

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 12 January 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Cormie, Crockett, Donnelly, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart and Sandy Stuart .

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

**<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=4361&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.**

### **ANNOUNCEMENT**

1. The Convener welcomed Mr Eric Owens, Interim Head of Planning and Sustainable Development to his first meeting of the Planning Development Management Committee.

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

to note the announcement from the Convener.

### **MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 8 DECEMBER 2016**

2. The Committee had before it the minute of its previous meeting of 8 December 2016 for approval.

In relation to item 8, (Demolition of side and rear walls to facilitate redevelopment of former public toilets, High Street, Old Aberdeen), it was noted that wording had been omitted from the resolution.

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

- (i) to request that additional wording be added to item 8 resolution, to read “to agree that following the refusal of corresponding planning application P160727 as above, there were no approved proposals for the redevelopment of the site following the proposed substantial demolition of the building. As such, in the absence of any approved redevelopment scheme, the application be refused on the basis that the proposals to demolish the side and rear walls would leave a gap site which would have a detrimental impact on the character and appearance of the conservation area. The proposals were therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement and

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Policy D5 (Built Heritage) of the Adopted Aberdeen Local Development Plan, as well as corresponding Policy D4 (Historic Environment) of the forthcoming Proposed Aberdeen Local Development Plan"; and

- (ii) to otherwise approve the minute as a correct record.

### MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PUBLIC HEARING OF 30 NOVEMBER 2016

3. The Committee had before it the minute of the meeting of the Planning Development Management Committee Public Hearing of 30 November 2016 for approval.

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

- (i) to request that in relation to item 1, paragraph 2, that it be amended to Vice Convener and not Convener; and
- (ii) to otherwise approve the minute as a correct record.

**Councillor Nicoll declared a personal interest in the following article by virtue of knowing one of the objectors. Councillor Nicoll withdrew from the meeting prior to consideration of the application and took no part in the deliberation.**

### **1 DESSWOOD PLACE - CHANGE OF USE OF PAVEMENT TO OUTDOOR SEATING AREA FOR CAFÉ - 161455**

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

That the application for a change of use of pavement area to seating area at 1 Desswood Place Aberdeen, be approved, subject to the following conditions.

#### **CONDITIONS**

- (1) That the area of the pavement to be used for outdoor seating shall be restricted to that as shown on approved drawing 16/11/01A and shall only allow the placement of tables, seats and form of enclosure and for no other street furniture (i.e. heaters and umbrellas/awnings).

Reason – In order to protect the visual character and amenity of the area and to maintain pedestrian safety.

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- (2) That the outdoor seating area hereby approved shall only be used between the hours of 8am and 8pm on any given day and that any tables, chairs and other street furniture for the purpose of, or associated with, facilitating outdoor seating shall be removed from the pavement outwith the hours of operation for the outdoor seating area.

Reason – In order to protect the amenity of the neighbouring residential properties and the character and appearance of the conservation area.

- (3) That no amplified music shall be played in the outdoor seating area at any time.

Reason – In order to protect the amenity of the neighbouring residential properties.

### ADVISORY NOTES

A minimum 1.5m footway clearance must be maintained around the seating area at all times. The Council's Street Occupations Team have the power to remove any items placed on the pavement which would obstruct pedestrian movement.

In addition to planning permission, the applicant will also require a Pavement Café permit, which can be obtained from the Council's Street Occupations Team. In this regard, the applicant should contact Kevin Abercrombie on 01224 523 886.

It is likely that any advertisement of the premises incorporated onto fabric or other enclosures used to demarcate the seating area will require advertisement consent. Prior to the installation of any such advertisements, the applicant should check with the Council as planning authority to ascertain whether consent is required. If so, the applicant will need to first obtain advertisement consent before displaying the advertisements.

The Committee heard from Mr Daniel Lewis, Development Management Manager, who spoke in furtherance of the report and answered a number of questions from members. Mr Lewis explained that condition three would be amended to read "that no music shall be played in the outdoor seating area at any time.

The Convener, seconded by Councillor Cooney moved:-

that the application be approved in accordance with the recommendation set out in the report.

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

That the application be refused due to the adverse impact the application would have on the local residents and the effect on the Conservation area, as well as concerns that large signage would impact on the footpath and concerns regarding overflowing refuse bins.

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On a division, there voted:- for the motion (15) – the Convener, the Vice Convener and Councillors Boulton, Cooney, Corall, Cormie, Crockett, Donnelly, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison, Nicoll and Sandy Stuart; for the amendment (2) - Councillors Greig and Jennifer Stewart.

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

- (i) to agree that condition 3 be amended to read “that no music shall be played in the outdoor seating area at any time”; and
- (ii) to otherwise adopt the motion and therefore approve the application conditionally.

### **DEMOLITION OF THE EXISTING VICTORIA ROAD PRIMARY SCHOOL AND ERECTION OF 56 RESIDENTIAL UNITS, ALONG WITH OPEN SPACE, PARKING AND ASSOCIATED INFRASTRUCTURE AT VICTORIA ROAD PRIMARY SCHOOL - 161051**

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

That the application for the demolition of the existing Victoria Road Primary School and erection of 56 units along with open space, parking and associated infrastructure at Victoria Road school, be refused.

The Committee heard from Mr Andrew Miller, Senior Planner, who spoke in furtherance of the report and provided details on the application, specifically the planning policies that were relevant to the application. Mr Miller advised that the proposals failed to comply with policy D1 – Architecture and Placemaking and also Policy D2. The proposals were also contrary to the requirements of Policy D4 – Aberdeen’s Granite Heritage. Mr Miller answered various questions from members.

The Committee also heard from Mr Gregor Whyte, Senior Engineer, who provided details on the roads and transport aspect of the application and answered various questions from members.

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

- (i) to request that Legal officers investigate whether any crushing of the granite material would represent a loss which would breach current EU Directives relating to the recycling of materials, and to report back on any information found in due course; and
- (ii) to otherwise approve the recommendation contained within the report and therefore refuse the application.

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**Councillor Crockett declared an interest in the following subject matter, by virtue of his membership on the NHS Grampian Board. Councillor Crockett withdrew from the meeting prior to consideration of the application and took no part in the deliberation.**

### **MAY BAIRD AVE / SHAW RD. VARYING AGREEMENT TO REMOVE OBLIGATION RELATING TO PRIMARY EDUCATION CONTRIBUTIONS - 160670**

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

That the application for the discharge of clause 3.1 (Primary education) of Section 75 Legal agreement relating to P140810 and P141696 at Land at May Baird Avenue, be refused.

The Committee heard from Mr Gavin Evans, Senior Planner, who spoke in furtherance of the report.

**The Committee resolved:-**

to approve the recommendation contained within the report and therefore refuse the application.

### **CONFIRMATION OF TREE PRESERVATION ORDER NUMBERS 235/2016 AND 236/2016 - CHI/16/325**

**7.** The Committee had before it a report by the Interim Director of Communities, Housing and Infrastructure, which provided information on Tree Preservation Orders.

The report confirmed provisional Tree Preservation Orders (TPOs) made by the Interim Head of Planning and Sustainable Development under delegated powers and the provisional order currently provided temporary protection for the trees, but would require to be confirmed by this Committee to provide long term protection.

Members asked various questions in regards to the trees.

**The report recommended:-**

that the Committee –

- (a) confirms the making of Tree Preservation Order 235/2016 and 236/2016; and
- (b) instructs the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and attend to register the Order with Registers of Scotland.

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**The Committee resolved:-**

to approve the recommendations contained within the report.

**ABERDEEN DEVELOPMENT ACTIVITY REPORT - CHI/16/292**

8. The Committee had before it a report by the Interim Director of Communities, Housing and Infrastructure, which presented the first Aberdeen Development Activity Report.

The report provided up to date information on the city's larger office and hotel developments, and retail and leisure developments that had taken place over the past year. It contributed to the monitoring of the Local Development Plan and would help to inform future policy and Supplementary Guidance documents.

The Committee heard from Mr David Dunne, Senior Planner, who spoke in furtherance of the report. Mr Dunne answered various questions from members.

**The report recommended:-**

that the Committee -

- (a) approve the electronic publication of the Aberdeen Development Activity Report 2016; and
- (b) agree that subsequent annual publications of the Aberdeen Development Activity report be presented as Information Bulletins.

**The Committee resolved:-**

- (i) to request that officers provide details in regards to occupancy of larger office buildings to Members and also to investigate whether the Bay of Nigg development was included within the report and report back in due course; and
- (ii) to otherwise approve the recommendations as contained within the report.

**- Councillor Ramsay Milne, Convener**

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