

DEVELOPMENT MANAGEMENT SUB COMMITTEE

ABERDEEN, 24 May, 2012. Minute of Meeting of the DEVELOPMENT MANAGEMENT SUB COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton (as substitute for Councillor Grant), Corall, Cormie, Delaney, Finlayson, Jaffrey, Lawrence, MacGregor, McCaig, Jean Morrison MBE, Jennifer Stewart (as substitute) and Thomson.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2288&Ver=4>

WELCOME

1. The Convener welcomed those present to the first meeting of the Development Management Sub Committee since the local government election on 3 May 2012.

MINUTE OF MEETING OF DEVELOPMENT MANAGEMENT SUB COMMITTEE OF 19 APRIL 2012

2. The Sub Committee had before it the minute of its previous meeting of 19 April 2012.

The Sub Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS) OF 26 APRIL 2012

3. The Sub Committee had before it the minute of meeting of the Development Management Sub Committee (Visits) of 26 April 2012.

The Sub Committee resolved:-

to approve the minute.

CRAIGIEBURN HOUSE, 163 SPRINGFIELD ROAD - 120105

4. 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 demolition of the existing building, and provision of 44 sheltered apartments for the elderly, together with communal facilities, car parking and landscaping, withholding issue of the consent document until the applicant has entered into a legal agreement with the Council to (a) restrict the age of the residents occupying the development; and (b) secure the planning gain contribution, subject to the following conditions:-

(1) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been

constructed, drained, laid-out and demarcated in accordance with Drawing No. 1812.PL1.03 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; (2) That all planting, seeding and turfing comprised in the scheme of landscaping shown on Drawing No. 1812.PL1.10 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; (3) That no development shall take place unless the scheme for the protection of all trees to be retained on the site during construction works, as shown on Drawing No. 7701/02A or any other such scheme as may have been approved by the planning authority, has been implemented in full; (4) 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 five metres of foliage, branches or trunks; (5) 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: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied; (6) 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 plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (7) 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]; and (8) That the development hereby approved shall not be brought into use until the carbon dioxide reduction measures in the NHBC Report, dated 30 March 2012 (reference ERHTA25476) have been installed in full accordance with the details specified in the said report.

Councillors Jennifer Stewart and Greig addressed the Sub Committee, as local members, and requested that a site visit be undertaken.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site on 31 May 2012, with the application to be determined on 14 June 2012.

LOWER BAADS, ANGUSTON, PETERCULTER - 111147

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 in respect of planning permission for permanent use of the site for helicopter flying and training, subject to the following condition:-

(1) That the use of the activities hereby granted planning approval shall be restricted to the following times:- 8.00am to 5.00pm Monday to Saturday, and 11.00am to 5.00pm on Sundays, unless otherwise agreed in writing with the planning authority.

The Sub Committee resolved:-
to approve the recommendation.

DECLARATION OF INTEREST

Councillor Delaney declared an interest in the following item by virtue of his position as Chairperson of Mastrick and Sheddocksley Community Council prior to his election, and having formally objected to the application in question in that role, a copy of which had been circulated. Councillor Delaney, as a local member, reiterated the concerns he had outlined within the objection, and considered that the nature of his interest required him to leave the meeting and took no part in the deliberations thereon.

WHITEMYRES FARM, LANG STRACHT - 120430

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 to continue to site a telecommunications mast on the existing site for a further six months to September 2012, subject to the following conditions:-

(1) That the temporary telecommunications mast and associated equipment hereby granted planning permission shall be removed from the site on or before 17 September 2012 and shall not remain on the site thereafter; and
(2) That in the event that any part of the equipment becomes obsolete or redundant, it must be removed within six months of such event. In the event that all of the 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.

Councillor McCaig moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendation contained within the report.

Councillor Boulton moved as an amendment, seconded by the Convener:-

That the application be approved subject to the following condition:- (1) That the temporary telecommunications mast and associated equipment hereby

granted planning permission shall be removed from the site on or before 17 June 2012 and shall not remain on the site thereafter.

On a division, there voted:- for the motion (5) - Councillors Corall, Cormie, Jaffrey, MacGregor and McCaig; for the amendment (7) – the Convener; and Councillors Boulton, Finlayson, Lawrence, Jean Morrison MBE, Jennifer Stewart and Thomson.

The Sub Committee resolved:-

to approve the application in accordance with the terms of the successful amendment.

DECLARATIONS OF INTERESTS

The Convener and Councillor Jean Morrison MBE declared interests in relation to the following item by virtue of their membership of the Board of Aberdeen Heat and Power Limited. Both members considered that the nature of their interests required them to leave the meeting and took no part in the deliberations thereon.

In the absence of the Convener, Councillor Thomson took the Chair.

PARK STREET/CONSTITUTION STREET - 120455

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 for the excavation of trenches and the laying of district heating means between existing mains, subject to the following conditions:-

(1) That the district heating mains hereby authorised shall not be used unless there has been submitted to and approved in writing for the purpose by the planning authority a scheme of landscaping for the site, which scheme shall include indications of all existing trees on the land, and details of any to be retained, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; and (2) 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 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.

The Sub Committee resolved:-

to approve the recommendation.

Councillor Thomson vacated the Chair in favour of the Convener upon his return.

SITE 15/16 STONEYWOOD PARK, FARBURN INDUSTRIAL ESTATE - 120284

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 an extension to the existing workshop, with new machine shop, and alterations to car parking, subject to the following conditions:-

(1) That no development relating to the new machine shop extension shall take place unless the 135 car parking spaces on site 3 have been laid-out, demarcated and are available for use in accordance with drawing No. 1001(Rev.C) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. The car park in site 3 shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the overall development (sites 1, 2 and 3) and use hereby granted approval; (2) That the development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority and the development shall not be occupied unless the agreed measures have been implemented in full. The submitted plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds and comply with Airport Operators Association Advice Note 8 'Potential Bird Hazards from Building Design'; (3) That no development shall take place unless there has been submitted and approved in writing, a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets. The terms of the Green Transport Plan shall be implemented and continue to be implemented on first occupation of the development; and (4) That no development shall take place unless a scheme detailing cycle storage provision (long term and short term) and shower/changing facilities has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

The Sub Committee resolved:-

to approve the recommendation.

FERRYHILL COMMUNITY CENTRE, ALBURY ROAD - 120328

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 a single storey extension to the existing community centre, subject to the following condition:-

(1) That any tree work which appears to have become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; and any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied.

The Sub Committee resolved:-
to approve the recommendation.

3 WHITEHALL ROAD - 120324

10. 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 variation to condition 1 of existing planning permission (111438) to allow the installation of a four plate electric oven, subject to the following conditions:-

(1) That no deep fat frying is undertaken on the premises, unless the planning authority has given prior written approval for a variation; (2) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; (3) That the building hereby granted planning permission shall not be used for the sale of hot food unless it has been adapted to provide sound attenuation against internally generated noise. Such a scheme shall ensure that the internal noise level in residential properties above and adjacent to the hot food shop is not greater than 45 dB[A] during the day and 35 dB[A] at night in each habitable room, all in accordance with details submitted to and approved in writing by the planning authority before development commences, unless the planning authority has given prior written approval for a variation; (4) That the premises shall not operate other than during the hours from 8.00am until 11.00pm on any day, unless the planning authority has given prior written approval for a variation; (5) That, except as the planning authority may otherwise agree in writing, no deliveries shall take place (a) outwith the hours of 7.00am to 7.00pm Mondays to Saturdays inclusive, or (b) outwith the hours of 10.00am to 4.00pm Sundays; and (6) That the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises, along with a systems of regular maintenance has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation.

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, prior to his election, as Chairperson of Cove and Altens Community Council, which had formally objected to the application. Councillor Finlayson expressed concern at the grounds for refusal contained within report, however he considered that the nature of his interest required him to leave the meeting and took no part in the deliberations thereon.

ALLAN PARK - 120215

11. 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 erection of fifty-four dwellinghouses and six flats and associated works, on the following grounds:-

That the application proposal does not comply with Supplementary Planning Guidance: Delivering Identified Projects through a Strategic Transport Fund, as no contribution would be made towards the fund and the development would not therefore mitigate its wider impact on the strategic road network. This would set a precedent for other similar developments, the cumulative impact of which would have an adverse impact on the delivery of infrastructure in the city to the detriment of sustainable economic development.

The Sub Committee resolved:-

to defer consideration of the application to the next meeting to enable officers to continue discussions with the applicant, and to request officers to clarify various matters, including an explanation for the level of affordable housing and loss of parking, and the designation of the site within the Local Development Plan.

4 BAYVIEW ROAD - 120238

12. 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 demolition of an existing garage and outhouse and the formation of a two bedroomed dwellinghouse with associated parking, on the following grounds:-

That the proposal would be contrary to Policies H1, D1 and D4 of the Aberdeen Local Development Plan 2012 and the Council's supplementary guidance: 'The Subdivision & Redevelopment of Residential Curtilages'. The proposal represents a form of backland development which would create a tandem building line fronting onto a rear lane which would be at odds with the pattern and the overall density in the locality. Proposed materials would not be in keeping with the character of the surrounding buildings or the conservation area, and the loss of a natural stone garden wall would also detract from the character of the Conservation Area. Approval of such a proposal would set an undesirable precedent for future applications of a similar nature, which, if replicated, could result in the creation of a second building line behind existing dwellings and fundamentally erode residential amenity and the character of the conservation area.

The Sub Committee resolved:-

to approve the recommendation.

KINGSWELLS PRIME 4 BUSINESS PARK, PHASES 2 AND 3 MASTERPLAN REPORT - EPI/12/126

13. The Sub Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which sought approval of the Masterplan report for the

Kingswells Prime 4 Business Park, which detailed phases 2 and 3 of the proposed development.

The report recommended:-

that the Sub Committee -

- (a) approve the Masterplan for Phases 2 and 3, Prime 4 Business Park, Kingswells (OP40) as interim planning advice; and
- (b) instruct officers to implement the process to ratify the Masterplan as Supplementary Guidance by the Scottish Government.

The Sub Committee resolved:-

- (i) to approve the recommendations; and
- (ii) to request officers to write to Kingswells Community Council apologising for not sending them a copy of the Masterplan report earlier in the process and explaining the next steps in terms of consultation.

APPOINTMENT OF MEMBERS TO THE PLANNING APPEALS PANEL

14. With reference to Article 7 of the minute of the Statutory Council meeting of 16 May 2012, the Council was requested to consider appointing members to the Planning Appeals Panel.

The Sub Committee resolved:-

to re-establish the Planning Appeals Panel comprising two Labour members (the Convener and Councillor Jean Morrison MBE), one SNP member (Councillor Cormie), 1 Liberal Democrat member (Councillor Delaney) and 1 Conservative/Independent member.

COPPER BEECH SITE, AUCHINYELL ROAD - 090737

15. With reference to Article 4 of the minute of its meeting of 11 February 2010, the Sub Committee was advised that the Head of Planning and Infrastructure (at that time) had been authorised to withhold the release of the Approval Notice pending the conclusion, in terms satisfactory to the City Solicitor, of a binding legal agreement under which the applicants would undertake that the flats to be provided on the application site would be retained in perpetuity as affordable social housing.

The Sub Committee was requested to amend its decision to remove the reference "in perpetuity".

The Sub Committee resolved:-

to amend the decision accordingly.

- RAMSAY MILNE, Convener.