

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 23 April 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney (substituting for Councillor Jean Morrison MBE), Corall, Cormie, Donnelly (substituting for Councillor Thomson from Article 4), Greig, Jaffrey, Lawrence, MacGregor (substituting for Councillor Dickson), Malik, Jennifer Stewart, Sandy Stuart and Thomson (for Articles 1 to 3 only).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=3468&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.

AGENDA

1. The Convener advised that item 3.1 - 31 Hillside Road, Peterculter (150009) had been withdrawn from the agenda, and that Tree Preservation Order 195 within item 4.1 was to be deferred.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 19 MARCH 2015

2. The Committee had before it the minute of its previous meeting of 19 March 2015.

The Committee resolved:-

- (i) to approve the minute subject to the correction of Article 10 to reflect that the address was Gordon's Mills Road and not Gordon Mills Road; and
- (ii) to note the updates regarding enforcement in respect of the Chester Hotel, 59 - 63 Queens Road (140990), and progress with securing affordable housing units and traffic calming measures at Friarsfield Road/Kirk Brae, Land to the North, Cults (140272).

27 WHITEHALL TERRACE - 150159

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

That the Committee approve the application for planning permission for the extension of a fence on the south eastern boundary of the rear garden and the erection of a lean-to porch extension on the north eastern elevation of the studio building on a raised platform, subject to the following condition:-

(1) That no development shall take place unless samples of all external finishing materials to the porch 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 Convener moved, seconded by Councillor Sandy Stuart:-

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

Councillor Jennifer Stewart moved as an amendment, seconded by Councillor Thomson:-

That the application be refused on the grounds that the proposal represented over development of the site, was not in keeping with the character of the surrounding area and would have a detrimental impact on the immediate neighbour.

On a division, there voted:- for the motion (7) - the Convener; and Councillors Cooney, Corall, Lawrence, MacGregor, Malik and Sandy Stuart; for the amendment (7) - the Vice Convener; and Councillors Boulton, Cormie, Greig, Jaffrey, Jennifer Stewart and Thomson.

There being an equality of votes, in terms of Standing Order 15(5), the Convener exercised his casting vote in favour of the motion.

The Committee resolved:-

to adopt the motion.

227 UNION STREET - 150179

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

That the Committee approve unconditionally the application for the erection of a pavement café, consisting of two tables and eight chairs to be placed on the footway directly in front of the shop unit.

The Convener moved, seconded by Councillor Cormie:-

That the application be approved subject to the following condition:-

(1) That the outdoor seating area hereby granted planning permission shall not come into use unless provision has been made within the application site for litter disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

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

That the application be deferred pending consultation with the Disability Advisory Group Access Panel.

On a division, there voted:- for the motion (10) - the Convener; and Councillors Cooney, Corall, Cormie, Donnelly, Greig, Lawrence, Malik, Jennifer Stewart and Sandy Stuart; for the amendment (4) - the Vice Convener; and Councillors Boulton, Jaffrey and MacGregor.

The Committee resolved:-

to adopt the motion.

25 FARBURN TERRACE - 150052

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

That the Committee approve the application for planning permission for a change of use to part of the building from bed and breakfast to hot food takeaway (sui generis) subject to the following conditions:-

(1) That hot food shall not be sold from the premises outwith the hours of 16.00 and 22.00, Mondays to Sundays inclusive, and no delivery activities shall take place outwith the hours 08.00 to 18.00 Monday to Saturday and 12.00 (noon) to 18.00 on Sundays; (2) That unless otherwise agreed in writing by the planning authority, the use hereby granted planning permission shall not take place unless the approved scheme (stainless steel extract canopy [3600 x 1250 x 480mm]; 6 baffle filters [500 x 500 x 50mm] and vent-axia MFQ500 extract fan with speed control) of means of filtering, extracting and dispersing cooking fumes from the premises had been implemented in full and is ready for operation; (3) 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; and (4) That the hot food take away hereby granted planning permission shall not come into use unless a scheme detailing cycle storage provision for at least two cycles has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

The Convener moved, seconded by Councillor Corall:-

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

Councillor MacGregor moved as an amendment, seconded by Councillor Jaffrey:-

That the application be refused on the grounds that the proposal would result in an increase in traffic and would therefore have a detrimental impact on residential amenity.

On a division, there voted:- for the motion (11) - the Convener; and Councillors Boulton, Cooney, Corall, Cormie, Donnelly, Greig, Lawrence, Malik, Jennifer Stewart and Sandy Stuart; for the amendment (3) - the Vice Convener; and Councillors Jaffrey and MacGregor.

The Committee resolved:-

to adopt the motion.

2 STATION ROAD EAST, MILLTIMBER - 150128

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

That the Committee approve the application for planning permission for the erection of a new dwellinghouse and retrospective planning permission for the demolition of the previous dwellinghouse on the site, subject to the following conditions:-

- (1) That no development pursuant to the planning permission hereby approved shall be carried out unless details of the proposed new boundary wall on the east boundary has been submitted to and approved in writing by the planning authority. Thereafter, the wall shall be built in complete accordance with the approved details and be in place prior to the occupation of the new house; (2) 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 the proposed areas of tree/shrub planting, including details of numbers (on a 2 for 1 basis), densities, locations, species, sizes and stage of maturity at planting to mitigate the loss of trees due to the development; and (3) 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.

INFORMATIVES

1. 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].

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) to request that contact details for Scottish Water be provided to the objector who made reference to burst pipes in the lane.

44 BEDFORD ROAD - 141664

7. With reference to Article 11 of the minute of its meeting of 19 March 2015, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application for the erection of a three and a half storey serviced apartment development with associated car parking, but to withhold the issue of the consent document until the applicant had entered into a legal agreement to ensure that the development remained in single ownership and that no apartment may be occupied for more than 90 days by the same occupant, and subject to the following conditions:-

- (1) That no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless

there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety; (2) That no development shall 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; (3) That the development hereby approved shall not be occupied unless the car, cycle and motorcycle parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated and the wall fronting Bedford Place lowered in accordance with drawing No. 015b 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; (4) That the serviced apartments 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; (5) 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; (6) That the building hereby approved 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; (7) That the use hereby approved shall not be brought into use until such time as a sample Residential Travel Pack has been submitted to and agreed in writing by the planning authority, and thereafter prominently displayed for the benefit of occupants. For the avoidance of doubt, this should be site-specific and detail the sustainable transport options available to occupants of the development; (8) That no development pursuant to this grant of planning permission shall be undertaken unless street furniture on Bedford Place has been re-sited in accordance with a scheme which has been submitted and agreed in writing by the planning authority; (9) That prior to the commencement of any works on site, a detailed scheme for surface water drainage shall be submitted to and agreed by the planning authority, in consultation with SEPA and Scottish Water. This shall include drainage calculations for a sensitivity test up to a 200 year return period. Thereafter, all work shall be carried out in accordance with the approved scheme; and (10) That the building hereby approved shall not be occupied unless a sign requiring reverse parking only has been erected at the rear of the on-site parking spaces provided in accordance with a scheme that has been submitted to, and approved in writing by, the planning authority.

The Committee resolved:-

to approve the recommendation.

LAND AT BROOKFIELD, MURTL DEN ROAD, MILLTIMBER - 141858

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

That the Committee **refuse** the application for planning permission in principle to demolish the existing property 'Brookfield' and the erection of three detached dwellinghouses on the site, on the following grounds:-

- (1) That the site lies within the Green Belt which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2, and could erode the character or function of the Green Space Network thus conflicting with Policy NE1 of the Aberdeen Local Development Plan 2012, Policies NE2 and NE1 of the Proposed Aberdeen Local Development Plan. If permitted, this application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt policy; and
- (2) That the application is deficient in information in respect of a full summer bat survey, following the indication in the winter survey that bats may be present. As such it is therefore not possible to make a full assessment of the implications of the development on a protected species in order to ensure that the development would not be detrimental to that species. The proposal is therefore contrary to Policy NE8 Natural Heritage of the Aberdeen Local Development Plan 2012 and Policy NE8 of the Proposed Aberdeen Local Development Plan.

The Convener moved, seconded by Councillor Greig:-

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

Councillor Donnelly moved as an amendment, seconded by Councillor Malik:-

That the application be approved on the basis that the impact on the Green Belt was negligible and due to the shortage of such housing, subject to appropriate conditions as suggested within the report.

On a division, there voted:- for the motion (7) - the Convener; and Councillors Cooney, Corall, Greig, Jaffrey, MacGregor, and Sandy Stuart; for the amendment (7) - the Vice Convener; and Councillors Boulton, Cormie, Donnelly, Lawrence, Malik and Jennifer Stewart.

There being an equality of votes, in terms of Standing Order 15(5), the Convener exercised his casting vote in favour of the motion.

The Committee resolved:-
to adopt the motion.

THE BIELDSIDE INN, 37 NORTH DEESIDE ROAD - 150220

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

That the Committee **refuse** the application for planning permission for the erection of an extension to the existing balcony to the rear of the property, on the following grounds:-

- (1) Due to the unpredictable nature of how people communicate in a social setting, it would be difficult to control any noise generated by patrons using the extended balcony. This, in combination with its elevated and open nature, is likely to result in residential properties being adversely affected by noise and activity on the balcony to an unacceptable degree. The planning authority does not consider that sufficient control could be imposed by planning conditions to mitigate this impact to an acceptable degree. Therefore, the proposed development is not considered to be complementary to residential use and is contrary to Adopted Local Development Plan Policy H1 (Residential Areas), Proposed Local Development Plan Policy H1 (Residential Areas) and Supplementary Guidance: Harmony of Uses.

The Committee resolved:-

to approve the recommendation.

CONFIRMATION OF TREE PRESERVATION ORDERS - CHI/15/138

10. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought confirmation of various provisional Tree Preservation Orders made under delegated powers to provide long term protection for the relevant trees.

The report recommended:-

that the Committee -

- (a) confirm the making of Tree Preservation Orders 128, 155, 185, 203, 114 and 208 without modifications;
- (b) confirm Tree Preservation Order 187 with the modification that in the 'situation' section of the first Schedule of the Order, to amend date of recording of the relevant disposition from 'thirtieth day of August Nineteen Hundred and Forty Seven' to 'thirtieth day of October Nineteen Hundred and Forty Seven'; and
- (c) instruct the Head of Legal and Democratic Services to attend to the requisite procedures.

The Committee resolved:-

to approve the recommendations.

EXTENSIONS TO OLD ABERDEEN CONSERVATION AREA - CHI/15/173

11. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which outlined proposed extensions to the boundary of Old Aberdeen Conservation Area following public consultation.

The report recommended:-

that the Committee approve the extensions to the boundary of Old Aberdeen Conservation Area as shown in appendix 1 to the report, and instruct officers to comply with the statutory notifications required.

The Committee resolved:-

to approve the recommendation.

- **RAMSAY MILNE, Convener**