

## DEVELOPMENT MANAGEMENT SUB COMMITTEE

ABERDEEN, 18 July 2013. Minute of Meeting of the DEVELOPMENT MANAGEMENT SUB COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Cormie, Finlayson, Grant, Jaffrey, Lawrence, MacGregor, McCaig, Jean Morrison MBE and Thomson.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2873&Ver=4>

### MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT SUB COMMITTEE OF 13 JUNE 2013

1. The Sub Committee had before it the minute of its previous meeting of 13 June, 2013.

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

### PLOT A/B ABZ BUSINESS PARK, DYCE DRIVE - P121796

2. 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 matters specified in conditions 4 (Travel Plan), 6 (Sustainable Urban Drainage System), 7 (Lighting), 9 (Bird Hazard Management) and 13 (Layout and Design) of A6/0566 in relation to the erection of one 140 room hotel and 110 room hotel, associated car parking and landscaping at Plot A/B, ABZ Business Park, Dyce Drive, Aberdeen, subject to the following conditions:-

- (1) That the development hereby approved shall not be occupied unless the approved bird hazard management plan (or such other plan as may subsequently be approved in writing by the planning authority for the purpose) has been implemented. Thereafter the measures within the plan shall remain in force for the lifetime of the building unless otherwise agreed by the planning authority.
- (2) That neither of the buildings hereby approved shall be occupied unless the drainage scheme (Fairhurst drawing 97523/2200A or such other drawing as may subsequently be approved in writing by the planning authority for the purpose) has been installed in complete accordance with the said scheme insofar as it relates to that particular building and external areas.
- (3) That neither of the buildings hereby approved shall be occupied unless the lighting scheme (Wallace Whittle drawing EBE2031(61)44 or such other plan as may subsequently be approved in writing by the planning authority for the purpose) has been installed in complete accordance with the said scheme insofar as it relates to that particular building and external areas.
- (4) That neither of the buildings hereby approved shall be occupied unless the cycle and motorcycle parking scheme (Aedas drawing LL(90)01H or such other plan as

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may subsequently be approved in writing by the planning authority for the purpose) has been installed in complete accordance with the said scheme insofar as it relates to that particular building. Prior to the scheme's implementation further details of the exact specification of the cycle parking and motorcycle anchor points shall be submitted to and agreed by the planning authority. (5) That neither of the buildings hereby approved shall be occupied unless all hard landscaping comprised in the approved scheme of landscaping (Aedas drawing LL(90)01H or such other plan as may subsequently be approved in writing by the planning authority for the purpose) has been implemented. (6) That all planting, seeding and turfing comprised in the approved scheme of landscaping (Aedas drawing LL(90)01H or such other plan as may subsequently be approved in writing by the planning authority for the purpose) 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.

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

to approve the recommendations contained in the report along with a revised condition that the bin storage areas at the hotels be covered.

### **AREAS N3, N46 AND N5, STONEYWOOD ESTATE, ABERDEEN - P121652**

3. 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 the approval of approval of conditions 1, 10 and 14 of the previously approved application (P110790) in relation to the erection of 51 detached and 6 semi-detached houses and the erection of shared access at areas N3, N46 and N5, Stoneywood Estate, Aberdeen, subject to the following conditions:-

- (1) That no dwelling house within Areas N3, N4b and N5 shall be occupied unless the Sustainable Urban Drainage Scheme relative to that house has been implemented and is fully operational. Drainage arrangements shall comply with the document "Drainage Assessment for Area N5, Stoneywood" dated 19 June 2013.
- (2) That no dwelling house within Areas N3, N4b and N5 shall be occupied unless a revised scheme for the National Cycle Path and footpath network to be provided through Area L1, as annotated on approved drawing number MP\_101, has been submitted to, and approved in writing for the purpose by, the planning authority.
- (3) That the approved scheme as landscaping, as detailed in the document entitled "Stoneywood Estate Landscaping Strategy – Site N5, N3 and N4b", shall be implemented no later than the first planting season following completion of the last house in the development approved as part of the this approval of matters specified in conditions.

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The Convener moved, seconded by Councillor McCaig:-

(1) that the recommendations contained in the report be approved, (2) that officers write to the developer (Dandara) expressing concern that there had been a breach of planning control in area N5 (partial construction of a road to the north of Polo Park), whilst noting that the work had now ceased and (3) agree to ask the developers to ensure that the replacement football pitch meets the requirements of the North East Junior Football Association.

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

(1) that the width of the alternative road in the proposal be 6m rather than 5m, (2) agree that officers write to the developer (Dandara) expressing concern that there had been a breach of planning control in area N5 (partial construction of a road to the north of Polo Park), whilst noting that the work had now ceased and (3) agree to ask the developers to ensure that the replacement football pitch meets the requirements of the North East Junior Football Association.

On a division, there voted:-

For the motion (5) – the Convener; and Councillors Grant, Lawrence, McCaig and Thomson.

For the amendment (6) – Councillors, Boulton, Cormie, Finlayson, Jaffrey, MacGregor and Jean Morrison, MBE.

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

- (i) to adopt the amendment; and
- (ii) to agree an extra condition as follows:- “that none of the dwellings in areas N3, N4b and N5 shall be occupied unless the proposed road serving the houses in area N3 has been constructed in accordance with details to be submitted to and approved by the planning authority, widened to 6 metres to accommodate an on road cycle facility – in the interests of sustainability, amenity, road safety and to ensure an acceptable level of cycle access on the local and wider road network).

### **FORMER HILTON NURSERY SCHOOL, HILTON AVENUE - P130224**

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

(a) a willingness to approve, subject to conditions (as detailed below) but to withhold the issue of the consent document until either the applicant has entered into a Section 75 legal agreement with the Council to secure the identified developer contribution, or payment of the identified developer contributions has been made and (b) to instruct officers to utilise powers under Section 160(1) of the Town and Country Planning (Scotland) Act 1997 to make a tree preservation order to cover (i) the trees to be retained within the application site, and (ii) those trees which also form part of the same group which are located along the boundary of 6 to 24 Hilton Avenue and 1 to 31 Hilton Terrace; in relation to the proposed demolition of the former Hilton Nursery

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School to be replaced with new residential accommodation comprising 18 units offering a mix of semi-detached houses and cottage apartments with associated parking at the former Hilton Nursery School, Hilton Avenue, Aberdeen, subject to the following conditions:-

(1) That no buildings on the development site shall be occupied unless the remedial measures identified in the approved Phase II Site Investigation Report have been carried out. These measures comprise (a) provision of 600mm inert cap within soft landscaped areas in the west of the site and (b) provision of gas protection measures to include a radon barrier membrane and sub-floor venting. Thereafter a report shall be submitted to and approved in writing by the planning authority that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation. (2) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems 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. (3) That no development shall take place unless further details of the proposed refuse stores have been submitted to and approved in writing by the planning authority. Granite from the demolition of the existing building or boundary wall shall be utilised for creation of the refuse stores. Thereafter none of the flats shall be occupied unless the refuse stores have been provided. (4) That no development shall take place unless further details of the proposed cycle stores have been submitted to and approved in writing by the planning authority. Thereafter none of the flats shall be occupied unless the cycle stores have been provided. (5) That no development 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. Granite from the demolition of the existing building or boundary wall shall be utilised for the front boundary of the site with Hilton Avenue. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety. (6) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, laid-out and demarcated in accordance with drawing No. PL-00B 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. (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

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stage of maturity at planting. (8) That all planting, seeding and turfing comprised in the approved schemes 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. (9) That no development pursuant to this planning permission shall take place unless the tree protection fencing detailed in the Tree Report by Astell Associates dated 11th June 2013 and shown on drawing HNH-1206-TP has been erected. Thereafter the tree protection fencing shall remain in place until the completion of development. (10) That any tree work which appears to become necessary during the implementation of the development which has not been identified on the Tree Report by Astell Associates dated 11th June 2013 and shown on drawing HNH-1206-TP 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. (11) 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. (12) That no development shall take place unless the planning authority has approved in writing a scheme for the supervision of the arboricultural protection measures and works that have been approved by the planning authority for the construction phase of the development. Such a scheme shall include the timing and method of site supervision and record keeping. Supervision shall be carried out by a qualified arboriculturalist approved in writing by the planning authority but instructed by the applicant. (13) That no development shall take place 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. Thereafter no building shall be occupied unless the recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

The Convener moved, seconded by Councillor Jean Morrison:-  
that the recommendations contained in the report be approved.

Councillor Finlayson moved as an amendment, seconded by Councillor Boulton:-  
that the application be refused due to the overdevelopment of the site, specifically the loss of trees on site; the lack of parking spaces; and the residential amenity that would be provided for the flats.

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On a division, there voted:-

For the motion (5) – the Convener; and Councillors Cormie, Lawrence, McCaig and Jean Morrison, MBE.

For the amendment (6) – Councillors Boulton, Finlayson, Grant, Jaffrey, MacGregor and Thomson.

**The Sub Committee resolved:-**

to adopt the amendment.

**249-251 GEORGE STREET, ABERDEEN - P130497**

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 the proposed internal alterations and change of use from retail to Turkish baths at 249-251 George Street, Aberdeen, subject to the following conditions:-

(1) That prior to the commencement of development full details of all ventilation systems shall be submitted to and approved in writing by the planning authority, including any mitigation measures and noise data. The approved use shall not take place unless the ventilation scheme has been submitted, approved and fully installed in full accordance with the approved details. (2) That the use hereby permitted shall not be open to customers other than between the hours of 09:00 and 22:00. (3) That notwithstanding the provisions of Class 11 of the schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, the approval hereby granted relates only to the use of the premises as a Turkish Baths and for no other use or purpose including any other activity within Class 11 of the said Order.

The Sub Committee were also circulated with a memo from the Roads Projects team which recommended refusal of the proposal due to their concerns with respect to the shortfall of parking relating to this proposal and their consideration that the proposal was likely to result in indiscriminate on-street parking and whether the adopted road network could accommodate the additional parking demand and concerns relating to the potential for indiscriminate parking which could impact on road safety.

**The Sub Committee resolved:-**

to approve the recommendation contained in the report.

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**FORMER DONSIDE PAPER MILL, GORDON MILLS ROAD, TILLYDRONE - P130218**

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 amend the previously approved cafe, 2 flats and retail unit to form a landlord staff office and public access point at the former Donside Paper Mill, Gordon Mills Road, Tillydrone, Aberdeen, subject to the following condition:-

That the uses shall not take place unless there has been submitted to and approved in writing by, the planning authority, details of the provision of cycle and motorcycle parking and such measures as so agreed have been implemented and are available for use on site.

**The Sub Committee resolved:-**

to approve the recommendations contained in the report.

**124 NORTH DEESIDE ROAD, PETERCULTER - P130362**

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 erection of a temporary sales unit at 124 North Deeside Road, Peterculter, Aberdeen, subject to the following condition:-

That the temporary building hereby granted planning permission shall not remain on site after a period of two years expiring on 18 July 2015, or following occupation of the 1<sup>st</sup> residential unit, whichever is the sooner.

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

That the recommendations contained in the report be approved.

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

That the Sub Committee (a) refuse the application on road safety grounds; and (b) authorise officers to take enforcement action in relation to the erection of the sales unit cabin.

On a division, there voted:-

For the motion (6) – the Convener; and Councillors Cormie, Grant, Lawrence, McCaig and Jean Morrison, MBE.

For the amendment (5) – Councillors Boulton, Finlayson, Jaffrey, MacGregor and Thomson.

**The Sub Committee resolved:-**

to adopt the motion.

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**DECLARATION OF INTEREST**

Prior to consideration of the following article the Convener declared an interest in the subject matter due to being one of the applicants. The Convener deemed it necessary to withdraw from the meeting and took no part in the determination of the application in question.

In the absence of the Convener, the Sub Committee appointed Councillor Jean Morrison, MBE to the Chair for the following article.

**107 SPRINGFIELD ROAD, ABERDEEN - P130689**

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 the erection of a shed and fencing at 107 Springfield Road, Aberdeen.

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

**The Convener returned to the Chair for the remainder of the meeting.**

**LAND AT WOODEND FARM, CULTER HOUSE ROAD, PETERCULTER - P121581**

9. The Sub Committee had before it report by the Head of Planning and Sustainable Development **which recommended:-** that the Sub Committee refuse the planning application for permission in principle for a proposed residential development at Woodend Farm, Culter House Road, Peterculter, Aberdeen on the following grounds:-

(1) That the proposal, if approved, would undermine the principles of controlling development and preventing sporadic housing in the Green Belt, lead to the erosion of the character of such areas and adversely affect the landscape setting of the City contrary to the provisions of Scottish Planning Policy and Policy NE2 'Green Belt' of the Aberdeen Local Development Plan. (2) That the proposal, if approved, would be contrary to Scottish Planning Policy, the Aberdeen and Shire Structure Plan key objective on accessibility and Policy D3 of the Aberdeen Local Development Plan by reason that the development would be isolated and remote from the settlement of Peterculter, would be inaccessible by public transport and thus would be reliant on the private car. (3) That the proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic housing in the Green Belt, leading to the erosion of the character of such areas and adversely affecting the landscape setting of the City.

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The Sub Committee then discussed the application in detail.

**The Sub Committee resolved:-**

to defer consideration of the application meantime to enable members to visit the site. The reasons for visiting the site were to clarify the condition of the footpath in the area and to look at the potential links to the road network at the site.

### **LAND AT DEESIDE GOLF CLUB, GOLF ROAD, BIELDSIDE - P120606**

**10.** 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 a residential development (3 houses) and associated works on previously used land at the Deeside Golf Club, Golf Club, Bielside, Aberdeen, on the following grounds:-

(1) That the site lies within the green belt where there is a general presumption against development, it does not fall within any of the categories of exceptions in either the Aberdeen Local Development Plan 2012 (LDP), or those mentioned in the Scottish Planning Policy (SPP). The proposal is contrary to Policy NE2 Green Belt and its approval would seriously erode the function of the green belt in this localised area. (2) The presence of development in this location would have an adverse landscape impact within the locality, impacting upon views from the well used Old Deeside Railway walkway. The tensions with both Policy NE1 – Green Space Network and Policy D6 – Landscape add to the reasons for the proposal being considered unacceptable. (3) The proposal would not contribute towards the aim of all new development encouraging walking, cycling, and use of public transport rather than the private car, due to the difficulties of access along a narrow road with no footways. The proposal is therefore considered contrary to Policy D3 – Sustainable and Active Travel, the Aberdeen and Aberdeenshire Structure Plan objective in terms of Accessibility, the Scottish Planning Policy on Transport; and the Supplementary Guidance: Transport and Accessibility.

**The Sub Committee resolved:-**

to approve the recommendation.

### **LAND TO NORTH OF SITE 13, DENMORE ROAD, MURCAR INDUSTRIAL ESTATE - P130776**

**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 change of use from an area of amenity ground to private car park with associated landscaping and new access footpath accessible to the public at land to the north of site 13, Denmore Road, Murcar Industrial Estate, Aberdeen, on the following grounds:-

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That the proposed development fails to accord with Scottish Planning Policy (SPP), Policies NE1 "Green Space Network", BI1 "Business and Industrial Land" and NE5 "Trees and Woodland" of the Aberdeen Local Development Plan and the Council's Supplementary Planning Guidance relating to Open Space as the proposal would result in the loss of an area of open space to the detriment of the surrounding area. The open space was designed into the overall industrial development, and its loss would also cause unacceptable detriment to the amenity of the surrounding area. The development would also set an undesirable precedent for applications of a similar nature throughout industrial estates in Aberdeen.

The Sub Committee were addressed by Councillor Young as one of the local members for the Ward who expressed his support for the requested planning permission and recommended to members of the Sub Committee that they approve the application or visit the site to get a better understanding of the locality.

Councillor Jaffrey as one of the local members for the Ward (as well as being a substantive member of the Sub Committee) provided some background to the area and agreed that a site visit would be a good idea.

The Sub Committee then discussed the application and the lack of justification from the developers for the reasons why they require the car parking.

**The Sub Committee resolved:-**

to defer determination of the application to its next meeting on 22 August, 2013 and to request that officers approach the developer to ask for the justification for the additional car parking requirements.

### **PLANNING DIGEST - EPI/13/113**

12. The Sub Committee had before it a report by the Head of Planning and Sustainable Development which advised members of recent appeal decisions and provided details on the imposition of conditions on planning approvals.

**The report recommended:-**

that the Sub Committee note the details in the report.

**The Sub Committee resolved:-**

to approve the recommendation.

### **SCOTTISH GOVERNMENT CONSULTATION ON THE HISTORIC ENVIRONMENT STRATEGY**

13. The Sub Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which outlined the consultation by the Scottish Government on the

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first Historic Environment Strategy for Scotland and the proposed merger of Historic Scotland and the Royal Commission for Historic and Ancient Monuments for Scotland. Attached as the appendix to the report was the proposed response to the consultation process.

**The report recommended:-**

that the Sub Committee –

approve the consultation response on the draft Historic Environment Strategy for Scotland and on the proposed merger of Historic Scotland and the Royal Commission for Historic and Ancient Monuments for Scotland for submission to the Scottish Government as detailed in the appendix to the report.

**The Sub Committee resolved:-**

to approve the recommendation contained in the report.

**CONSERVATION AREA CHARACTER APPRAISALS AND MANAGEMENT PLAN INTERIM PLANNING ADVICE**

**14.** With reference to article 21 of the minute of meeting of the Sub Committee of 15 February, 2013, the Sub Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which (a) outlined the results of a public consultation exercise undertaken for the Conservation Area Character Appraisals and Management Plan (a summary of the representations received, officers' responses and details of any resulting action was provided in appendix 1 to the report with full un-summarised copies of representations detailed in appendix 2 to the report) and (b) outlined the amended version of the Conservation Area Character Appraisals and Management Plan as informed by consultation responses.

The report provided information in relation to the Cove Bay conservation area and outlined that the overwhelming number of responses received to the consultation period related to the proposed de-designation of the Cove Bay conservation area with most members of the public being opposed to this de-designation. The report explained that the majority view was the opinion that the Council had allowed the conservation area to deteriorate since designation and that the Council should be responsible for rectifying the situation. The report explained that Cove and Altens Community Council had commented that Cove Bay should remain a designated conservation area for a further twelve months minimum to allow for development of a community action group if there was an appetite locally to do this. The report explained that the management plan had therefore been revised to reflect this and proposed that conservation areas stated for Cove Bay be retained and that its character be reviewed and monitored after a minimum period of twelve months to enable the local community to formulate plans to improve and enhance the character of Cove Bay conservation area.

The report also provided information in relation to the Ferryhill and Marine Terrace conservation areas.

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**The report recommended:-**

that the Sub Committee –

- (a) note the representations received on the draft Conservation Area Character Appraisals and Management Plan document;
- (b) approve appendix 1 to the report, which included officers' responses to representations received and any necessary actions; and
- (c) approve the Conservation Area Character Appraisals and Management Plan as interim planning advice and instruct officers to comply with the statutory notifications required in respect of amending the boundaries of Ferryhill and Marine Terrace conservation areas (as detailed in the report).

**The Sub Committee resolved:-**

- (i) to note that Community Capacity Building Officers (and other officers as required from the Council) could assist, subject to resource availability, in the establishment of a residents' group in Cove Bay and the exploration of potential sources of funding;
- (ii) to instruct officers to clarify the situation in the Old Aberdeen conservation area where procedures relating to the management of trees had not been followed; and
- (iii) to otherwise approve the recommendations contained in the report.

**- RAMSAY MILNE, Convener.**