan.

The following matters have been raised in support:

- that the combination of modern and traditional designs will bring an added dimension to the area;
- that to deny good design is a regressive step;
- that the proposal uses the sites topography and nestles into its surroundings in an unobtrusive manner;
- that the landscaped roof ensures that the character of the area is maintained;
- that the proposal is for only one house in an area zoned for housing; and
- that it coalesces the other houses in the immediate area in an interesting mix.

I will now address all the additional points of objection that have been made:

Heavy construction vehicles

The issue of the route of construction vehicles is a material consideration only insofar as it impacts upon the area because of its particular nature. This application is for planning permission in principle and conditions could be attached requiring further information on this matter.

The applicant has submitted a high level method statement for the construction of the house that proposes utilising materials and components of a modular or small nature that can be transported manually or by a small vehicle over a narrow pathway. The main structure would be formed insitu from concrete pumped in doses from the proposed parking area.

I am satisfied that a method could be used (the details of which could be submitted in a future application) whereby the house could be constructed without damage to the existing environment. It is possible to take construction related vehicles along the Deeside Walkway for limited periods. The Council controls this and vehicles of an appropriate size could be used.

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The reports representation of the terms of the Local Development Plan and Supplementary Guidance

There were various detailed points made about the wording of the Planning Policy section of the report and a number of minor amendments have been made to this. As the updated report states, these do not affect in any way the evaluation of the proposal or the recommendation.

Reports addressing of concern of objectors

These have been fully taken into account in the Evaluation Section of the report. The objectors do not state which particular objections have not been addressed. As well as the previous appeal decisions that are specifically addressed. In doing so the report notes that these decisions relate to proposals for a different design of house.

Ms Greene also suggested the following additional condition:-

(17) That the building hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details.

The Convener moved, seconded by Councillor Corall:-

That the recommendation be approved subject to the addition of condition (17), as outlined above, and the following condition:-

(18) That any detrimental impact on the Deeside Walkway due to it being used for access to the site for purposes connected to the erection of the dwelling house hereby approved, including to the walkway surface or surrounding vegetation and trees, be remediated in full in accordance with a scheme approved in writing by the planning authority within 3 months of the completion of development, unless otherwise agreed in writing with the planning authority. Any tree work to trees along the Deeside Walkway which appears to become necessary during the use of the walkway in connection with 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.

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

That the application be refused on the grounds that the proposed development (1) was contrary to numerous policies within the approved Local Development Plan and the Council's supplementary planning guidance; (2) represented over-

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development of the site; (3) would be likely to have a detrimental impact on the amenity of the area; (4) did not comply with the Council's guidance in respect of the sub-division and redevelopment of residential curtilages; (5) if approved, would risk further eroding the character of the area and would set an undesirable precedent for future applications; (6) would result in the loss of trees, some of which were protected, which would impact adversely on the environment; and (7) was a backland development and would impact adversely on the Deeside Walkway.

On a division, there voted:- for the motion (7) - the Convener; and Councillors Corall, Cormie, Dixon, Lawrence, Jean Morrison MBE and Sandy Stuart; for the amendment (5) - Councillors Boulton, Finlayson, Grant, MacGregor and Thomson.

**The Sub Committee resolved:-**  
to adopt the motion.

**In terms of Standing Order 15(6), Councillors Boulton and Finlayson intimated their dissent against the foregoing decision.**

### **BROADFORD WORKS, MABERLY STREET - 120048**

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

That the Sub Committee approve the application, with legal agreement, in respect of planning permission for a proposed urban village (mixed development) including: major restoration and conversion of important listed buildings formerly used as a textile mill; demolition of various industrial premises; construction of new build developments comprising 517 flats (of which 175 are conversions); 4525m<sup>2</sup> of non-residential uses including a notional 1975m<sup>2</sup> of ground floor retail; 1900m<sup>2</sup> of storage; a 450m<sup>2</sup> nursery and a 200m<sup>2</sup> restaurant; 569 surface and basement car parking spaces and associated engineering works, subject to the following conditions:-

- (1) That the development hereby approved shall not commence unless a scheme showing full details of any proposed townscape features to be erected or installed (including, but not limited to, barriers, bollards, street lamps, planting boxes, hard surfaces and litter bins) has been submitted to, and approved in writing by, the planning authority. No part of the development shall be occupied unless the townscape features relevant to that part of the development have been installed or erected and are fully operational;
- (2) That the phasing of the development shall comply with the approved phasing plan, or other such plan as may be subsequently approved in writing by the planning authority;
- (3) That 569 car parking spaces shall be provided as shown on the approved drawings, or other such drawings as may be approved for the purpose by the planning

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authority. No block shall be occupied unless the car parking spaces relative to that block have been provided in full accordance with the approved drawings. 517 of the spaces shall be restricted for the use of residents of the development only and none of these spaces shall be allocated to any individual flat; (4) That no development shall commence until a detailed scheme and specifications for the provision of a minimum of 133 secure cycle parking spaces has been submitted to and approved in writing by the planning authority. No block shall be occupied unless the cycle parking spaces relative to that block have been provided in full accordance with the approved scheme and are available for use; (5) That no development shall commence until a detailed scheme of traffic management relating to vehicle and pedestrian circulation within the site has been submitted to and approved in writing by the planning authority. No part of the development shall be occupied unless the approved scheme of traffic management relative to that part has been implemented in full accordance with the approved scheme and is fully operational; (6) That no development shall commence until further details of the design of the proposed junction arrangement at the principal vehicular access to the site from Hutcheon Street has been submitted to and approved in writing by the planning authority. No part of the development shall be occupied unless the approved junction details have been implemented in full accordance with the approved scheme and are fully operational; (7) That prior to the commencement of any works within any phase of the development, a site specific environmental management plan (EMP) for that phase shall be submitted for the written approval of the planning authority, in consultation with SEPA and all work shall be carried out in full accordance with the approved plan; (8) That the SUDS scheme for any phase of the development shall be designed and constructed in accordance with approved drawing numbers A/03341/951-1, 951-2, 951-3, 951-4, 951-5, 951-6, 951-7 951 Rev 1 and 952, (or such other drawings as may subsequently be approved in writing for the purpose by the planning authority) and CIRIA C697: The SUDS Manual and shall be implemented and operational prior to the first occupation of any building within that phase; (9) That no development shall commence until an amended Phase II Supplementary Environmental Audit providing additional information on trial pit and borehole investigation, water and gas sampling and the additional mitigation measures proposed for dealing with any land contamination impacts that may be identified, has been submitted to and approved in writing by the planning authority; (10) That no development shall commence until a noise assessment prepared by an independent qualified noise consultant has been submitted to and approved in writing by the planning authority. The assessment shall identify all sources of noise likely to adversely affect occupants of the development and all sources of noise arising from within the site likely to affect occupants of residential properties outwith the site. The assessment shall identify the detailed measures necessary to mitigate against the adverse impacts of any noise source identified as required by this condition. No part of any building shall be occupied unless the noise mitigation measures

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identified in the assessment as applicable to that phase have been implemented and are fully operational; (11) That no development shall commence until detailed proposals for the storage and collection of refuse generated within the site, including recycling facilities, have been submitted to and approved in writing by the planning authority. No part of the development shall be occupied unless the refuse facilities particular to that part have been implemented and are fully operational; (12) That no development in respect of the restaurant or nursery hereby approved shall commence until schemes detailing the proposed ventilation and filtration systems to be used to disperse cooking fumes emanating from the premises have been submitted to and approved in writing by the planning authority. Neither of the premises shall be occupied unless the ventilation and filtration scheme particular to that building has been implemented and is fully operational; (13) That no development shall commence 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 to and approved in writing by the planning authority; (14) That no development shall commence until a detailed scheme and specifications for the provision within the application site of a suitably surfaced children's play area containing a minimum of 5 items of play equipment, seating and a receptacle for litter disposal has been submitted to and approved in writing by the planning authority. No part of phase 7, or other such part of the development as may subsequently be agreed in writing by the planning authority, shall be occupied unless the approved play facilities have been provided in full accordance with the approved scheme and are available for use; (15) 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, 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; (16) 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; (17) That prior to the development of Block G and any realignment of the existing Gilcomston Burn culvert, a survey of the existing culverted burn within the site shall be undertaken, and a plan of the location of any proposed engineering activities (including realignment of the existing culvert) in the water environment including a justification for each proposed engineering activity and details of mitigation

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measures to address any adverse impacts shall be agreed in writing with the planning authority, in consultation with SEPA, and thereafter implemented; (18) That no development of any proposed new building on the site shall take place unless details of the zero and low carbon equipment to be incorporated into that building and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details.

The Convener moved, seconded by Councillor Jean Morrison MBE:-

That the recommendation be approved subject to the Council securing a suitable contribution from the applicant towards educational provision, and the addition of the following condition:-

(19) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm 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].

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

That the application be refused on the grounds that the proposed development (1) represented over-development of the site; (2) did not include any provision for affordable housing; (3) did not contribute towards planning gain; (4) was lacking in the provision of community facilities; and (5) was likely to generate increased traffic to the detriment of the local road network and surrounding residential amenity.

On a division, there voted:- for the motion (4) - the Convener; and Councillors Grant, Lawrence and Jean Morrison MBE; for the amendment (8) - Councillors Boulton, Corall, Cormie, Dixon, Finlayson, MacGregor, Sandy Stuart and Thomson.

**The Sub Committee resolved:-**

to adopt the amendment.

### **GORDON MILLS ROAD, DONSIDE URBAN VILLAGE - 110099**

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

That the Sub Committee approve the application in respect of planning permission for the proposed re-design of the urban square, including commercial offices, riverside housing block, corner blocks including retail/commercial space and the relocation of the

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proposed café, subject to the following conditions, and withholding planning permission pending the signing of a legally binding agreement relating to planning gain:-

(1) That no development shall take place unless a scheme detailing all external finishing materials to the roofs, walls and hard surfaces of the development 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; (2) That no development of the icon block, office block or external works to the quayside within 20 metres of the existing river edge as defined on drawing A3793/PL-11-03C shall take place unless there has been submitted to and approved in writing by the planning authority a construction method statement for all works to the river bank and including the sheet piling, and construction of the wildlife corridor and any other works affecting the river bank. The method statement shall include measures for the prevention of pollution reaching the River Don, including measures to control dust, run-off, timing of works in relation to water levels and the management of waste. The scheme shall be implemented in complete accordance with details as so approved and work shall not take place unless the measures so agreed are in place and fully operational; (3) That the full details of the compensatory storage proposals, including cross sections and drawings clearly showing how the scheme will fill and drain freely during a flood event, are agreed with relevant parties including SEPA and implemented in full prior to the commencement of development. The detailed proposals are to be designed in accordance with Appendix C of the Flood Risk Assessment (dated 1 March 2012) and the plan of "Flood Extents" ref 62299/WS/11 (dated 14 March 2012); (5) That the existing piling and any retaining structures shall not be removed or altered unless a detailed method statement, including measures for satisfactorily dealing with contaminated land, has been submitted to and agreed in writing with the planning authority; (6) That the office building shall not be brought into use unless the car parking within the flood basin to the south of the application site has been laid out and is fully operational; (7) 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, 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; (8) 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

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approved in writing for the purpose by the planning authority; (9) That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; and (10) That the building(s) hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details.

**The Sub Committee resolved:-**

to approve the recommendation.

**SOUTH LASTS FARM, CONTLAW ROAD, MILLTIMBER - 120166**

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

That the Sub Committee approve the application in respect of planning permission to erect a single 800kw wind turbine, associated ancillary equipment and the formation of an access track, subject to the following conditions:-

(1) 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 with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority; (2) That prior to work commencing on site, full colour details of the proposed turbine shall be submitted for the further written approval of the planning authority and the development shall be implemented in accordance with the approved details; (3) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS 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; (4) 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, 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; (5) 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

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development 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; (6) That prior to the commencement of development on the site, the developer shall obtain written approval from the planning authority, following consultation with Transport Scotland - Trunk Road Network Management Directorate (the trunk roads authority) and Grampian Constabulary, for a traffic management plan. This plan shall include details of (i) routing of construction traffic and construction workers' traffic; (ii) provision of any temporary car park; (iii) controlled routing of heavy vehicles; (iv) arrangements for police escort or other escort approved by Grampian Constabulary of abnormal loads; (v) any speed restrictions required; and (vi) temporary site signage identifying routes for all site vehicles and advising drivers of all necessary information. Such provisions in the approved plan shall be fully implemented, unless otherwise agreed in writing by the planning authority; (7) That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbines, other buildings or structures within the site without the written approval of the planning authority; (8) That in the event that this turbine becomes obsolete or redundant, it must be removed within six months of such event. In the event that the turbine and associated equipment is removed, the site shall be made good, in accordance with a scheme to be submitted and approved in writing by the planning authority, within one month of such removal; (9) That unless otherwise agreed in writing by the planning authority, noise from the wind turbine should be limited to a rating level, measured under free-field conditions, of 40 dB LA90, or 5 dB above the pre-established prevailing background noise level, for sensitive day-time hours, whichever is the greater, at any residential property lawfully occupied at the date of this consent. Sensitive day-time hours are defined as Monday to Friday 1800 to 2300 hours; Saturday 1300 to 2300 hours and Sundays 0700 to 2300 hours. The rating level shall be calculated from the measured noise level plus a correction to account for any tonal components in the noise, to be derived according to the procedure outlined in ETSU-R-97; and (10) That noise from the wind turbine should be limited to a rating level, measured under free-field conditions, of 43 dB LA90, or 5 dB above the pre-established prevailing background noise level for night-time hours, whichever is the greater, at any residential property lawfully occupied at the date of this consent. Night-time hours are defined as 2300 to 0700 hours. The rating level shall be calculated from the measured noise level plus a correction to account for any tonal components in the noise, to be derived according to the procedure outlined in ETSU-R-97. Noise limits should be set at the nearest noise sensitive property.

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Councillor Boulton, as one of the local members, requested that the application be deferred pending a site visit.

Councillor Corall moved as a procedural motion, seconded by Councillor MacGregor:-  
That the application be determined this day.

On a division, there voted:- for the procedural motion (2) - Councillors Corall and MacGregor; against the procedural motion (9) - the Convener; and Councillors Boulton, Cormie, Finlayson, Grant, Lawrence, Jean Morrison MBE, Sandy Stuart and Thomson; declined to vote (1) - Councillor Dixon.

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

- (i) to reject the procedural motion; and
- (ii) to defer consideration of the application meantime to enable members to visit the site on 2 August 2012, to be preceded by a visit to an existing wind turbine, with the application being determined on 23 August 2012.

### **DECLARATION OF INTEREST**

**The Convener declared an interest in relation to the following item by virtue of his employment by NHS Grampian which had previously owned the site. The Convener considered that the nature of his interest required him to leave the meeting and took no part in the deliberations thereon.**

**In the absence of the Convener, Councillor Jean Morrison MBE took the Chair.**

### **WESTBURN CRESCENT - 120584**

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

That the Sub Committee approve the application in respect of planning permission for a residential development of nine units, comprising six dwelling houses and three flatted properties, to be built on the vacant site, subject to the following conditions and withholding consent until the signing of a legally binding agreement to secure affordable housing and developer contributions:-

- (1) That no development shall take place unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority. Thereafter none of the units hereby granted planning

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permission shall be occupied unless the equipment has been installed in accordance with those approved details; (2) That no development shall take place unless a scheme for the protection of all trees to be retained along western site boundary 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. The scheme must include details of the proposed changes in ground level within the gardens of plots 1 and 2; (3) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls (to include granite on the front elevation walls and north gable elevation) of the development 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; (4) That no development shall take place unless a detailed site specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site; (5) That none of the units hereby granted planning permission shall be occupied unless a new pedestrian footpath as shown on drawing 1343-P-001(Rev.G) or such other plan as may subsequently be approved in writing by the planning authority for the purpose, has been constructed or a variation granted in writing by the planning authority; (6) That none of the units hereby granted planning permission shall be occupied unless all drainage works detailed in the Drainage Impact Assessment dated 13 June 2012 by Ramsay and Chalmers or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan; (7) That none of the units hereby granted planning permission shall be occupied unless the car parking areas associated with that particular unit have been constructed in accordance with drawing 1343-P-001(Rev.G) 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 other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (8) That all planting, seeding and turfing comprised in the approved scheme of landscaping shown on drawing 1218/2 (Rev.C) by the Ross Partnership, 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 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; and (9) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm

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Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm 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].

Councillor Laing, as one of the local members, requested that the application be deferred pending a site visit.

**The Sub Committee resolved:-**

to defer consideration of the application meantime to enable members to visit the site on 2 August 2012, with the application being determined on 23 August 2012.

**Councillor Jean Morrison MBE vacated the Chair in favour of the Convener upon his return.**

### **ST MACHAR ROAD, AREA OF FOOTPATH - 120735**

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

That the Sub Committee approve the application in respect of planning permission for the erection of a 17.5 metre high monopole supporting six radio antennas and the installation of three cabinets and ancillary development upon the existing footpath for the purpose of telecommunications, subject to the following conditions:-

- (1) That in the event that any part of this equipment becomes obsolete or redundant, it must be removed within six months of such event. In the event that all of this equipment is removed, the site shall be made good, in accordance with a scheme to be submitted and approved in writing by the planning authority; and
- (2) That within six months of the mast hereby granted permission becoming operational, the existing masts and all equipment shall be removed from the site at 'Speedy Hire' and near the roundabout at Bedford Road and St Machar Drive and the site made good in accordance with a scheme to be submitted and approved in writing by the planning authority.

**The Sub Committee resolved:-**

to approve the recommendation.

### **12 DEVANHA GARDENS WEST - 120781**

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

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That the Sub Committee approve the application in respect of planning permission for a change of use from class 8 (residential institutions) to form a single dwelling house and alterations, subject to the following condition:-

- (1) That no development shall take place unless coloured samples of the render proposed for the development 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.

**The Sub Committee resolved:-**

to approve the recommendation.

### DECLARATION OF INTEREST

**Councillor Finlayson declared an interest in relation to the following item by virtue of his position as Chairperson of Cove and Altens Community Council, prior to his election, which had objected to the planning application in question. Councillor Finlayson considered that the nature of his interest required him to leave the meeting and took no part in the deliberations thereon.**

### EARN SHEUGH ROAD, COVE BAY - 120202

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

That the Sub Committee approve the application in respect of planning permission for the erection of a single storey retail unit of 308 square metres gross floor space, with associated car parking, subject to the following conditions:-

- (1) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS 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; (2) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm 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]; (3) That the building(s) hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP

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or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details; (4) That prior to the commencement of the use hereby approved a 2.0 metre high close boarded fence shall be installed along the entire length of the eastern boundary of the site to the specification included in paragraph 6.05 of the Noise Impact Assessment dated 28 May 2012; and (5) That deliveries shall not take place to the premises other than during the hours from 8.00am until 6.00pm, Mondays to Saturdays inclusive and 10.00am to 4.00pm on Sundays, unless the planning authority has given prior written approval for a variation.

**The Sub Committee resolved:-**

to defer consideration of the application meantime to enable members to visit the site on 2 August 2012, with the application being determined on 23 August 2012.

### **UNITS 1&2, SITE 94 HARENESS ROAD, ALTENS INDUSTRIAL ESTATE - 120795**

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

That the Sub Committee approve the application in respect of planning permission for the erection of a temporary storage building, subject to the following condition:-

- (1) That the temporary offices and associated structures hereby granted planning permission shall be removed from the site on or before 18 July 2017 and shall not remain on the site thereafter.

**The Sub Committee resolved:-**

to approve the recommendation subject to the addition of the following condition:-

- (2) That for the avoidance of doubt, the emergency access track to the south-west corner of the application site shall be used for emergency purposes only.

### **1 JESMOND GARDENS, BRIDGE OF DON - 120342**

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

That the Sub Committee approve unconditionally the application in respect of retrospective planning permission for change of use from amenity ground to private garden ground and the erection of a gate and boundary wall.

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**The Sub Committee resolved:-**

to refuse the application on the grounds that approval of the proposal would have the effect of setting a precedent for similar applications which would be difficult to resist and could result in the gradual erosion of public amenity space in the neighbourhood.

**16 RUBISLAW DEN SOUTH - 120274**

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

That the Sub Committee approve unconditionally the application in respect of planning permission for a proposed single and two storey extension to the rear elevation of the property.

Councillor Jennifer Stewart, as one of the local members, requested that the application be deferred pending a site visit.

**The Sub Committee resolved:-**

to defer consideration of the application meantime to enable members to visit the site on 2 August 2012, with the application being determined on 23 August 2012.

**20 DEVONSHIRE ROAD - 120120**

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

That the Sub Committee approve unconditionally the application in respect of planning permission for alterations to the existing rear annexe to the property, including new or revised fenestration, part increase in roof height, balcony and external stair, and the installation of velux windows to the front elevation replacing existing skylights.

Councillor Jennifer Stewart, as one of the local members, requested that the application be deferred pending a site visit.

**The Sub Committee resolved:-**

to defer consideration of the application meantime to enable members to visit the site on 2 August 2012, with the application being determined on 23 August 2012.

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**41 HAMILTON PLACE - 120703**

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

That the Sub Committee approve unconditionally the application in respect of planning permission for the erection of a garage and the formation of gates and a driveway at the rear of the property.

Councillor Jennifer Stewart, as one of the local members, requested that the application be deferred pending a site visit.

Councillor Cormie moved as a procedural motion, seconded by Councillor Corall:-  
That the application be determined this day.

On a division, there voted:- for the procedural motion (8) - the Convener; and Councillors Corall, Cormie, Grant, Lawrence, MacGregor, Jean Morrison MBE and Sandy Stuart; against the procedural motion (3) - Councillors Boulton, Finlayson and Thomson; declined to vote (1) - Councillor Dixon.

**The Sub Committee resolved:-**

to accept the procedural motion and thereby determine the application this day.

**The Sub Committee further resolved:-**

to approve the recommendation subject to the addition of the following condition:-

- (1) That the garage hereby granted planning permission shall not be used for any purpose other than that which is ancillary to the domestic use of the dwelling house.

**DYCE PRIMARY SCHOOL, GORDON TERRACE - 120531**

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

That the Sub Committee approve unconditionally the application in respect of planning permission for the installation of solar photovoltaic (PV) panels on three roofs of the main building at the property.

**The Sub Committee resolved:-**

to approve the recommendation.

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**DYCE ACADEMY, RIVERVIEW DRIVE - 120530**

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

That the Sub Committee approve unconditionally the application in respect of planning permission for the installation of solar PV panels on three roofs of the academy building.

**The Sub Committee resolved:-**  
to approve the recommendation.

**DECLARATIONS OF INTERESTS**

**Councillors Dixon and Lawrence declared interests in relation to the following two items of business by virtue of their appointment by the Council as Directors of Sport Aberdeen. Both Councillors considered that the nature of their interests required them to leave the meeting and took no part in the deliberations thereon.**

**WESTBURN TENNIS CENTRE, WESTBURN ROAD - 120769**

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

That the Sub Committee approve unconditionally the application in respect of planning permission for the installation of solar PV panels on the south facing roof of the property.

**The Sub Committee resolved:-**  
to approve the recommendation.

**BEACH LEISURE CENTRE, ESPLANADE - 120528**

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

That the Sub Committee approve unconditionally the application in respect of planning permission for the installation of solar PV panels on the east facing roof of the property.

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**The Sub Committee resolved:-**

to approve the recommendation.

**TULLOS PRIMARY SCHOOL, GIRDLENESS ROAD - 120526**

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

That the Sub Committee approve unconditionally the application in respect of planning permission for the installation of solar PV panels on three south facing roofs of the school building.

**The Sub Committee resolved:-**

to approve the recommendation.

**265B/267 NORTH DEESIDE ROAD, MILLTIMBER - 120033**

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

That the Sub Committee **refuse** the application in respect of planning permission for the construction of a new one and a half storey detached dwelling house, including the formation of vehicular access and the construction of a double garage and associated landscaping/boundary treatment, on the following grounds:-

1. The proposed development, by way of its inappropriate siting and relationship with its surroundings, fails to demonstrate due regard for its context and the general settlement pattern of the surrounding area. It is considered that the proposal would be contrary to paragraph 82 of Scottish Planning Policy, policies D1 (architecture and placemaking), and H1 (residential areas) of the Aberdeen Local Development Plan, and the Council's supplementary planning guidance on the 'Sub-division and Re-development of Residential Curtilages'; and
2. The proposed development, if approved, would risk further eroding the character of the area and setting an undesirable precedent for speculative development in areas characterised by detached dwellings located within large plots, leading to a cumulative erosion of character and amenity.

**The Sub Committee resolved:-**

to approve the recommendation.

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**289-295 ROSEMOUNT PLACE, ABERDEEN - 120578**

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

That the Sub Committee **refuse** the application in respect of planning permission for the installation of an automatic teller machine (ATM) on the existing shopfront of the building within an existing glazed panel.

Councillor Corall moved:-

That the application be approved.

Councillor Corall failed to receive a seconder, therefore his motion was not put to the vote.

**The Sub Committee resolved:-**

to approve the recommendation.

**CONFIRMATION OF TREE PRESERVATION ORDERS 215 AND 216 - EPI/12/128**

**24.** The Sub Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which sought to confirm two (temporary) Tree Preservation Orders that had been made by the Head of Planning and Sustainable Development under delegated powers.

**The report recommended:-**

that the Sub Committee confirm the making of Tree Preservation Orders 215 and 216 without modifications, and that the Head of Legal and Democratic Services attend the requisite procedures.

**The Sub Committee resolved:-**

to approve the recommendation.

**PLANNING DIGEST - EPI/12/'147**

**25.** The Sub Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which advised of a recent appeal decision, recent updates in Scottish Government planning advice and other aspects of the planning service.

**The report recommended:-**

that the Sub Committee note the outcome of the appeal decision.

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**The Sub Committee resolved:-**

to approve the recommendation.

**PLANNING ENFORCEMENT ACTIVITY - OCTOBER 2011 TO MARCH 2012 -  
EPI/12/129**

26. The Sub Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which advised of the planning enforcement work that had been undertaken by Planning and Sustainable Development from 1 October 2011 to 31 March 2012.

**The report recommended:-**

that the Sub Committee note the content of the report.

**The Sub Committee resolved:-**

to approve the recommendation.

- RAMSAY MILNE, Convener.