

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 7 December 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Bouse, Vice-Convener; and Councillors Boulton, Clark, Cooke, Copland, Farquhar, Henrickson (as substitute for Councillor Alphonse), Lawrence, Macdonald, Malik (as substitute for Councillor Tissera), Radley and Thomson.

The agenda and reports associated with this minute can be found [here](#).

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.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 2 NOVEMBER 2023

1. The Committee had before it the minute of the previous meeting on 2 November 2023, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 8 NOVEMBER 2023

2. The Committee had before it the minute of the Planning Development Management Committee (visits) minute of 8 November 2023, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance (Legal).

The Committee resolved:-

- (i) to request that officers highlight in the planner, if a planning application had been to the Pre Application Forum or subject to a Pre-Determination Hearing before coming to Planning Development Management Committee; and
- (ii) to note the planner.

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26 RUBISLAW DEN NORTH ABERDEEN - DETAILED PLANNING PERMISSION - 230655

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

That the application for Detailed Planning Permission for the erection of a single storey extension, formation of patio, external steps, window/door replacement to rear; and installation of two new gates to front at 26 Rubislaw Den North Aberdeen, be approved subject to the following conditions:-

Conditions**(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason – In accordance with section 58 (duration of planning permission) of the 1997 act.

(02) TREE PROTECTION

No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- (a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- (b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
- (c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

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Reason – In order to ensure adequate protection for the trees on site during the construction of the development.

(03) MATERIALS

No works in connection with the development hereby approved shall commence unless a sample and details of the specification and colour of all the wall and roof materials, to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The extension shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason – In order to safeguard the special architectural character and historic interest of this listed building and in the interests of preserving or enhancing the character or appearance of the conservation area.

(04) GATE DETAIL

Prior to the commencement of the development hereby approved an elevation drawing of the proposed gates to be located on the south elevation, as indicated on Drawing No. 315P - 301B, shall be submitted to and approved in writing by the planning authority. Thereafter, the gates shall be installed in accordance with the approved details.

Reason – In order to maintain the character and amenity of the surrounding residential area, safeguard the special architectural character and historic interest of this listed building and in the interests of preserving or enhancing the character or appearance of the conservation area.

The Committee heard from Rebecca Kerr, Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from James Halliday, owner of a neighbouring property, who spoke against the application and asked that the application be refused.

The Committee then heard from George Stewart, applicant, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally.

26 RUBISLAW DEN NORTH ABERDEEN - LISTED BUILDING CONSENT - 230654

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

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That the application for Listed Building Consent for the erection of a single storey extension, formation of patio, external steps, window/door replacement to rear; and installation of two new gates to front at 26 Rubislaw Den North Aberdeen, be approved subject to the following conditions:-

Conditions**(01) MATERIALS**

No works in connection with the development hereby approved shall commence unless a sample and details of the specification and colour of all the wall and roof materials, to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The extension shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason – In order to safeguard the special architectural character and historic interest of this listed building and in the interests of preserving or enhancing the character or appearance of the conservation area.

(02) GATE DETAIL

Prior to the commencement of the development hereby approved an elevation detail drawing of the proposed gates to be located on the south elevation, as indicated on Drawing No. 315P - 301B, shall be submitted to and approved in writing by the planning authority. Thereafter, the gates shall be installed in accordance with the approved details.

Reason – In order to maintain the character and amenity of the surrounding residential area, safeguard the special architectural character and historic interest of this listed building and in the interests of preserving or enhancing the character or appearance of the conservation area.

(03) GRANITE REUSE

No development shall take unless details of and a methodology statement for the reuse of the granite down takings in the construction/ finishing of the new development have been submitted to and approved in writing by the planning authority. Thereafter prior to the development hereby approved being brought into use, the details as agreed shall be implemented in full.

Reason – In the interests of retaining historic granite on the site and ensuring compliance with Policy D7 (Our Granite Heritage) of the Aberdeen Local Development Plan 2023 and in the interest of preserving the special character and setting of the Albyn Place and Rubislaw Conservation Area.

The Committee heard from Rebecca Kerr, Planner, who spoke in furtherance of the application and answered various questions from Members.

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The Committee then heard from James Halliday, owner of a neighbouring property, who spoke against the application and asked that the application be refused.

The Committee then heard from George Stewart, applicant, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally.

8 ALBURY MANSIONS ABERDEEN - 231157

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

That the application for Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people (Retrospective) at 8 Albury Mansions Aberdeen, be approved subject to the following conditions:-

Conditions**(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(2) TIME LIMIT FOR SHORT-TERM LET USE

The hereby approved use of the property as Short-Term Let accommodation shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as Short-Term Let accommodation in the meantime. Should no further planning permission be granted then the property shall revert to mainstream residential use as a flat after the aforementioned 5-year period.

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as a Short Term Let to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

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The Committee heard from Samuel Smith, Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from Aileen Taylor and David Robertson, who both spoke against the proposed application and objected to the application.

The Convener moved, seconded by the Vice Convener:-

That the application be approved conditionally in line with the officer's recommendation.

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

That the application be refused for the following reasons.

1. The use of the property as a Short Term Let (STL) had a significant detrimental impact on the amenity of the immediate neighbouring residential properties within the application building beyond what would typically be expected if it were to be used as mainstream residential accommodation. This would be contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP) 2023 and Policy 30 (Tourism) paragraph e(1) of National Planning Framework 4. It was considered that the location of the proposal as an STL as a tourism use was not within the city centre or land allocated to tourism related use which was a requirement of Policy VC2 of the ALDP 2023.
2. The proposal which was also identified as having the possibility to cause harm to the existing residents in the residential area was not considered to have met the locational requirements and was therefore contrary to policy VC2 (Tourism and Culture) of the ALDP 2023.

On a division, there voted – for the motion (8) – the Convener, the Vice Convener and Councillors Cooke, Copland, Henrickson, Macdonald, Malik and Radley – for the amendment (5) – Councillors Boulton, Clark, Farquhar, Lawrence and Thomson.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally.

UPPER BIRCHWOOD, 1 SOUTH AVENUE ABERDEEN - 231263

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

That the application for Detailed Planning Permission for the erection of a shed to the front (retrospective), at upper Birchwood, 1 South Avenue Aberdeen, be approved subject to the following condition:-

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Condition**(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

The Committee heard from Roy Brown, Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from Madina Kurmanbaeva who lived in one of the neighbouring properties, who objected to the proposed application and asked that the application be refused.

The Convener moved, seconded by Councillor Copland:-

That the application be approved conditionally in line with the officer's recommendation.

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

That the application be refused for the following reasons:-

1. That the proposal would be contrary to Policy 16 (Quality Homes) of National Planning Framework 4 and Policy H1 (Residential Areas) and D2 (Amenity) of the Aberdeen Local Development Plan due to the adverse impact it would have on the amenity and privacy resulting from the proximity of the shed of adjoining residential properties and the ground floor flat in particular; and
2. That the proposal would be contrary to Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan in that the design, scale, and prominent siting of the shed would adversely affect the character, visual amenity and landscape setting of the residential building to which it relates.

On a division, there voted – for the motion (3) – the Convener and Councillors Copland and Macdonald – for the amendment (10) – the Vice Convener and Councillors Boulton, Cooke, Clark, Farquhar, Henrickson, Lawrence, Malik, Radley and Thomson.

The Committee resolved:-

to adopt the amendment and therefore refuse the application.

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REPRESENTATION PROCEDURE - GOV/23/317

8. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which provided an update on the operation of the representation procedure which was approved by Planning Development Management Committee (PDMC) on 3 November 2022 and sought approval for the procedure to be updated as outlined at 3.2 of the report.

The report recommended:-

that the Committee –

- (a) notes how the representation procedure had operated since December 2022;
- (b) approves the updated Procedure and Guidance notes at Appendix 1;
- (c) notes that the updated Procedure and Guidance notes would take effect from after today's meeting and would apply to all future Planning Development Management Committees;
- (d) instructs the Chief Officer – Strategic Place Planning to keep the Procedure and Guidance notes under review and to make any minor amendments which were deemed necessary; and
- (e) instructs the Chief Officer – Strategic Place Planning to report back to the Committee after 12 months if any material changes were required to the Procedure and/or Guidance notes.

The Committee heard from Fiona Closs, Solicitor, who spoke in furtherance of the report and answered questions from Members.

The Committee resolved:-

- (i) to agree that the data in regards to amount of speakers be included in future annual effectiveness reports;
 - (ii) if any future review of the procedure takes place, to seek feedback from individuals who have participated in the procedure to date and to include this feedback in any future review; and
 - (iii) to approve the recommendations.
- **Councillor Ciaran McRae, Convener**