

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 24 January 2019. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Avril MacKenzie and Malik.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=6270&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.

DECLARATIONS OF INTEREST

1. Councillor Cooke declared an interest in relation to item 6.2 on the agenda, 245 Union Grove Aberdeen, as he knew the owner and some of the individuals who submitted representations, due to being a local member. Councillor Cooke did not feel it necessary to withdraw from the meeting during consideration and deliberation of the item.

MINUTE OF THE MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 6 DECEMBER 2018

2. The Committee had before it the minute of the previous meeting of 6 December 2018, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF THE MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PUBLIC HEARING OF 28 NOVEMBER 2018

3. The Committee had before it the minute of the Planning Development Management Committee Public Hearing of 28 November 2018, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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4. The Committee had before it a planner of future Committee business.

The Committee resolved:-

to note the information contained within the Committee report planner.

LAND TO THE NORTH OF SPARROWS OFFSHORE - DENMORE ROAD ABERDEEN - 181677

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the proposed shared use pedestrian and cycle path at land to the north of Sparrows Offshore, Denmore Road Aberdeen, be approved subject to the following conditions:-

CONDITIONS

Breeding Season

- 1) That no construction works associated with this development shall be carried out on site between the 15th March and the 31st August.
Reason: To ensure the adequate protection of birds and their young, the wildlife and natural heritage of the Green Space Network.

Tree Protection

- 2) That no construction shall take place unless the tree protection measures in the tree protection plan and the tree survey report have been implemented in its entirety and that they shall remain in place until the development is completed.
Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

Replanting

- 3) That no construction shall take place unless a plan illustrating the new areas of native tree planting and 'defensive planting' on the site has been submitted to and approved in writing by the Planning Authority. All planting, seeding and turfing comprised in the approved scheme of replanting 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.
Reason:- in the interests of the green space network and the natural heritage of the area.

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Materials

- 4) That no development shall take place unless a scheme detailing all external finishing materials to be used on the surface of the path 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.

Reason:- in the interests of visual amenity.

Transport Scotland

- 5) That no construction shall take place on site unless the details of the tie-in to the trunk road footway are approved by the Operating Company.

Reason:- To ensure the integrity of the trunk road footway is not impaired.

The Committee heard from Daniel Lewis, Development Management Manager who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the application conditionally as contained in the report.

245 UNION GROVE ABERDEEN - 181473

6. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the Committee approve the application for the change of use of pavement to provide an external seating area outside the premises and installation of over window awnings, at 245 Union Grove, subject to the following conditions:-

CONDITIONS

- 1) That the area of the pavement to be used for outdoor seating shall be restricted solely to that as shown on approved drawing (011B) and that no tables or chairs shall be sited out with this area at any time.

Reason- In the interest of pedestrian safety.

- 2) That the outdoors seating area hereby approved shall only be used between the hours of 8.00am and 8.00pm 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 out with 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.

INFORMATIVE

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That no amplified music shall be played in the outdoor seating at any time.

The Committee heard from Daniel Lewis, Development Management Manager who spoke in furtherance of the application and answered various questions from members.

The Convener advised that Councillor Greig had submitted a written submission in regards to the application as a local member and the letter requested the following:-

That the application be refused as the proposal would generate noise and inconvenience to neighbours, and there was notably no noise impact assessment to identify the scale of the likely problem caused by noise. This is likely to cause disruption in the vicinity. Also that there was legitimate environmental concerns about the use of the outdoor area and this use could attract seagulls which would cause a menace.

Members discussed whether the informative note could be conditioned however Mr Lewis advised that it would not be enforceable as a condition and was more a responsibility of the management of the café. The report also stated that it would not be appropriate to apply a condition preventing the playing of amplified music due to the fact that such a condition would not appear to pass the tests as set out in Circular 4/1998 – The Use of Planning Conditions in Planning Permissions.

The Committee resolved:-

to approve the application conditionally as contained in the report.

DATE OF NEXT MEETING

7. The Committee noted that the date of the next meeting was scheduled for Thursday 21 February 2019 at 10am.

- **Councillor Marie Boulton, Convener**

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