ABERDEEN, 16 July 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. <u>Present</u>:- Councillor Milne, <u>Convener</u> (for articles 1 to 5 and 7 to 12); Councillor Finlayson, <u>Vice Convener</u>; and Councillors Boulton (for articles 1 to 8), Corall (for articles 1 to 9), Cormie, Crockett, Dickson, Donnelly (as substitute for Councillor Milne for article 6 and as substitute for Councillor Boulton for articles 9 to 12), Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Noble (as substitute for Councillor Corall for articles 10 to 12), Stuart and Thomson.

The agenda and reports associated with this minute can be found at:http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?Cld=348&Ml d=3605&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.

ORDER OF AGENDA

1. The Convener proposed that item 4.4 (Confirmation with modification of Tree Preservation Order 195) be considered directly after item 3.1 (Jesmond Drive) as the Head of Planning and Sustainable Development would be declaring an interest in both items and withdrawing from the meeting.

The Committee concurred with this proposal.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 18 JUNE 2015

2. The Committee had before it the minute of its previous meeting of 18 June 2015.

The Committee resolved:-

to approve the minute as a correct record.

ENGINEERING SCIENCE FACILITY, QUEENS ROAD - 150161

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

That the Committee grant unconditional approval for the application for planning permission for the erection of an engineering science facility on the site of Albyn School on the south side of Queens Road.

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INFORMATIVE

In order to protect the residents of the surrounding / adjacent properties from any potential noise nuisance arising from the proposed buildings works, no construction or demolition work shall take place:-

- (a) Outwith the hours of 0700 to 1900 on Monday to Friday;
- (b) Outwith the hours of 0900 to 1600 on Saturdays; and
- (c) At any time on Sundays, except for works inaudible outwith the application site boundary;
- (d) If piling operations are to be carried out, agreement should be reached with this Service regarding hours of operation.

The Committee resolved:-

- to request that officers within the Roads Projects Team and City Wardens Team investigate the parking problems in the area as a result of parents dropping off and collecting children from Albyn School, in conjunction with the existing Liaison Group;
- (ii) to request that officers write to Albyn School to ask that they encourage pupils to use other methods of transport; and
- (iii) to approve the application unconditionally.

32 ROSEBERY STREET - 150742

4. 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 planning permission for the change of use of the existing residential property at 32 Rosebery Street to form a house of multiple occupation to accommodate 6 unrelated persons, subject to the following condition:-

(1) That prior to the first occupation of the development hereby approved, four cycle spaces shall be provided in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Thereafter the four cycle spaces shall be retained and made available for such use at all times – to promote alternative modes of travel.

The Convener moved, seconded by Councillor Crockett:-

That the application be approved in accordance with the recommendation contained within the report, and subject to the addition of a condition in relation to refuse storage.

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

That the application be refused on the grounds of severe under-provision of parking in the area, and as it did not accord with Policy H1 of the Aberdeen Local Development Plan.

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On a division, there voted:- <u>for the motion</u> (9) – the Convener; and Councillors Boulton, Corall, Crockett, Lawrence, Malik, Jean Morrison, Sandy Stuart and Thomson; <u>for the amendment</u> (5) – the Vice Convener; and Councillors Cormie, Dickson, Greig and Jaffrey.

Subsequently, the Head of Planning and Sustainable Development advised that the additional condition be worded as follows:-

Prior to the first occupation of the development hereby approved details of storage for refuse and recycle bins shall be submitted to and approved in writing by the Planning Authority. Thereafter the storage facility shall be retained and made available for such use at all times. – In the interests of visual and residential amenity.

The Committee resolved:-

to adopt the motion.

13 MANOR PLACE - 150378

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 the erection of a 2 storey extension to the side of the existing dwelling house at 13 Manor Place, subject to the following condition:-

(1) That no development shall take place unless details of the material, texture and coursing of the proposed granite to the front 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 – in the interests of visual amenity.

INFORMATIVES

- (A) The driveway must be internally drained with no surfact water discharging onto the public road;
- (B) Loose material (e.g. stone chippings) must not be used to surface any of the first 2 metres length adjacent to the footway.

No construction or demolition work should 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] in the interests of residential amenity.

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The Committee resolved:-

to approve the recommendation.

DECLARATION OF INTEREST

Prior to consideration of the following item, the Convener declared an interest in the following article by virtue of having made representation to the Licensing Committee in respect of the application, and as he would be addressing the Planning Development Management Committee, in terms of Standing Order 32(1) as local member on behalf of the Old Aberdeen Community Council and the Old Aberdeen Heritage Society, He withdrew from the meeting as a member of the Committee during consideration of the item and the Vice Convener took the chair.

7 ST MACHAR PLACE - 150785

6. 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 planning permission for external alterations and the formation of a driveway to the front of the existing property at 7 St Machar Place, subject to the following condition:-

(1) That no development pursuant to the proposed front driveway shall take place unless a plan showing those trees to be retained and a scheme for the protection of all trees to be retained on site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented – in order to ensure adequate protection for the trees on site during the construction of the development.

INFORMATIVES

The proposed driveway will require a 3 metre dropped kerb and footway crossing permit. The vehicular footway crossing required for the access should be constructed by Aberdeen City Council. The applicant is responsible for all costs involved and should be advised to contact the Road Network Maintenance Unit at least 6 weeks prior to any works starting on site and arrange for an estimate for the cost of works. The Road Network Maintenance Unit can be contacted on the following details:- 01224 241500, RoElrick@aberdeencity.gov.uk / DanMackay@aberdeencity.gov.uk . The Aberdeen City Council contact will advise on the footway crossing permit.

The driveway should not use loose chippings for the first 2 metres from the rear of the footway.

The driveway must be internally drained to prevent water discharging onto the footway and roadway.

In accordance with Standing Order 32(1), Councillor Milne addressed the Committee as local member and made representations on behalf of the Old Aberdeen Community Council and the Old Aberdeen Heritage Society, who were opposed to the application.

Councillor Dickson moved, seconded by Councillor Cormie, that the application be approved in accordance with the recommendation set out in the report.

Councillor Boulton moved as an amendment, seconded by the Vice Convener:That the application be refused on the grounds that it would have a detrimental impact on the amenity of the conservation area.

On a division, there voted:- <u>for the motion</u> (5) – Councillors Cormie, Crockett, Dickson, Jean Morrison and Sandy Stuart; <u>for the amendment</u> (9) – the Vice Convener; and Councillors Boulton, Corall, Donnelly, Greig, Jaffrey, Lawrence, Malik and Thomson.

The Committee resolved:-

to adopt the amendment, and refuse the application.

At this juncture, the Vice Convener vacated the Chair in favour of the Convener upon his return.

DECLARATION OF INTEREST

The Head of Planning and Sustainable Development declared an interest in the following item and item 4.4 (Confirmation with Modification of Tree Preservation Order 195) due to her future employer Burness Paull LLP having made representations in relation to both items. Dr Bochel withdrew from the meeting during consideration of both items.

JESMOND DRIVE - 150369

7. 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 for the erection of 19 affordable housing units with associated car parking and landscaping at Jesmond Drive, on the following grounds:-

That the proposal would be contrary to the Policies NE3 (Urban Green Space) and NE1 (Green Space Network) of the adopted Local Development Plan and Policies NE3 (Urban Green Space) and NE1 (Green Space Network) of the proposed Local Development Plan, in that:-

- it would result in the loss of green space without laying out or making available an equivalent and equally convenient and accessible area for public access;
- (2) it would have a detrimental impact on the character and appearance of the surrounding area, as it would significantly increase the built-up nature and its role as a natural buffer between various residential areas. It would set an undesirable precedent in policy interpretation for the consideration of similar applications on Urban Green Space that could lead to the incremental erosion of open space areas throughout the City; and
- (3) it would result in the erosion of this part of the Green Space Network to the detriment of existing wildlife corridors between habitats and the character and appearance of the surrounding area.

The Convener moved, seconded by Councillor Cormie, that the application be refused in accordance with the recommendation contained within the report.

Councillor Jaffrey moved as an amendment, seconded by Councillor Boulton, that the application for planning permission in principle be approved as it was not contrary to policies NE1 (Green Space Network) and NE3 (Urban Green Space), subject to appropriate conditions and a legal agreement with the Council as set out in the report.

On a division, there voted:- <u>for the motion</u> (3) – the Convener; and Councillors Cormie and Greig; <u>for the amendment</u> (11) – the Vice Convener; and Councillors Boulton, Corall, Crockett, Dickson, Jaffrey, Lawrence, Malik, Jean Morrison, Sandy Stuart and Thomson.

Subsequently the Development Management Manager advised that the following conditions should be adhered to:-

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) site layout, including the means of access and car parking; (ii) siting, design and external appearance of the building(s); (iii) landscaping, including the children's play area; (iv) cycle parking and refuse storage; (v) site boundaries; (vi) external lighting; and (vii) drainage, including SuDS measures – in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006; (2) with respect to the terms of condition 1(ii), the detailed design submitted as part of the Matters

Specified in Conditions application and approved in writing by the Local Planning Authority shall include elements of green infrastructure including bird nesting bricks into or on the walls of the buildings suitable for house sparrows, starlings and swifts, and bat roost bricks, and considerations should also be given to other measures such as 'green roofs'. Thereafter the residential units shall not be occupied unless built in full accordance with details so approved or unless the Local Planning Authority has given prior written approval for a variation – in the interest of visual amenity and to mitigate/improve biodiversity; (3) that no part of the development shall be occupied before the development access/ internal road layout and parking arrangements are constructed in accordance to drawing A/14655/901/1 to the satisfaction of the Local Road Authority, unless the Local Planning Authority has given prior written approval for a variation:- (a) this parking requirement is based on 19 one bed rented units provided by a Registered Social Landlord, and shall consist of 15 car parking spaces, including 1 mobility space; 19 long-stay covered and secure cycle parking spaces; 4 shortstay cycle parking spaces within 50m of the building entrances and 2 motorcycle spaces; and (b) the parking should be constructed using Green Infrastructure measures, providing every opportunity to reduce the surface water flooding and biodiversity – in the interest of safety of local highways, promotion of sustainable transport methods, to enhance the Green Space Network and climate change adaptation; (4) that no part of the development shall be occupied unless a schedule of work relating to the upgrading and replacement of the southbound bus shelter and relocation of the north bound bus stop immediately to the west of the site on Jesmond Drive, which may include seating, lighting, shelter, raised kerbs and timetable provision has been submitted to and approved in writing by the Local Planning Authority, and subsequently these works have been implemented - in the interests of sustainability and to encourage a reduction in the level of private car trips generated by the development; (5) that no part of the development shall be occupied before Residential Travel Packs have been submitted for prior approval to the Local Planning Authority. Such approved packs shall subsequently be issued to the first occupiers of each residential unit - to promote sustainable travel methods; (6) with respect to condition 1(iii), a further detailed scheme of landscaping and Green Space Network enhancement for the site shall be submitted as part of a Matters Specified in Conditions application and approved in writing, which 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. This landscaping scheme shall include the following:- (a) retention of all wych elm trees and

sycamore tree on the site; (b) the area indicated as marshy grassland in Appendix 3 on page 29 of the Ecology Report dated 24 June 2015 submitted by Direct Ecology should be retained as such; (c) inclusion of a buffer strip of at least 3m shall surround the marshy grassland referred to in b., such buffer can incorporate green infrastructure including items such as parking areas, specific details of which shall be incorporated into any future submissions; and (d) the planting scheme should take account of the recommendations set out in paragraph 5.1.2 on page 21 of the Ecology Report dated 24 June 2015 submitted by Direct Ecology and should include native species, with an emphasis on native species with a local provenance that are suitable for attracting wildlife - in the interests of biodiversity and the visual amenity of the area; (7) 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 this purpose by the Local Planning Authority in the interests of the visual amenity of the area; (8) with respect to condition 1(iii)a detailed scheme for a children's play area shall be submitted as part of a Matters Specified in Condition application and approved in writing by the Local Planning Authority. This scheme shall subsequently be completed, laid out and equipped in accordance with these approved details prior to occupation of the first residential unit.. The Children's Play Area shall thereafter not be used for any purpose other than as a Children's Play Area - to improve the quality of the remaining open space on the site and as a mitigation measure to part compensate for the loss of the public open space; (9) with respect to condition 1(vi), a scheme for external lighting shall be submitted as part of a Matters Specified in Condition application and approved in writing by the Local Planning Authority, and thereafter implemented in full accordance with this approved scheme unless the local planning authority has given prior written approval for a variation. This lighting shall be of a type that does not impact on foraging bats and commuting wildlife, and shall take account of the recommendations made in section 5.2.3 on page 22 of the Ecology Report dated 24 June 2015 submitted Ecology. Further information be by Direct can found at http://www.bats.org.uk/pages/bats_and_lighting.html - in the interest of public safety and biodiversity; (10) with respect to the terms of condition 1(vii), a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems shall be submitted as part of a Matters Specified in

Condition application, and approved in writing by the Local 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 - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained; (11) notwithstanding any further details provided, the one bedroom units hereby approved shall only be used for social rented housing provided through a Registered Social Landlord and shall be retained as such in perpetuity - the justification for the departure from the local development plan was based on the need for affordable housing within this area and the accepted number of car parking spaces is below that required for mainstream housing or other types of affordable housing; (12) notwithstanding any further details provided, the number of bedrooms for each individual unit shall be one - the Council's Education Department has assessed the proposal on this basis for the need for developer contributions. Any increase in bedrooms would need to be reassessed on their impact on local education facilities, which could result in an increase in required developer contributions.

INFORMATIVE(S)

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

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matter being obtained) unless the development to which the permission relates is begun before that expiration.

The Committee resolved:-

- to note that the letter of representation from the Community Council had not been included with the paperwork and to request that this was remedied in future; and
- (ii) to adopt the amendment.

CONFIRMATION WITH MODIFICATION OF TREE PRESERVATION ORDER NUMBER 195 - CHI/15/215

8. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought confirmation, with modification, of the provisional Tree Preservation Order 195 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 Order 195 with the following modifications:-
 - removal of the area annotated as A2 on the enclosed plan, as an outstanding planning consent would result in the removal of this group of trees to facilitate development; and
 - (ii) amendment of the Statement of Reasons to read "A(i) The trees add to the character and amenity value of the area and a Tree Preservation Order will allow the Council to input into the future management of these trees to ensure long-term retention of tree cover";
 - (iii) to amend the title to Tree Preservation Order 195 Kingswells House 2015 to make it legally distinct; and
- (b) instruct the Head of Legal and Democratic Services to attend to the requisite procedures.

The Committee resolved:-

to approve the recommendations.

DECLARATION OF INTEREST

Councillor Boulton declared an interest in the following item by virtue of a family member using Aberdeen Riding Club and withdrew from the meeting during consideration of the application.

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NETHER ANGUSTON - 150110

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 formation of a riding school with associated buildings, car parking and landscaping at Nether Anguston, Peterculter, on the following grounds:-

(1) The proposed development by reason of its scale, form, mass and attendant works would demonstrably harm the distinctive character and appearance of the landscape and the Green Belt, together with its unsustainable location, and as such was contrary to advice contained within NPF3, SPP and PAN73, together with Policies NE2 (Green Belt), D1 (Architecture and Placemaking), D3 (Sustainable and Active Travel), D6 (Landscape) and T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan; and Policies NE2 (Green Belt), D1 (Quality Placemaking by Design), D2 (Landscape), T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the Proposed Aberdeen Local Development Plan.

The Convener moved, seconded by Councillor Dickson:-

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

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

That the application be approved on the grounds that it was acceptable in terms of scale and size, subject to appropriate conditions and a legal agreement with the Council in relation to developer contributions to the Strategic Transport Fund.

On a division, there voted:- <u>for the motion</u> (4) – the Convener; and Councillors Dickson, Greig and Sandy Stuart; <u>for the amendment</u> (10) – the Vice Convener; and Councillors Corall, Cormie, Crockett, Donnelly, Jaffrey, Lawrence, Malik, Jean Morrison and Thomson.

Subsequently the Head of Planning and Sustainable Development advised that the following conditions should be adhered to:-

(1) Prior to the development hereby permitted commencing details of the facing and roofing materials for the indoor arena building and stable building, including pantones, shall be submitted to and approved in writing by the local planning authority; (2) Not withstanding approved drawings prior to the development hereby permitted commencing details of the design and location of the muck store shall be submitted to and approved in writing by the local planning authority and the use permitted shall not commence until the muck store is completed in accordance with the agreed details; (3) Prior to the commencement of the development hereby approved details of the flood lighting

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for the outdoor arena shall be submitted to and agreed in writing by the local planning authority; (4) The development hereby permitted shall not be brought into use until the cycle parking facilities shown on the approved plans have been made available for use and the cycle parking facilities shall thereafter be retained for the use by the users of (including employees), and visitors to, the development at all times; (5) The development hereby permitted shall not be brought into use until the vehicle parking has been laid out as shown on Drawing No. P05 Rev 4 – Drainage Design / Road Design and shall thereafter be retained for the use by users of (including employees), and visitors to, the development at all times; (6) The development hereby approved shall not commence until a Drainage Impact Assessment in line with SUDS principles is submitted to and approved in writing and the use shall not commence until the drainage and SUDS scheme has been undertaken in accordance with the agreed details; and (7) No works shall commence on the indoor arena, outdoor riding arena, stable building, retaining wall, vehicle parking area including hard standing areas, drainage works until full dimensional drawings and construction drawings for the access road (including junction details) onto the C149 have been submitted to and approved in writing and the improvements to the access road and junction have been carried out in complete accordance with the agreed details.

The Committee resolved:-

- (i) to request that officers discuss the possibility of a growing wall with the applicant; and
- (ii) to adopt the amendment.

TECHNICAL ADVICE NOTE - STUDENT ACCOMMODATION - CHI/15/214

10. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought approval for a draft Technical Advice Note on Student Accommodation to be issued for a six week period of public consultation.

The report recommended:-

that the Committee -

- (a) approve the Student Accommodation Technical Advice Note document for a six week consultation period; and
- (b) agree that, following completion of the public consultation, any comments received and subsequent amendments to the draft advice be presented to a future meeting of the Committee.

The Committee resolved:-

- (i) to commend the author for the work undertaken in preparing the report and technical advice note; and
- (ii) to approve the recommendations.

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TECHNICAL ADVICE NOTE - PLANNING AND ABERDEEN AIRPORT - CHI/15/213

11. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought approval for a draft Technical Advice Note on Planning and Aberdeen Airport to be issued for a six week period of public consultation.

The report recommended:-

that the Committee -

- (a) approve the Planning and Aberdeen Airport Technical Advice Note document for a six week consultation period; and
- (b) agree that, following completion of the public consultation, any comments received and subsequent amendments to the draft advice be presented to a future meeting of the Committee.

The Committee resolved:-

- (i) to commend the author for the work undertaken to prepare the report and the Technical Advice Note; and
- (ii) to approve the recommendations.

PLANNING PERFORMANCE FRAMEWORK REPORT 2014-15 - CHI/15/240

12. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which set out the Council's draft Planning Performance Framework (PPF) for 2014-2015. The PPF was to be submitted to the Scottish Government by 31 July 2015.

The Committee was addressed by the Head of Planning and Sustainable Development who highlighted pertinent sections of the report and drew the attention of the Committee to the improvements which had been made in performance. Dr Bochel thanked Daniel Lewis, Gale Beattie and Hugh Murdoch and their respective teams for all the work which had been undertaken.

The report recommended:-

that the Committee -

- (a) note and comment on performance levels and service improvements that had taken place during 2014-2015; and
- (b) approve the PPF and proposed action plan for the coming year for submission to the Scottish Government.

The Committee resolved:-

- (i) to request that officers summarise the performance framework and issue this to all Councillors for information;
- (ii) to thank staff for all the work which had gone in to preparing the report and for their work in improving performance; and

- (iii) to approve the recommendation.
- RAMSAY MILNE, Convener and ANDREW FINLAYSON, Vice Convener