

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 22 March 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, 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=5867&Ver=4>

DECLARATIONS OF INTEREST

1. Councillor Cooke declared an interest in regards to 70 Countesswells Road and intimated that he would leave the meeting prior to consideration of the item. Councillor Avril MacKenzie declared an interest in regards to Bankhead Inn, 161-165 Bankhead Road as she had previously expressed her view on the application. Cllr MacKenzie advised that she wished to speak as a local member but would withdraw from the meeting prior to consideration of the application.

The Committee resolved:-
to note the declarations of interest.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 15 FEBRUARY 2018 - FOR APPROVAL

2. The Committee had before it the minute of the previous meeting of 15 February 2018, for approval.

The Committee resolved:-
to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 22 FEBRUARY 2018 - FOR APPROVAL

3. The Committee had before it the minute of the Planning Development Management Committee site visit of 22 February 2018, for approval.

The Committee resolved:-
to approve the minute as a correct record.

COMMITTEE TRACKER

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

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The Committee resolved:-

to note the information contained in the Committee report tracker.

DECLARATION OF INTEREST

Councillor Cooke declared an interest in the following item due to being a member of the Gordon Highlander Museum Advisory Board and also a Friend of the Museum. The museum is in close proximity to the proposed application and also has a coffee shop. Councillor Cooke took no part in the deliberation or determination of the item and withdrew from the meeting.

70 COUNTESSWELLS ROAD - 171336

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

That the application for the change of use from Class 1 (shops) to Class 3 (Food and Drink) including the installation of a door on the eastern elevation at 70 Countesswells Road Aberdeen, be approved subject to the following conditions:-

(1) Litter management plan

No works in connection with the development hereby approved shall commence unless a litter collection policy and plan for the development has been submitted to and approved in writing by the planning authority. All the measures identified in the approved policy and plan shall be in place and fully operational before the premises are open to members of the public. Thereafter, the premises shall not operate other than in complete accordance with the approved litter collection policy and plan.

Reason: In the interests of the amenities of the surrounding area.

(2) Details or sample of materials required

No works in connection with the development hereby approved shall commence unless details and colour of the new door on the eastern elevation have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

(3) Noise/ Odour Assessment

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The use hereby approved shall not be brought into use unless the mitigation measures as highlighted in the Noise and Odour Impact Assessment (Grosle Environmental Services) are implemented in their entirety. Confirmation of the installation of these measures shall be submitted to, and approved in writing by the Planning Authority, in consultation with Environmental Health, before the premises is occupied for its intended use.

Reason: to ensure that an adequate level of residential amenity can be maintained.

(4) Outdoor Seating

The external area to the east of the building (and as shown on Drawing No: 309(GA) 002 REV B) shall not be used as an outdoor seating area, and shall be retained as an area of hardstanding in perpetuity.

Reason: to ensure an appropriate level of residential amenity is retained.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application.

The Committee resolved:-

to approve the application conditionally.

THE CHESTER HOTEL, 59-63 QUEEN'S ROAD - 171347

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

That the application for the partial demolition of a single storey function suite and replacement with larger single storey suite, external stair and associated works at the Chester Hotel, 59-63 Queens Road Aberdeen, be approved subject to the following conditions.

(1) Construction Details (Noise Attenuation)

No development shall take place unless construction details of the roof and walls of the proposed extension, demonstrating that noise generated from within the meeting/function room shall be inaudible (music noise level LAeq not to exceed 10 dBA below the existing background LA90) within the nearest residential properties, have been submitted to and approved in writing by the planning authority. Thereafter, the meeting/function room shall not be brought into use unless the extension has been constructed in accordance with the approved details.

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Reason – in order to ensure that disturbance from the meeting/function is minimised externally and to maintain the amenity of the area.

(2) Steps

No development shall take place unless details of the porous material to be utilised below the steps on the southern elevation has been submitted to and approved in writing by the planning authority. Thereafter, the meeting/function room shall not be brought into use unless the area below the steps has been finished in the approved material and the joints between the stone steps are permeable.

Reason – in order to ensure the availability of water to the roots of the nearby horse chestnut tree.

(3) Flat Roof

No activities associated with the operation of the hotel such as drinking, dining, entertaining or other events involving hotel customers, shall take place on the area marked as 'new flat roof area' on Graham Mitchell drawing 018 of the drawings hereby approved.

Reason – in order to avoid disturbance to surrounding residents from potentially noisy and disruptive activities in an elevated position.

ADVISORY NOTE FOR APPLICANT**(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK**

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.

The Committee heard from Matthew Easton, Senior Planner, who spoke in furtherance of the report. Mr Easton also answered various questions from Members in regards to parking issues and the proposed loss of car parking spaces. Mr Easton also explained that in regards to the potential increase in use of Queens Lane South for deliveries, this was covered in the proposed conditions. Mark Wilkie, Roads Development Management Team Leader, and Nick Glover, Principal Environmental Officer also answered questions in regards to parking issues and queries and potential noise concerns from the proposed new function hall.

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The Committee resolved:-

to approve the application subject to the conditions contained within the report.

16 WHINHILL ROAD - 171478

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

That the application for the conversion of the former guesthouse (Class 7) into four flats, including formation of additional dormer window on the rear elevation, installation of 1 rooflight to front, formation of new window to side of existing rear extension and the subdivision of front door to form two entrances, at 16 Whinhill Road be approved subject to the following conditions:-

- 1) No development shall occur until the applicant/developer has submitted precise details and specifications for the proposed rooflight and replacement front doors (and associated fan light and frames) for approval in writing by the Planning Authority. Once approved, the proposals shall be implemented in line with the agreed scheme.

Reason: In the interests of the Ferryhill Conservation Area's character and amenity.

ADVISORY NOTE FOR APPLICANT

- 1) It is recommended that the applicant/developer contacts the Council's Transport Strategy Team & Programmes Team regarding the co-ordination of residents access to use of existing cars within the Car Club. They are contactable on 01224 522756.
- 2) Residents of each flat can apply to the Council for parking permits to make use of on-street parking on Whinhill Road and surrounding streets. A cost will be incurred to obtain the permits.

Jamie Leadbeater, Planner, spoke in furtherance of the application. There were no questions from Members in regards to the application.

The Committee resolved:-

to approve the application conditionally, subject to the payment of Club car contributions.

DECLARATION OF INTEREST

Councillor Avril MacKenzie declared an interest in the following item by virtue of her previously expressing her view on the application. Councillor MacKenzie indicated that she wished to speak as a local member in

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regards to the application and left the meeting prior to consideration and determination of the application. Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, Councillor MacKenzie declared an interest in the matter and withdrew from the meeting.

BANKHEAD INN, 161-165 BANKHEAD ROAD - 171552

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

That the application for the change of use of the outbuilding to a hot food take away, including the erection of a single storey extension with flue pipe and ramp to the front at Bankhead Inn, 161-165 Bankhead Road, be approved subject to the following conditions:-

- 1) Prior to operation of development, all noise mitigation measures outlined in Appendix I of the submitted Noise & Odour Impact Assessment (carried out by Grosle Environmental Services in October 2017) shall be implemented in full and thereafter remain in place for the lifetime of the development.

Reason: In order to suitably control noise arising from cooking equipment to the benefit of local residents' general residential amenity

- 2) Prior to operation of development, all odour mitigation measures set out in Sections 5 and 6 of the submitted Noise & Odour Impact Assessment (carried out by Grosle Environmental Services in October 2017) shall be implemented in full and thereafter remain in place for the lifetime of the development.

Reason: In order to suitably control malodour arising from cooking operations to the benefit of local residents' general residential amenity.

- 3) No development shall take place until samples of the proposed finishing materials to the extension and replacement roof and doors to the existing building have been submitted to and approved in writing by the Planning Authority. Once approved, the approved scheme shall be implemented in line with the agreed details.

Reason: In the interests of public visual amenity.

ADVISORY NOTES FOR APPLICANT

- 1) Should the applicant/developer wish to apply any signage to the application property it is recommended that they consult with the Planning Service in advance, to establish if Express Advertisement Consent would be required.

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- 2) Aberdeen City Council is not the only commercial waste contractor in the city and therefore it is expected the applicant/developer will make their own arrangements with a waste contractor to remove commercial waste from the site.

Jamie Leadbeater, Planner, spoke in furtherance of the application. Councillor MacKenzie spoke as a local member and advised that she had concerns in regards to the traffic situation and felt that emergency services would be unable to get through should they need to, as in the evening there was a lot of traffic and she felt that the proposed application would add to the situation. She also enquired about the roof and whether it would be replaced.

The Committee resolved:-

to approve the application conditionally.

UNION TERRACE GARDENS - 170497

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

That the application for the alterations and extension to the gardens, including restoration and renovation of structures/statues and toilets; development of buildings containing exhibition retail, café and community hub space; provision of improved access, including raised walkways and re-grading northern gardens, tree works and associated infrastructure and engineering works at Union Terrace Aberdeen, be approved subject to the following conditions:-

1) Photographic Survey

No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with their setting and any unusual features shall be included. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason – To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local sites and Monuments Record.

2) Further Details on Tree Retention

That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority further detailed construction drawings for all the trees identified to be retained:

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as highlighted in green and amber on drawing no. 5442-AIA-004 (Existing and Proposed Tree Planting).

Reason- in order to ensure protection of trees onsite during the construction of the development.

3) Tree Protection

That no development shall take place unless a detailed tree protection plan has been submitted to and approved in writing by the Planning Authority and thereafter any recommended measures specified within that plan shall be implemented in full. Such plan should acknowledge the detailed construction methods proposed/ required and associated risks to existing trees.

Reason - in order to ensure adequate protection for the trees onsite during the construction of the development.

4) Removal of Trees

That the removal of trees, as agreed in terms of conditions on this permission, shall only take place outside the bird nesting season (that being mid-March until the end of August), unless otherwise agreed in writing with the planning authority.

Reason – In the interests of preserving wildlife.

5) Public Access during Constriction

That no development shall take place unless further details on temporary measures for public access and safety during construction has been submitted to, and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in the interest of public access and safety.

6) Bus Stop Improvement

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the design of and means of delivery for new bus stops serving Union Terrace has been submitted to and approved in writing by the planning authority. Thereafter such use of these buildings and enclosed areas shall not become operational until the bus stops are installed in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to encourage the use of public transport to the site and ensure the safety of pedestrians.

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7) Disabled Parking Bays on Union Terrace

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the disabled parking bays on Union Terrace are submitted to and approved in writing by the planning authority. Thereafter such use of these buildings and enclosed areas shall not become operational until the bays so approved are available for use in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to ensure the safety of pedestrians.

8) Delivery Bays on Union Terrace

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the delivery bays for vehicles serving the commercial units on Union Terrace are submitted to and approved in writing by the planning authority. Thereafter such use of these buildings and enclosed areas development shall not become operational until the bays so approved are available for use in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to ensure the safety of pedestrians.

9) Play Equipment

That prior to commencement of the development, a scheme detailing the play equipment to be provided within the Gardens shall be submitted to and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity

10) Community Garden

That prior to commencement of the development, a scheme detailing the interventions associated to the community garden and any associated building(s) shall be submitted to and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity

11) Re-use of Granite Downtakings

That no development shall take place unless further details are submitted on how granite downtakings associated with the hereby approved development, are to be

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reused within the wider scheme, unless otherwise agreed in writing with the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason: In accordance with Policy D5 – Our Granite Heritage

12) Inscriptions on Surfacing and Steps

That no development shall take place unless a detailed scheme setting out proposals of historic referencing on surfacing and steps, including detailed drawings, has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity and to respond to the layers of history associated with the site.

13) Lighting Feature

That no development shall take place unless further details the 'halo of light' feature (including the suspended ring and support poles) has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to preserve visual amenity.

14) Lighting Mitigation Plan

That no development shall take place unless a lighting assessment/ mitigation plan, to address any potential impacts on wildlife, for the scheme of lighting proposed (based on the BCT Interim Guidelines for artificial light and wildlife) has been submitted to and approved in writing by the Planning Authority. The assessment should include the type of light used in all light sources (Spectral composition), whether use of directional lighting is proposed and where and whether some dark periods are to be provided in operation of the lights.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to balance the impact on ecosystems and control light pollution and reduce lighting energy consumption.

15) Building Materials

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That no development pursuant to the planning permission hereby approved shall be carried out unless samples of all external materials and finishes associated to all built development, including but not limited to: buildings; walkways; paths; stairs; railings; and infill to the arched arcades have been submitted to, and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to protect the visual amenities of the area.

16) Environmental Noise Control

That prior to the commencement of any use, within the new buildings along Union Terrace, a noise impact assessment (s) shall be submitted to and approved in writing by the Planning Authority.

This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- b) Identify the likely sources of noise associated with the proposed development;
- c) Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences; and
- d) The methodology for the noise assessment should be submitted and agreed in writing with Aberdeen City Council Environmental Health Service in advance of the assessment.

Such use(s) shall not thereafter commence unless the mitigation measures thereby approved have been implemented in their entirety.

Reason – in the interests of protecting the amenity of neighbouring properties.

17) Environmental Odour Control

That no cooking activities (including: oven cooking; boiling; stewing; grilling/broiling; deep fat frying or shallow frying) shall take place in any of the buildings hereby approved unless a Local Extract Ventilation System (LEV) has been installed and is operational in the premises, all permitted activities relating to hot foods must be limited to appropriate means of re-heating and hot holding precooked products only.

Reason – In the interests of protecting amenity of local residents and to remove the risk of malodour from cooking activities.

18) Local Extract Ventilation

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Where any use is to commence inclusive of a commercial food service, where a Local Extract Ventilation (LEV) system is to be installed to remove food cooking odours and fumes, the following are required:

- a) A suitable extract ventilation assessment by a competent person, to establish the necessary air extraction flow rate based on the proposed cooking activities, the necessary specification of the LEV equipment and mitigation measures required to effectively; filter, neutralise extract and disperse cooking fumes produced at the premises. The assessment should be carried out in accordance with relevant standards, for example the DEFRA document Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems and associated references.
- b) The details of this assessment and its findings must be submitted to, and approved in writing by the planning authority, in the form of a suitable report by a competent person to the satisfaction of this Service. This report must fully demonstrate the minimum design specification of the LEV equipment and cooking odour/fume control measures and their effectiveness.

Such commercial food services shall not become operational until such time as the LEV system thereby approved has been installed and is operational in the premises.

Reason – in the interests of protecting the amenity of neighbouring properties.

19) Implementation of Green Measures

That no development shall take place until a schedule of the green measures that will be implemented on site (for example green roofs, rain water harvesting/ sustainable water use measures, use of native plant species) have been submitted to, and approved in writing by the planning authority, in consultation with SEPA. Thereafter such measures shall be and implemented in full, in respect of the elements of development to which they relate.

Reason - to ensure adequate protection of the water environment and contribute to and enhance the natural environment.

20) Sustainable Urban Drainage Systems

That the development hereby approved shall not come into public use unless the Sustainable Urban Drainage Systems have been installed according to the Drainage Assessment (Ref: REP 0001- Issue 2). The said scheme should have a discharge of 40 litres per second or less to the Denburn in a 0.5% probability rainfall event.

Reason - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

21) Low and Zero Carbon Buildings and Water Efficiency

That the new buildings and enclosed areas within the arched arcades hereby approved shall not be brought into use until a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has been submitted to and

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approved in writing by the planning authority, and any recommended measures specified within that scheme have been implemented in full.

Reason - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

22) Waste Management

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless provision has been made within the application site for refuse storage and disposal in accordance with a detailed scheme including: the total number of waste bins, their sizes and collection arrangement by the business waste contractor, which has been submitted to and approved in writing by the planning authority.

Reason - in order to preserve the amenity of the neighbourhood and in the interests of public health.

ADVISORY NOTES FOR APPLICANT

1- Network Rail :

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent unauthorised and unsafe access to the railway.

If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their

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predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4087
E-mail: AssetProtectionScotland@networkrail.co.uk

- 2- The applicant is advised that the removal of the slip road on Union Terrace would require a stopping up order. The applicant should contact Doug Ritchie (DRitchie@aberdeencity.gv.uk) in this regard.
- 3- For the avoidance of doubt the planning consent hereby granted does not give or imply the granting of consent for any advertisement on the approved buildings and structures. If such advertisements do not benefit from deemed advertisement consent, a separate application for express advertisement consent should be submitted. For further advice please contact the planning authority.
- 4- For the avoidance of doubt the planning consent hereby recommended does not give or imply granting of consent for cleaning of any of the buildings with abrasive, chemical or high pressure water method above 50 p.s.i. For further advice please contact the planning authority.
- 5- Any CCTV system installed should be monitored and registered with the Information Commissioner's Office (ICO) to be compliant with current legislation including the Data Protection and Human Rights Acts. Further information can be obtained at the ICO website at www.ico.gov.uk to assist with this compliance.

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The Committee heard from Kristian Smith, Team Leader Development Management, who spoke in furtherance of the application and answered various questions from Members.

Councillor Cormie requested that the application be deferred in order for a site visit to be carried out before determination of the application.

The Committee resolved:-

to agree that the application be deferred for a site visit before determination, at a date to be agreed in due course.

19 SOUTH AVENUE - 180143

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

That the application for the erection of four residential flats, associated car parking and landscaping, and part removal of boundary wall, at 19 South Avenue Aberdeen be refused.

Daniel Lewis, Development Manager, spoke in furtherance of the application. There were no questions from Members in regards to the application.

The Committee resolved:-

to approve the recommendation and therefore refuse the application.

DATE OF NEXT MEETING - 26 APRIL 2018

11. The Committee noted that the date of the next meeting was Thursday 26 April at 10am in Committee Room 2.

- **COUNCILLOR MARIE BOULTON, Convener**

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