

# Public Document Pack



To: Councillor Milne, Convener; and Councillors Crockett, Lawrence, McCaig and Stuart

Town House,  
ABERDEEN, 5 December 2014

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in Committee Room 2 - Town House on **MONDAY, 15 DECEMBER 2014 at 10.00 am.**

JANE G. MACEACHRAN  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

- 1 Procedure Notice (Pages 1 - 2)

**COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING**

**TO REVIEW THE DECISION OF THE APPOINTED OFFICER IN RELATION TO THE FOLLOWING APPLICATIONS**

- 2 6 Albert Street, Aberdeen - Extension to existing office to provide additional office and support accommodation - 140714

### **PLANNING ADVISER - GAVIN CLARK**

- 2.1 Delegated report and letter of objection (Pages 3 - 16)

- 2.2 Planning policies referred to in documents submitted (Pages 17 - 72)
  - 2.3 Notice of Review with supporting information submitted by applicant / agent (Pages 73 - 174)
  - 2.4 Determination - Reasons for decision  
**Members, please note that reasons should be based against Development Plan policies and any other material considerations.**
  - 2.5 Consideration of conditions to be attached to the application - if Members are minded to overturn the decision of the case officer
- 3 Baads Farm, Peterculter - Removal of Condition 1 (Control of Occupancy) from Planning Permission Ref P120873) - 141149

**PLANNING ADVISER - LUCY GREENE**

- 3.1 Delegated report and letters of objection (Pages 175 - 198)
- 3.2 Planning policies referred to in documents submitted (Pages 199 - 200)
- 3.3 Notice of Review with supporting information submitted by applicant / agent (Pages 201 - 224)
- 3.4 Additional letter of representation from objector (Pages 225 - 226)
- 3.5 Determination - Reasons for decision  
**Members, please note that reasons should be based against Development Plan policies and any other material considerations.**
- 3.6 Consideration of conditions to be attached to the application - if Members are minded to overturn the decision of the case officer

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Steph Dunsmuir, tel 01224 522503 or email [sdunsmuir@aberdeencity.gov.uk](mailto:sdunsmuir@aberdeencity.gov.uk)

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations, shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
5. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
  - (a) written submissions;
  - (b) the holding of one or more hearing sessions;
  - (c) an inspection of the site.
6. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
7. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

#### DETERMINATION OF REVIEW

8. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.

9. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
10. In coming to a decision on the review before them, the LRB will require:-
  - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
  - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
  - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
11. In determining the review, the LRB will:-
  - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
  - (b) overturn the appointed officer's decision and approve the application with or without appropriate conditions.
12. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

# Agenda Item 2.1

Signed (authorised Officer(s)): 6 ALBERT STREET, ABERDEEN

EXTENSION TO EXISTING OFFICE TO PROVIDE  
ADDITIONAL OFFICE AND SUPPORT  
ACCOMMODATION

For: Russell Gibson Financial Management

Application Type : Detailed Planning Permission

Application Ref. : P140714

Application Date : 13/05/2014

Advert : Section 60/65 - Dev aff LB/CA

Advertised on : 28/06/2014

Officer : Sally Wood

Creation Date : 21 July 2014

Ward: Hazlehead/Ashley/Queen's Cross(M Greig/J  
Stewart/R Thomson/J Corall)

Community Council: No response received

## **RECOMMENDATION:**

Refuse

## **DESCRIPTION**

Located at the west end of Union Street on Albert Street, this building is a Category B listed building, and is also designated as a group Category A listing with other properties within Albert Street (including numbers 2-18 (even numbers) Albert Street). The site also lies within the Albyn Place/Rubislaw Conservation Area.

The building consists of granite walls and natural slate roof. The building is single storey in height with attic and basement level. The building lies within a terrace. The building fronts onto Albert Street, and its rear elevation can be seen from Albert Walk which is a lane to the rear of the site.

## **RELEVANT HISTORY**

A5/0360 Demolition of part of boundary wall and outbuilding and alterations to form car park in rear garden. Approved subject to conditions, both listed building consent and planning permission (combined), 06.07.2005.

## **PROPOSAL**

Detailed planning permission is sought for an extension to the rear of the building. The proposed extension seeks consent for accommodation over three levels. At basement level the extension would measure approximately 5.0 x 6.0 metres (at the widest point).

The ground floor element would be linked with a corridor, which would be over two floors, which would measure 2.5 metres long by 2.1 metres wide. The main extension just beyond the link would be 6.6 metres wide by 14.9 metres length (ground floor level), whilst at first floor, would also be an office extension projecting from the 'link' extension which would measure 5.55 metres long by 4.575 metres wide. In addition to the first floor office a roof terrace is proposed above the ground floor extension, which would include walling around the perimeter at a height of 1.1 metres.

### **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140714>  
On accepting the disclaimer enter the application reference quoted on the first page of this report.

### **CONSULTATIONS**

**Roads Projects Team** – the existing floor area is approximately 175 sq. m. and it is noted that 127 sq.m. (approximately) of floorspace is proposed. In accordance with the current car parking standards the applicant could provide 1 space per 50- sq.m of gross floor area, which equates to 6 spaces. Noted that the plans propose 4 car spaces, however in reality 3 spaces could be provided, therefore there is a shortfall of 3 car parking spaces. The development is located just outside of the city centre and is within a controlled parking zone. Although the site has a shortfall in parking, given the site's good accessibility to public transportation and proximity to city centre, the proposed shortfall in parking is acceptable. However, in order to mitigate the potential for additional parking pressure require the introduction of measures such as promotion of public transport & the city car club

Satisfied that 6 cycle parking spaces are proposed.

No contribution will be required to the Strategic Transport Fund (STF) as per the Supplementary Guidance.

Note that currently the site has been served by a vehicular access on Albert Walk and the applicant plans to remove an existing wall. Support the proposal to remove the wall as it would improve visibility.

Note that Albert Walk is maintained by the City Council and any damage to the lane during construction should be reinstated to the satisfaction of the Council.

A Drainage Impact Assessment (DIA) in line with SUDS principles should be submitted.

The submitted Travel Plan is acceptable but the applicant should be advised that the information gathered by the surveys and the targets set along with the results of the audits should be submitted to Aberdeen City Council for further comments.

**Environmental Health** – stated, no observations

**Enterprise, Planning & Infrastructure (Flooding)** - stated, no observations

**Community Council** – no response received

## **REPRESENTATIONS**

One letter of representation has been received. The objections raised relate to the following matters –

1. No other extensions on Albert Street are taller than single storey in height;
2. The proposed cladding is not in keeping with the stonework of the listed building;
3. Objections to the imposing nature of the proposal adjacent to the boundary and the massing, height and presence of the first floor element; particularly given the narrow garden area of the adjacent feu;
4. Adverse impact on daylight;
5. Impact on privacy and overlooking;
6. Concern of privacy and overlooking from the proposed terrace at first floor.

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Scottish Planning Policy

This states that in determining applications for planning permission or listed building consent, special regard should be had for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.

#### Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The planning authority is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

#### Historic Scotland's Scottish Historic Environment Policy (SHEP)

States that the planning authority must pay special attention to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

## **Aberdeen Local Development Plan**

### Policy D1 Architecture and Placemaking

Ensures that high standards of design are achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

### Policy D5 - Built Heritage

Proposals affecting Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

### Policy BI3 – West End Offices

In this area (shown on the Proposals Map), applications for change of use for office purposes will be given favourable consideration.

## **Supplementary Guidance**

Historic Scotland: Managing Change in the Historic Environment (leaflet series): Extensions; Roofs; Setting.

## **Other material planning considerations**

Interim Supplementary Guidance : Conservation Area Character Appraisal and Management Plan, including the Conservation Area Character Appraisal – Albyn Place and Rubislaw, July 2013

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

### Listing

This building is a Category B listed building, and dates back to the mid 1800's. The building also forms part of the Category A group of listed buildings, including 2-18 Albert Street (even numbers), amongst others. The listing notes that the



Street is similar in style to other Archibald Simpson developments, and is a good example of the "Aberdeen Cottage", developed from the Butt and ben from the 1820s. Usually with 2 main rooms on the ground floor, a smaller room tucked behind and further accommodation in the attic, lit by dormers. The corncicing of the door and window openings combined with ashlar finish and eaves blocking course unify the terrace.

## Discussion

### Impact on the Listed Building and the Character of Conservation Area

6 Albert Street is a Category B listed building and located within the Albyn Place/Rubislaw Conservation Area. Circa 1850s and an example of an Aberdeen Cottage, the building is single storey in height with basement and attic levels. The terrace that it sits within is characterised by such uniformity, and apart from 4 Albert Street which has a single storey extension to the rear, much of it has remained unaltered in terms of extensions.

The proposed rear extension would be over three levels and would greatly increase the development on this feu and would result in over 50% of the rear garden being built upon. It is considered that the proposed extension would not preserve the setting, but rather it would have an adverse impact on the listed building, and the terrace (which is Group A listed), by eroding the historic feu pattern because the extension would erode the spatial relationship of the building to the original garden, as it would extend full width and obscure views of the existing rear elevation. This is contrary to the key principles of Historic Scotland's Managing Change Guidance on Extensions and Setting.

The Council's Interim Supplementary Guidance: Conservation Area Character Appraisals and Management Plan, July 2013 is a material consideration in the assessment of this application. The Strategic Overview and Management Plan includes specific reference to rear extensions in the West End Office Area, which is where this site is located. It states that buildings within the west end come under considerable pressure for new or enlarged extensions, and notes that in relation to rear extensions:

- Any extension should allow the listed building to be understood and appreciated;
- The form, scale, design and materials of any proposed development should complement and relate to the principal building and not normally exceed 30% of the original rear garden size.
- Where an extension is centrally positioned across the rear of the listed building it should not normally extend more than 70% of the feu width; and
- It should respect the location of existing windows and doors.
- In general extensions should not be greater than single storey in height above ground level (excluding sub basement level if present) unless: (i) the design is of an exceptionally high quality with reference to scale,

- massing, materials, detail and setting and/or (ii) it can be demonstrated to the satisfaction of the local planning authority that a larger extension is required to act as enabling development to secure the long term viability of the listed building.
- The Guidance continues to note that rear extensions do not impact solely on the principal listed building, but also on the wider terrace. Any proposed development will be assessed in terms of its impact on the adjoining listed buildings and on the terrace as a whole.

Assessing the proposed extension against these principles it is evident that the proposed extension fails to comply with the Interim Supplementary Guidance (ISG). The extension would obscure the rear elevation of the listed building and the traditional dormer, which is a feature of properties along this terrace, as evident from Albert Walk. The flat roof and 'bulky' nature of the extension is considered at odds with the fineness of the granite building in terms of proportions, and would obscure the eaves height and part of the roofline of the building.

The extension would exceed more than 30% of the original rear garden size. It would be 14.9 metres long excluding the link corridor, which if taken into account would overall account for 17.4 metres, whereas the original building is 10.6 metres in length. It would occupy the whole width of the feu. The existing original rear garden size is some 220.5 square metres, the ground area of the extension accounts for some 114.84, this equates to 52% of the original garden size. Not only would the extension be significantly larger than the existing office building, it would also occupy more than half of the rear garden, which is clearly in breach of the 30% referred to in the ISG.

The extension occupies 100% of the width of the feu, which is significantly greater than the 70% referred to in the ISG. The width reduces the openness of the rear aspect. The extension would wholly obliterate the position of windows and doors, particularly when viewed from Albert Walk. Due to the height of the extension it would effectively remove the traditional dormer, which is a characteristic of the wider terrace, and pay no respect to the scale of the original building in terms of eaves height, which is a feature which unifies the terraces.

The extension is greater than single storey. Due to its bulkiness (flat roof, chunky banding), it is not considered to be of an exceptionally high quality design. There is no evidence that it is required to act as enabling development, rather its purpose is for additional office accommodation for the existing occupier. The proposal therefore also fails to accord with the ISG in respect of height.

The proposed extension, taking into account the above considerations, by virtue of its mass, scale and design, would not preserve the setting of the listed buildings but instead would have a significant adverse impact on the listed buildings in the vicinity and also substantially undermine the character of Albyn

Place and Rubislaw Conservation Area. The proposed development is therefore considered to neither enhance nor conserve the character and/or appearance of the conservation area, or have an acceptable impact on the Category- B listed building or the Category A group of listed buildings. The extension would be clearly viewed from Albert Walk. It is considered that the proposal does not accord with the Interim Supplementary Guidance, or Scottish Planning Policy, Scottish Historic Environment Policy, and policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan.

### Scale and Design of Extension

The scale and mass of the extension are such that the proposal would result in the overdevelopment of the site, and dominate the original building, and the wider terrace. The length of the extension is considerably longer than the original building, it is as wide as the feu, and would be taller than single storey in height. This scale and mass would therefore hide the rear traditional dormer window, pay little regard to the eaves level, which is a unifying feature of the terrace, and would appear bulky against the roof line. Due to its width and length it would occupy more than half the rear feu, which would have been originally the rear garden.

The extension to the rear of number 4 Albert Street demonstrates the harm that can occur by such long and wide extensions. It is single storey in height only, but hides the rear elevation of the property and the original feu, in contrast the application seeks permission for a much taller extension. Furthermore, planning policies and guidance have evolved since the building of the extension at number 4 Albert Street.

It is considered that the scale and length of the extension would dominate the original building to an unacceptable level, and the wider terrace, and would result in the overdevelopment of the site. The extension would be substantially larger than any other extension/properties in the vicinity of the site. The proposal does not accord with Policy D1 (Architecture and Placemaking) of the Local Development Plan.

### Impact on Amenity

The extension by virtue of its height and design would have an over-bearing impact on 8 Albert Walk. It would cause loss of light to a number of the rear windows, and would cause over-looking concerns from the 'link' corridor and the terrace above. Whilst the neighbouring premises are commercial in nature, as opposed to residential, it is nevertheless considered that the proposed rear extension would have a negative impact on the adjacent property. Discussions did take place with the agent for this proposal to seek a single storey extension, with no upper floor or roof terrace to overcome these concerns, as well as a reduction in the length and width.

In terms of impact on number 4 Albert Street, it is considered that due to the existence of a ground floor extension to the rear of that property, and the position of the first floor extension as part of this proposal, that the proposed development would not have an adverse impact on number 4 by way of loss of light or privacy.

The rear extension as proposed would have an adverse impact causing over-shadowing to the neighbouring premises, 89 Albert Street, it is therefore considered that the proposal has not been designed with due consideration for its context or in relation to neighbouring properties.

### Access and Car Parking

It is noted that the Roads Projects Team have no objections to the proposal on the basis of access and car parking, although would seek measures to promote alternatives to car use, including Travel Plan, car club, etc. In addition the cycle spaces could be secured by condition.

However, in considering the access and car parking, it is noted that the remainder of the wall would be demolished to make space for an addition car within the rear feu. This alteration would require planning permission as it is not permitted development, as well as listed building consent. In terms of planning permission, the removal of the wall which runs parallel with Albert Walk and part way into the feu contributes to the character of the Conservation Area and assists to define the historical feu. The Strategic Overview and Management Plan clearly state that a weakness within Conservation Areas is the loss of the original development pattern and boundary walls due to backland developments, car parking and rear extensions. The deterioration of back lanes, including the removal of boundary walls to make way for car parking, is considered a threat to the historic character of the conservation area. New development within the conservation area should preserve patterns of development and building lines as these features all contribute to an area's form and special character. The removal of the wall is therefore considered unacceptable due to the impact that it would have on the setting of the listed building and the character of the Conservation Area, it should be borne in mind that the rear feu can be clearly seen from Albert Walk.

### Other

One letter of representation was received in connection with the application which raised a number of points, and each one is responded to below.

1. There are no other extensions on Albert Street of this scale. It is considered contrary to planning policy for the reasons mentioned in this report.

2. Condition could seek appropriate materials, however, it is judged that the scale, mass and design of the extension are inappropriate.
3. Concerns are raised within this report with regards to the impact of the proposal and its relationship with the neighbouring properties.
4. Points 4, 5 and 6 and are referred to in this report. Although the adjacent properties are commercial in nature, as opposed to residential, it is nevertheless considered that the proposal would have an adverse impact, due to its height and projection, through over-shadowing. Furthermore, the glazed two storey link and roof terrace would raise concerns of privacy.

In addition to the above considerations, the application was accompanied with a 'Planning and Design Statement', and further correspondence was received from the agent (e-mail 16.07.14). The main points are summarised below, with a response as follows:

1. "In our design of the extension, we have carefully considered the architectural and historic merit of the building and ensured that the proposed extension respects and enhances this. Paragraph 143 of SPP 2014 (Conservation Areas) states that 'proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.' We do not believe that the proposed extension at 6 Albert Street will adversely impact on the character or appearance of the Albyn Place / Rubislaw Conservation Area, for the reasons outlined in the submitted Design and Access Statement."

Response: It is considered that the proposal is inappropriate due to its design, scale and mass. It would obscure the rear elevation of the property and occupy more than 50% of the rear garden. It pays little respect to the traditional dormer or eaves height, which are unifying features within the terrace. It is considered that it would have an adverse impact on the Conservation Area, as it would erode the rear feu which can be clearly seen from Albert Walk.

2. "Unclear as to how we are impacting on the existing roofline (*sic*)– as the proposals have been considered in relation to existing features (roof line of extension does not extend above line of existing dormers) and does not protrude above the ridge to impact on the front elevation of the terrace".

Response: The extension obscures the eaves, which are a unifying feature of the terrace. It would result in alterations to the dormer window to create a doorway, which would be obscured by the extension. Due to the bulky nature of the extension it would adversely impact on the rear elevation, and the wider terrace. Although it would not be discernible from the front elevation, quite clearly the site can be viewed from Albert Walk.

The Conservation Appraisals make reference to the importance of rear lanes.

3. "Unclear as to why a second storey is not permitted, the Conservation Area Guidance states that '*In general* extensions should not be greater than a single storey', but taking into account the proposed high quality extension and business case, should a second storey not be considered."

Response: It is considered that the extension is not of a suitable high quality design, it is overly high, wide and long. It would obscure the eaves details and the dormer window, which would require to be altered. The extension would appear as an alien feature in the terrace, where there are no other similar extensions. The extension would also have an adverse impact on the amenity of the neighbouring premises. It lacks the refinement of the existing terrace and obscures many of the features which make the building, and the wider terrace, unique in terms of Conservation Area and listing status.

4. "In relation to the 70% recommended width...the site is very narrow. The guidance states 'it should not normally exceed more than 70%'"

Response: occupying the full width of the feu will lead to the loss of the traditional feu pattern within the wider terrace, as it would 'read' in conjunction with number 4, as just one large area built on. Approval of such a wide extension could set a precedent, and erode the historic feu. The rear area would have been the garden to the original 'cottage', an extension of the width proposed would undermine the historical importance of such a feature, which contributes to the character of the wider conservation area. A more modest extension could be built, and clearly this would not provide the level of accommodation sought, however the harm to the historic building and conservation are considered to far outweigh this.

5. "In relation to the 30% recommended length, have included a justification in our design and planning statement, which demonstrates why this is unworkable for this particular site. The guidance states that the length should 'not normally exceed 30%'. A 30% extension would not provide sufficient desk space to allow the business to expand effectively. The cost of building an extension of this size compared to the productive output, unfortunately does not stack up."

- Response: the 30% is not the length of the extension, but the size per ratio of the rear feu. The Interim Supplementary Guidance states that the form, scale, design and materials of any proposed development should complement and relate to the principal building and not normally exceed 30% of the original rear garden size. The proposed extension would

occupy some 52%. This is more than half of the original rear garden. The impact on the historical feu, setting of the listed building, and terrace, and the impact on the Conservation Area far outweigh the applicants desire to extend the premises by so much. The proposed extension would almost double the existing floorspace.

6. "Policy BI3 – West End Office Area aims to encourage and promote the continual development of office development in the area. As stated in our supporting information, specifically the letter by the applicant dated 29<sup>th</sup> April 2014, the applicant is keen to stay in their current accommodation and this proposed extension will allow them to do so."

Response: the Council supports the West End Office Area, however, any proposed development must also consider its setting and other policies contained within the Development Plan. Whilst in principle an extension may be acceptable, the proposed extension is considered excessive in terms of scale and massing, and the applicant's desire to extend does not outweigh the impact that the proposal would have on the setting of the listed building, the setting of the group of Category A listed buildings, or the character of the Conservation Area. There is a statutory duty placed on planning authorities to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses and protect the character and appearance of Conservation Areas.

7. "The client was keen to remove the wall adjacent to the lane to allow for safer entry/egress from the car park, but understands the importance of retaining these features. We will amend the plans so that the wall shall remain as existing. For confirmation, the tree is not to be removed."

Response: in order to accommodate the proposal as submitted both the wall and tree would have to be removed. The removal of the wall is resisted by the Planning Authority.

### Conclusion

The proposed development would have an adverse impact on the character of the conservation area and the setting of the listed building (Category B) and the wider group of listed buildings within the terrace (Category A) due to its scale, mass and design. The proposal, therefore, does not comply with the Interim Supplementary Guidance Conservation Area Character Appraisals and Management Plan, July 2013, Scottish Planning Policy, Scottish Historic Environment Policy, or Policies D1 (Placemaking and Design) and D5 (Built Heritage) of the Local Development Plan. The proposal would also have an adverse impact on amenity of the adjacent building within the terrace, number 8

Albert Street, through over-shadowing and overbearance of the extension due to its scale, and loss of privacy.

## **RECOMMENDATION**

Refuse

## **REASONS FOR RECOMMENDATION**

The proposed rear extension due to its scale and mass is contrary to the Interim Supplementary Guidance Conservation Area Character Appraisals and Management Plan, July 2013, which is a material consideration for extensions within Conservation Areas, and Scottish Planning Policy, Scottish Historic Environment Policy, and Local Development Plan Policies D1 (Placemaking and Architecture) and D5 (Built Heritage), and Managing Change: Extensions (Historic Scotland). In particular, the extension is overly long, wide and high, and obscures many of the features of the building, which is Category B listed, including dormer window, windows, and the eaves. Due to the design of the rear extension, being bulky, it would appear as an alien feature, particularly at first floor level within the terrace obscuring the eaves which is a unifying feature of the terrace and the traditional dormer window. The proposal would not preserve the setting of the listed building nor would it preserve the character of the Conservation Area from within public areas of which it would be visible.

The proposed demolition of the boundary wall to accommodate additional car parking is considered unacceptable. The wall, which runs parallel with Albert Walk and part way into the feu, contributes to the character of the Conservation Area and defines the historical feu. The deterioration of back lanes and removal of boundary walls would have an adverse impact on the setting of the listed building and would not preserve or enhance the character of the Conservation Area, contrary to the Interim Supplementary Guidance Conservation Area Character Appraisals and Management Plan, July 2013, Scottish Planning Policy, Scottish Historic Environment Policy, Local Development Plan Policy D5 (Built Heritage), and Managing Change: Setting (Historic Scotland).

The proposal, if approved, would set an undesirable precedent for similar developments in the Albyn Place/ Rubislaw Conservation Area that would adversely affect and undermine the special character of the area as a result of the impact on the rear lane and rear feus, and on the terrace of listed buildings.



## Robert Vickers

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 10 June 2014 14:04  
**To:** PI  
**Subject:** Planning Comment for 140714

Comment for Planning Application 140714

Name : Edward Talbot  
Address : 37 Larchfield Avenue  
Newton Mearns  
Glasgow  
G77 5PW

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I represent the owners of 8 Albert Street.

To my knowledge there are no other extensions in Albert Street on more than one floor.

The cladding material of the proposed extension is not in keeping with the stonework of the existing listed buildings.

There is an extension at No. 4 Albert St which has a simple flat roof and is clad in block similar to the stonework of the existing building. The overall effect is that this side wall merely looks like a high garden wall. The side wall abutting our property would be at least 1m higher than Nr 4, clad in grey cladding, which we are concerned would have an imposing and massing effect, together with the additional height and presence created by the upper floor meeting room to our rear narrow garden area. This may also have a detrimental effect on daylight to our premises.

If the upper storey were to be built could the glazed link be solid to no. 8, in order not to compromise our privacy and prevent overlooking.

We would be concerned if access to the flat roof area from the upper floor was for anything other than maintenance as this would compromise our privacy and allow overlooking.

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## **Policy D1 – Architecture and Placemaking**

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied.

The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement.

Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

## **Policy D5 – Built Heritage**

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy. In relation to development affecting archaeological resources further details are set out in Supplementary Guidance on Archaeology and Planning.

Planning permission for development that would have an adverse effect on the character or setting of a site listed in the inventory of gardens and design landscapes in Scotland or in any additional to the inventory will be refused unless:

1. The objectives of designation and the overall integrity and character of the designated areas will not be compromised; or
2. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic and strategic benefit of national importance.

In both cases mitigation and appropriate measures shall be taken to conserve and enhance the essential characteristics, aesthetics, archaeological and historical value and setting of the site.

## **Policy BI3 - West End Office Area**

In this area applications for change of use for office purposes will be given favourable consideration. Applications for change of use of properties to residential use will also be encouraged, subject to a satisfactory residential environment being established and that the continued operation of existing

uses is not prejudiced. The creation of new residential buildings, where considered acceptable, on the rear lanes of properties requires that a safe means of pedestrian and vehicular access be provided. Where there is scope to provide access to properties from rear lanes this will only be considered acceptable if satisfactory traffic management measures are in place, or can be provided by the developer, along the rear lanes. In their absence, proposals will be expected to contribute to the future implementation of satisfactory traffic management measures in rear lanes.

The development of associated front gardens to car parks and driveways, and the subsequent erosion of associated landscaping, will not be permitted. The reinstatement and restoration of car parks to front gardens will be encouraged by the Council.



Aberdeen City Conservation Area Character Appraisals and Management Plan

## Albyn Place and Rubislaw

To be read in conjunction with Section 1: Strategic Overview and Section 2: Management Plan

July 2013

**Planning and Sustainable Development**  
Enterprise, Planning and Infrastructure  
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# Albyn Place and Rubislaw

## 1 Introduction

### 1.1 Profile

Designation Date	1 July 1968
Extended	March 1975 (7.2 hectares added), January 1978 (1.2 hectares and 2.26 hectares)
Previous character appraisals	n/a
Article 4 Direction	Yes
Size (hectares)	139 hectares
Number of character areas	5
Number of listed buildings	Total – 481 Category A – 22 Category B – 304 Category C – 155
Buildings at Risk	0
Scheduled Ancient Monuments	0
Adjoining Conservation Areas	Great Western Road, Rosemount, Union Street
Sites and Monuments Record	41

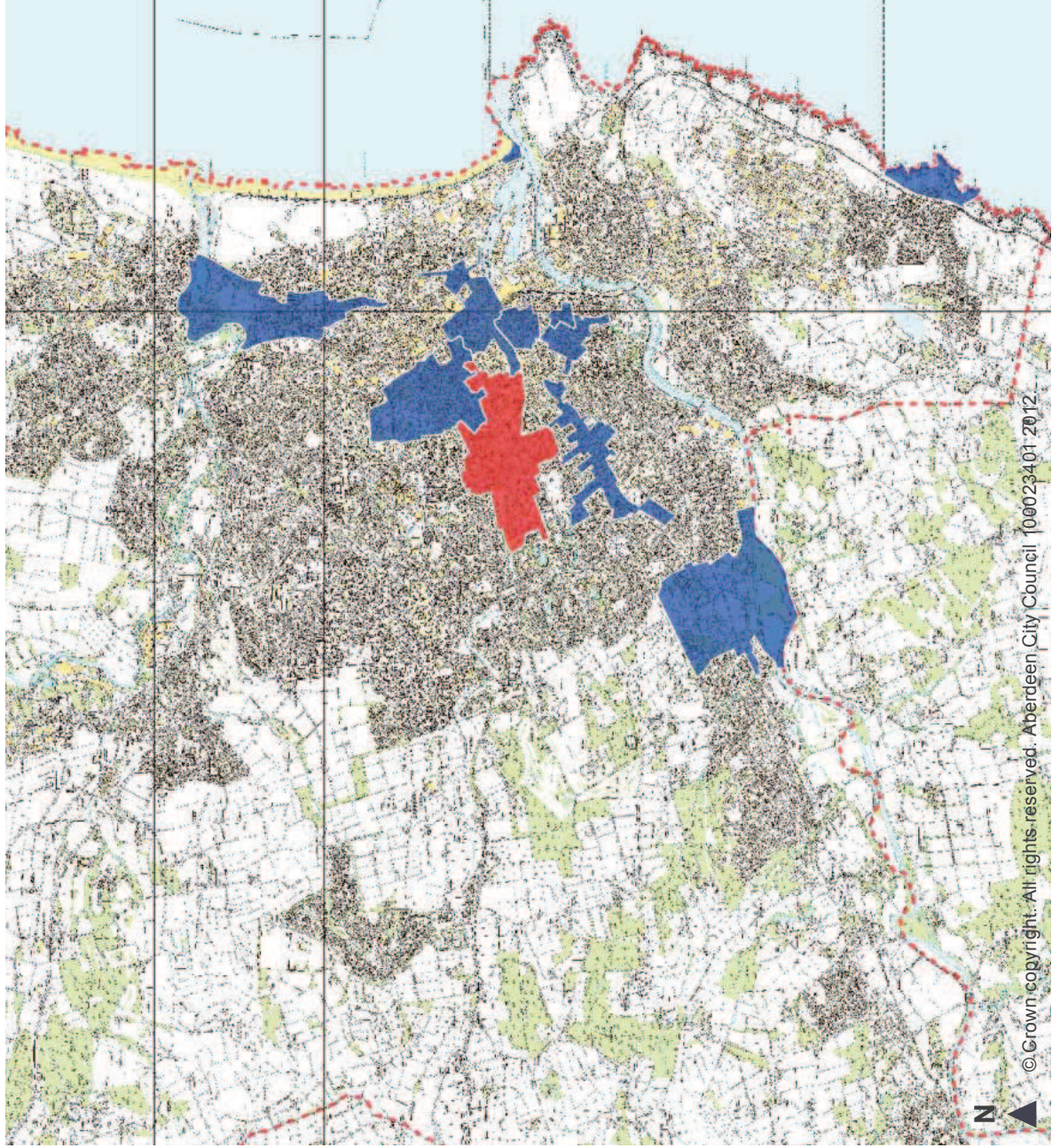
### 1.2 Summary of significance

Albyn Place/Rubislaw was one of the first Conservation Areas designated in Aberdeen. The area was built to show the prosperity and wealth of the city and of those who had its commissioned buildings. It embraces the Victorian development of the city, providing good examples of planned streetscapes; formal gardens and residential developments. The area is characterised by wide tree lined streets, which follow a linear and grid pattern. The majority are accompanied by low granite front garden walls and back lanes that provide access to the rear of buildings. There is a mixture of public formal space and private informal space.

Alongside the grandiose developments and distinctive semi-detached and detached villas, there are rows of simpler yet substantial terraced developments. To the north, south and west sit terraces; semi-detached and detached residential dwellings of granite and slate, most of which are two storeys and sit back off linear streets. To the east there is a concentration of business, commercial and educational facilities which occupy substantial granite buildings close to the city centre.

The area comprises a substantial number of listed buildings and listed structures. Many of the streets within the Conservation Area consist primarily of listed building and many are group listed. The area highlights an outstanding array of buildings, encompassing many styles, materials and building practices that are locally distinctive.

Location of the conservation areas within the City of Aberdeen





## 2 Location, history and development

### 2.1 Location

The Conservation Area sits to the west of Aberdeen city centre, reaching from King's Gate in the north to Ashley Lane in the south and from Queen's Road in the west to Jack's Brae in the east. The Conservation Area is distinctive due to the presence of Victorian built linear and grid streets, with back lanes accessing the majority of properties. There is evidence of the pre Victorian street pattern to the west of the Conservation Area in Jack's Brae. Of the original rough tracks that provided access to the area, King's Gate and Beechgrove Terrace follow the route of South Stocket Road. Queen's Road sits on a similar projection to the original

'route to Rubislaw'. Spademill Road is all that is left of an ancient cross country route, the Old Road, which linked north to south and was a major route in its day between South Stocket Road (King's Gate) and Skene Turnpike (Queen's Road). The streets within the area do not follow the topography of the landscape but were developed to Victorian schemes and designs.

The landscape is slightly undulating due to the Denburn and its associated valley which runs west to east through the spine of the Conservation Area. A number of water features historically ran through the area including the Holburn and the West Burn of Rubislaw although these features have been built over. The Denburn, sometimes known as the North Burn of Rubislaw, is the main water and valley feature in the

Conservation Area. Although not immediately visible to the naked eye due to the layout of the surrounding streets, the Denburn runs for the majority of the Conservation Area. The land surrounding this does dip sharply at the eastern edge of the Conservation Area, round Skene Street making it more noticeable in the landscape.

## 2.2 Development History

The Conservation Area encompasses development mostly from the second phase of Aberdeen's growth, from 1820 to 1900. Prior to 1820 the area was known as the Freedom Lands and consisted of open countryside with a handful of small hamlets, small farms and the occasional mansion with rough access routes running to and from Aberdeen.

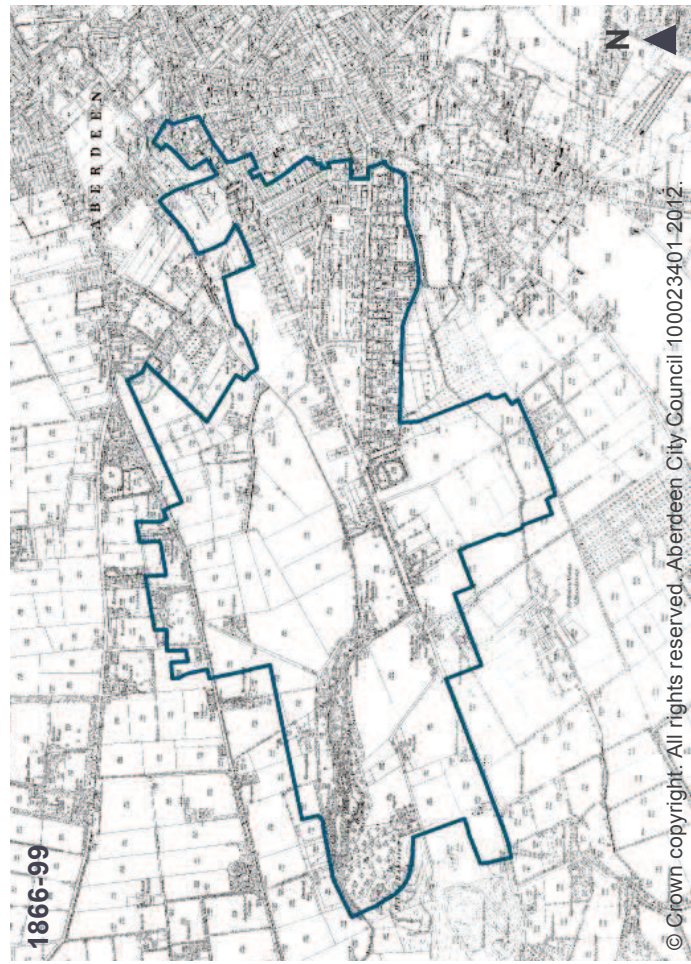
In 1800 Queen's Road was planned from Aberdeen to Alford by Aberdeen's turnpike trustees. The road took a straight line via

what are now Skene Street and Carden Place. The Skene Turnpike was operating by 1803 and paved the way for the creation of the West End of Aberdeen. A further toll, the Rubislaw Tollhouse, was established in 1837. To the north sat South Stocket Road – now King's Gate and Beechgrove Terrace.

Development in the area was initiated by the landowner, James Skene, and from the Aberdeen Land Association, later the City of Aberdeen Land Association (CALA). From larger pieces of land, smaller plots were sold

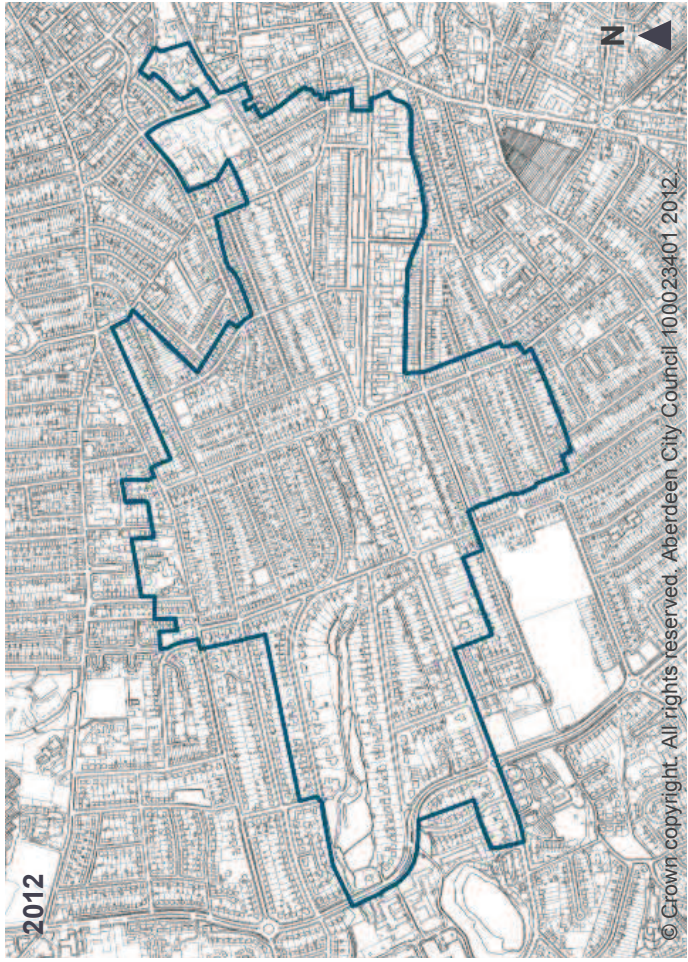
off according to a plan resulting in planned neighbourhoods such as those of Rubislaw, Fountainhall and Morningfield. Development consisted of straight well ordered granite terraced properties, detached villas and villas, the majority of which had ample garden space. Early planned development began with Carden Place and Albyn Place and the associated streets which sit within the triangle these form. Expansion was rapid in the West End during the last 25 years of the 19th century. By 1875 the West End of Aberdeen had only reached

Historical development maps for Albyn Place and Rubislaw area



Queen's Cross with St Swithin Street in place. By 1900 the street pattern sits as it does today.

There is a distinctive divide between residential dwellings and commercial/business. To the east along Albyn Place, Carden Place and for the majority of Queen's Road, there is a concentration of business, commercial and educational facilities which occupy substantial granite buildings close to the city centre of Aberdeen. Beyond these streets lie high quality granite and slate terraces, semi-detached and detached residential dwellings most of which are two storeys.

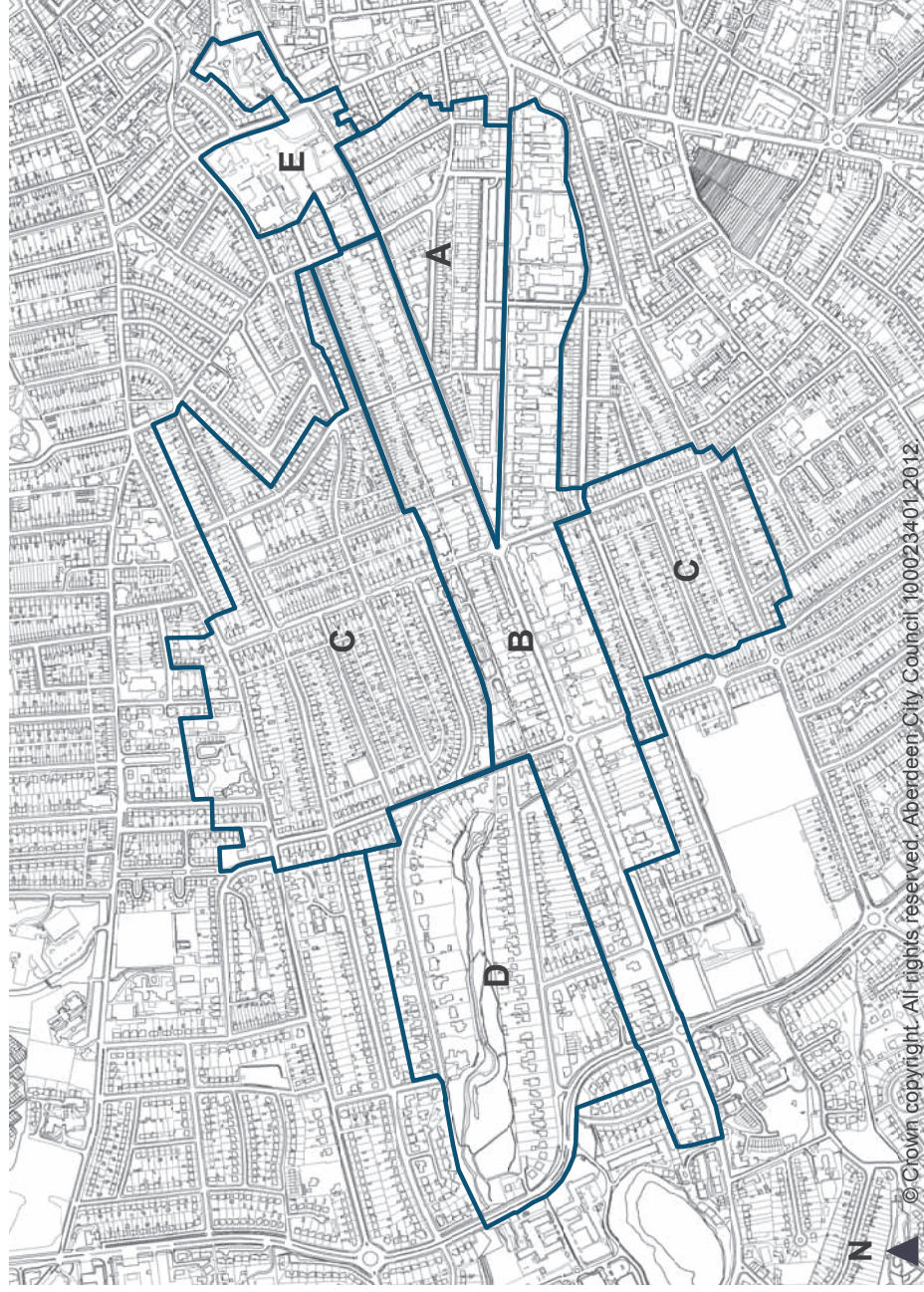


### 3 Character

The Conservation Area can be divided into five distinct character areas:

- A. Albyn Place; Carden Place; Albert Terrace and Victoria Street
- B. Queen's Road and the south side of Albyn Place
- C. North and south of Queen's Road, but east of Rubislaw Den
- D. Rubislaw Den area
- E. The area surrounding Mackie Place

Albyn Place and Rubislaw conservation area character areas



#### 3.1 Setting

**A | Albyn Place; Carden Place; Albert Terrace and Victoria Street** forms a triangle of some of the earliest planned development in this area. It comprises a mixture of Aberdeen Cottage residential dwellings on Victoria Street, Albert Terrace and Carden Place and a number of terrace buildings which are now office accommodation. The area is home to Rubislaw Terrace and Queen's Terrace Gardens and two listed churches.

A scheme was developed in 1819 by Archibald Elliot consisting of a mixture of linked houses, terraced houses and open space. Only the southern section proceeded and the scheme was revised a number of times before it was completed. Skene, working in conjunction with Archibald Simpson, developed Albyn Place (1820) which took shape over a period

of 20 years. At the tip of the triangle between Carden Place and Albyn Place sits the Gothic Revival Queen's Cross (Free) Church (1881), a category A listed building. The church, built by

JB Pirie, was designed to serve the expanding community to the west of Aberdeen. St Mary's (Tartan Kirk), another category A listed building, sits to the north of Albert Terrace.

**B | Queen's Road and the south side of Albyn Place** follows the main thoroughfare of the Conservation Area. It comprises three streets - the south side of Albyn Place, the north side of Carden Place and Queen's Road, which is formed where Albyn Place and Carden Place meet. The wide, tree lined streets run east to west with large detached buildings and institutions set back from the road. Albyn Place was developed as a set of high quality houses set within their own large back gardens. Carden Place comprises detached villas, with a spread of single and double storey villas with dormers. A number also boast bay windows. Most of the buildings on Queen's Road are listed and it has many substantial detached houses, which stand close together. The buildings are separated from the main thoroughfare by low granite boundary walls, iron railings and hedges; a number of premises also have green courtyards.

Queen's Road



**C | north and south of Queen's Road, but east of Rubislaw Den.** This area comprises the most northerly part of the Conservation Area to the north of King's Gate. To the east it runs to the western most boundary wall of the Grammar School. To the south the boundary runs along character area B, with the western boundary being Forest Road. The area comprises a linear, grid like streetscape which is residential, and mostly consists of semi-detached and terraced properties. The streets are wide and tree lined, and there are a number of back lanes in the area. The house style is on the majority plain; however there are a number of distinctive buildings in certain areas.

The southern section of Character area 3 runs from Queen's Lane South in the north to Ashley Lane in the South. The eastern edge runs along the back lane of St. Swithin Street while the western edge sits on Union Grove Lane. The character area comprises mostly semi-detached and terraced properties, set back from the wide tree lined pavements behind low granite walls. The buildings are on the whole plain yet substantial in form. The area is mostly residential, yet there is a collection of small retail premises at the southern section of St. Swithin Street. The character area runs slightly downhill from north to south.

**D | Rubislaw Den** area comprises large, ornate, detached houses which occupy the western most edge of the Conservation Area and comprises two west to east streets and one running north to south. The streets are formed round an area of private garden through which the North Burn of Rubislaw runs. The area rises to 85m above sea level on the north west corner from a low point of 70m.

**E | Mackie Place** is very distinctive when compared to the other four character areas as it follows the local topography rather than being modified through Victorian engineering. In terms of built heritage the Grammar School dominates the space, but the features which make the area distinctive are the high percentage of open space present and the undulating and steep nature of the landscape which leads down to the Denburn.

Forest Road



### 3.2 Built environment

#### 3.2.1 Typical building forms and features

**A | Albyn Place; Carden Place; Albert Terrace and Victoria Street.** These streets comprise a high percentage of Aberdeen cottages and terraces of small single storey dwellings with original large roof dormers. The dormers on these streets can appear overlarge or disproportional to the remainder of the house and are often detailed with dogtooth fascia board. The east side of Victoria Street however consists of two storey terrace houses with dormers. The terraces are of simple traditional design with detailing present on the door and window lintels. The residential dwellings on these streets are distinct from the taller two storeys with basement and attic buildings that surround them.

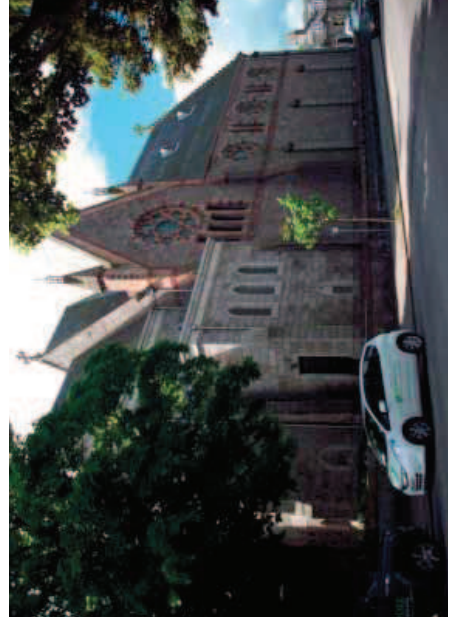
The detailing on the Aberdeen cottages and many of the terrace buildings is kept to a minimum, with scroll patterns on lintels above doors and windows being the most ornate patterning. Originally built as residential dwellings, the majority of buildings in the streets mentioned below now house commercial premises. The terraces of Albert Street, Rubislaw Place and numbers 2-16 Albyn Place are simple buildings with dormer windows.

The formal parks, Rubislaw Terrace Garden and Queen's Terrace Garden, occupy the majority of the south side of the character area and to the north sit Rubislaw Terrace and Queen's Terrace. These two terraces comprised of Scots Baronial and classic detailing are two of the grander terraces built during the 19th century in contrast to the plainness of the surrounding

streets. Accessed by granite steps, the buildings comprise two storeys, basement and attic in granite and slate with the bay windows that run from basement to first floor. Rubislaw Terrace is more ornate in detailing due to the crow stepped gables and the heavy granite detail on the doorframes, which is continued to the lintel and stringcourse and in ornamentation around the windows. The terraces are set back from the street with iron railings running along the length of the street. Albyn Terrace is built in coursed granite over two storeys, with basement and rounded dormer windows and has a very strong presence on the corner with Prince Arthur Street due to two bowed two storey windows.

Also present are two Category A listed churches. The first, St Mary's (Tartan Kirk), is a distinctive building of many differing colours,

St Mary's (Tartan Kirk), Carden Place



Albyn School link to modern extension, Forest Avenue



Albert Terrace

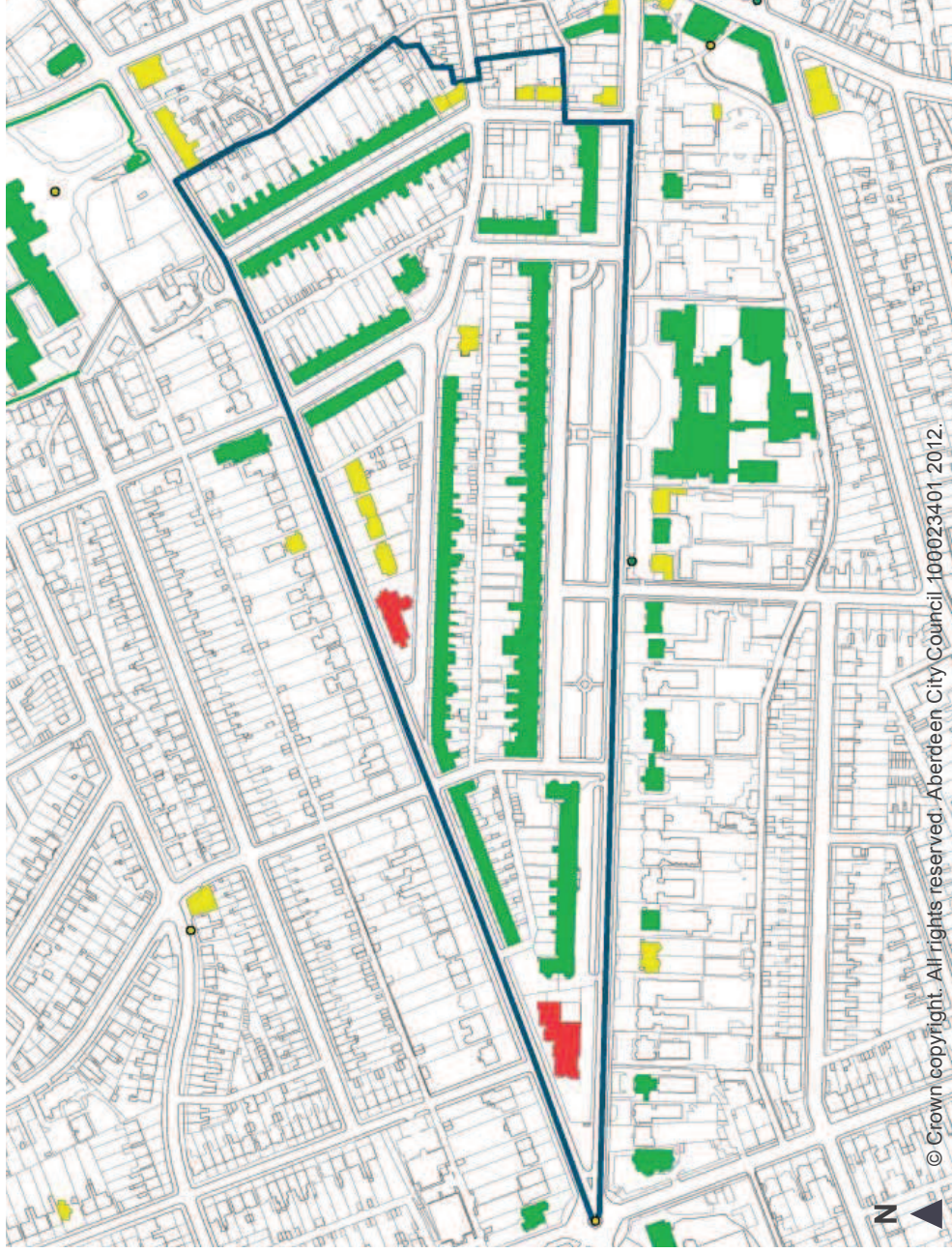


patterns and criss-cross sections of stone and slate. The second, Queen's Cross (Free) Church sits in a very prominent position at the focal point of five roads at the tip of the triangle that forms the character area.

Buildings are enclosed by low granite front boundary walls and a number of these have cast iron railings, or hedges. Rear lanes are used for access. In domestic premises garages and rear gardens are enclosed by high stone walls which remain mostly intact and large proportions have garage door openings built into the walls. Car parking for commercial premises has reduced or removed high walls to allow for greater visibility. The majority of commercial premises were not designed with a rear extension although some have had modest rear ones added. This has allowed for the original form and feature of many of the buildings to be retained.

The majority of buildings and terraces in the character area are individually listed with many have higher group listings. This is in recognition that their collective architectural and historical significance is even greater than their individual importance (Plans 1 and 2).

Plan 1 : Character area A, Listing Buildings



**Key to listed building categories**

- Category A
- Category B
- Category C

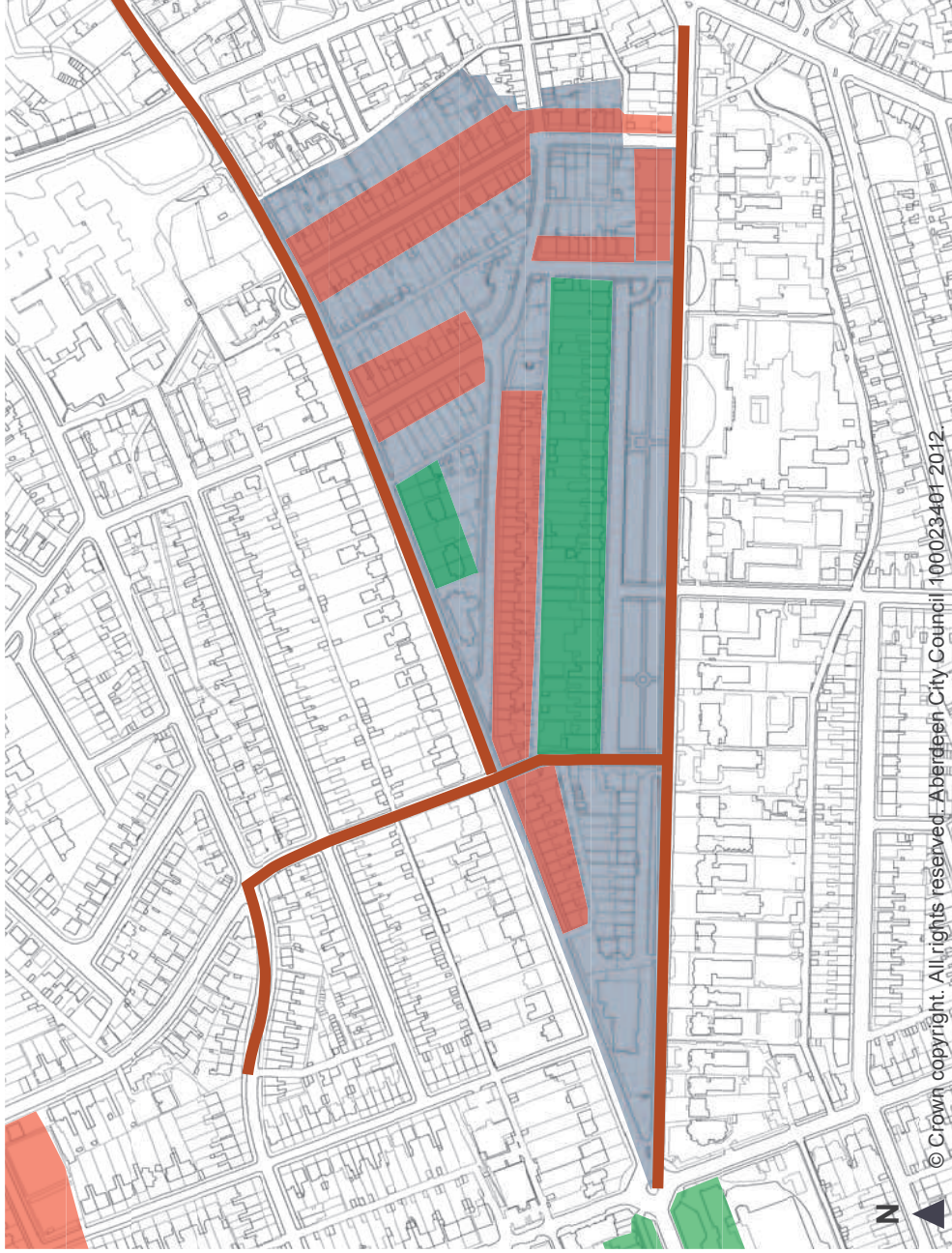


Top: Albyn Terrace



Bottom: Rubislaw Den North

Plan 2 : Character area A, Built Heritage



**Key**

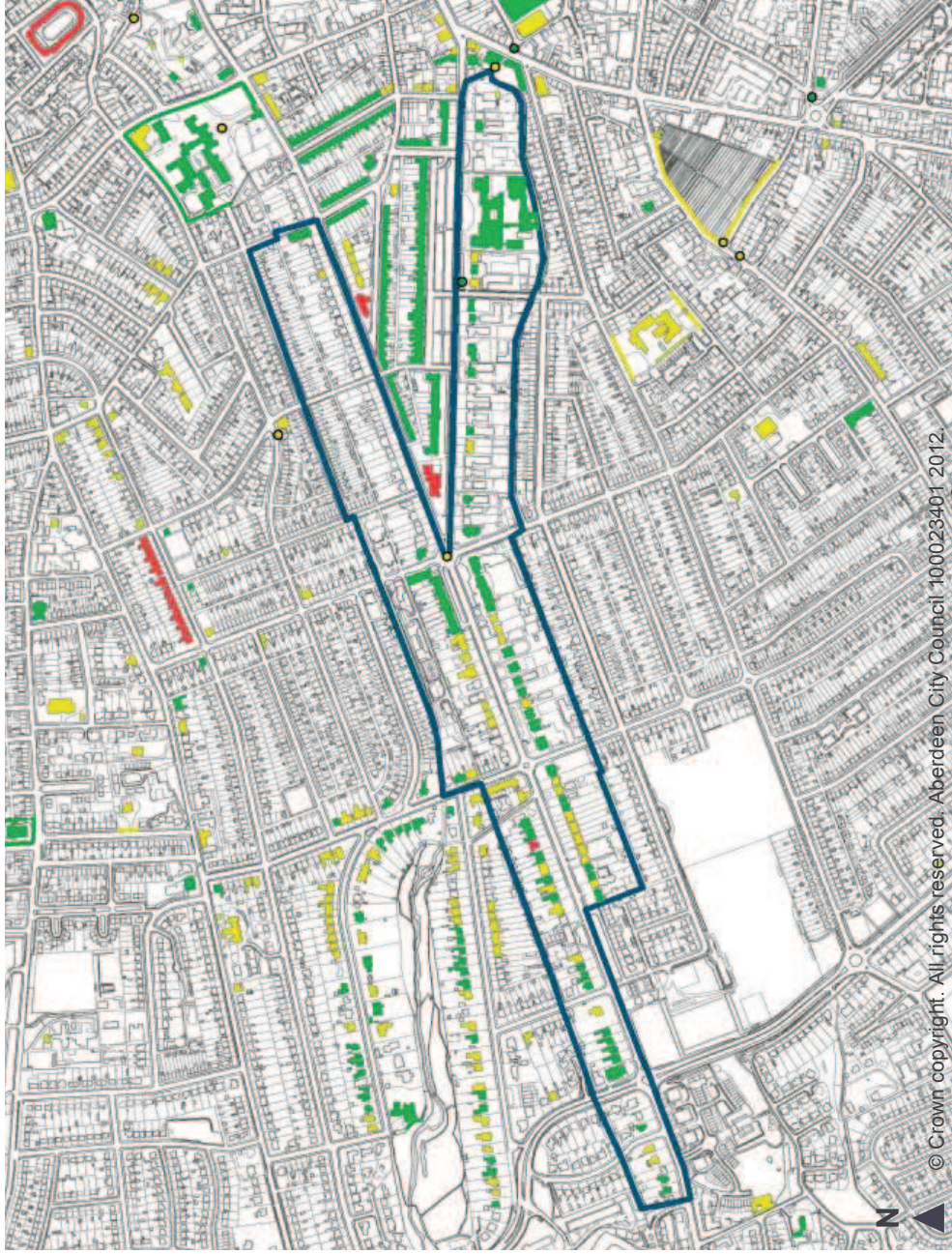
- Listed building Group category A
- Listed building Group category B
- Historic roads, pre 1828



**B | Queen's Road and the south side of Albyn Place.** The buildings are typically detached of two storeys or three storeys with attic dormers although a number of semi-detached villas are present. Generally these relatively plain buildings, mostly built in a classical style, have minimal ornate detailing. The terrace of Queen's Garden, which has individually listed Category B buildings, has intricate detailing and features that are atypical of the area, such as cast iron balconies. Alongside the villas there are a number of institutions. The facades of the buildings are relatively unchanged however as many of the buildings are now used as commercial properties, there have been a number of additions, including rear extensions, rear car parking, signage and front car parking. The buildings within this area have a distinctive rhythm. The spaces between the buildings and the placement of the buildings within the plots are repeated, creating a regular flow. Alongside this, the buildings are symmetrical in form or, where in sets, is mirror image symmetrical, again compounding the rhythm.

The majority of the originally domestic buildings are large, detached and substantially built, covering two storeys or more. To the east the buildings along Albyn Place are more austere and plain fronted than those along Queen's Road. The buildings along Queen's Road are substantial and display bay windows, dormer windows and a number of more ornate features, such as motifs in the stone. The proportions of the buildings are grand and many feature large front doors with fanlights and sidelights that are accessed by steps or flyovers if basements are

Plan 3 : Character area B, Listed Buildings



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**Key to listed building categories**

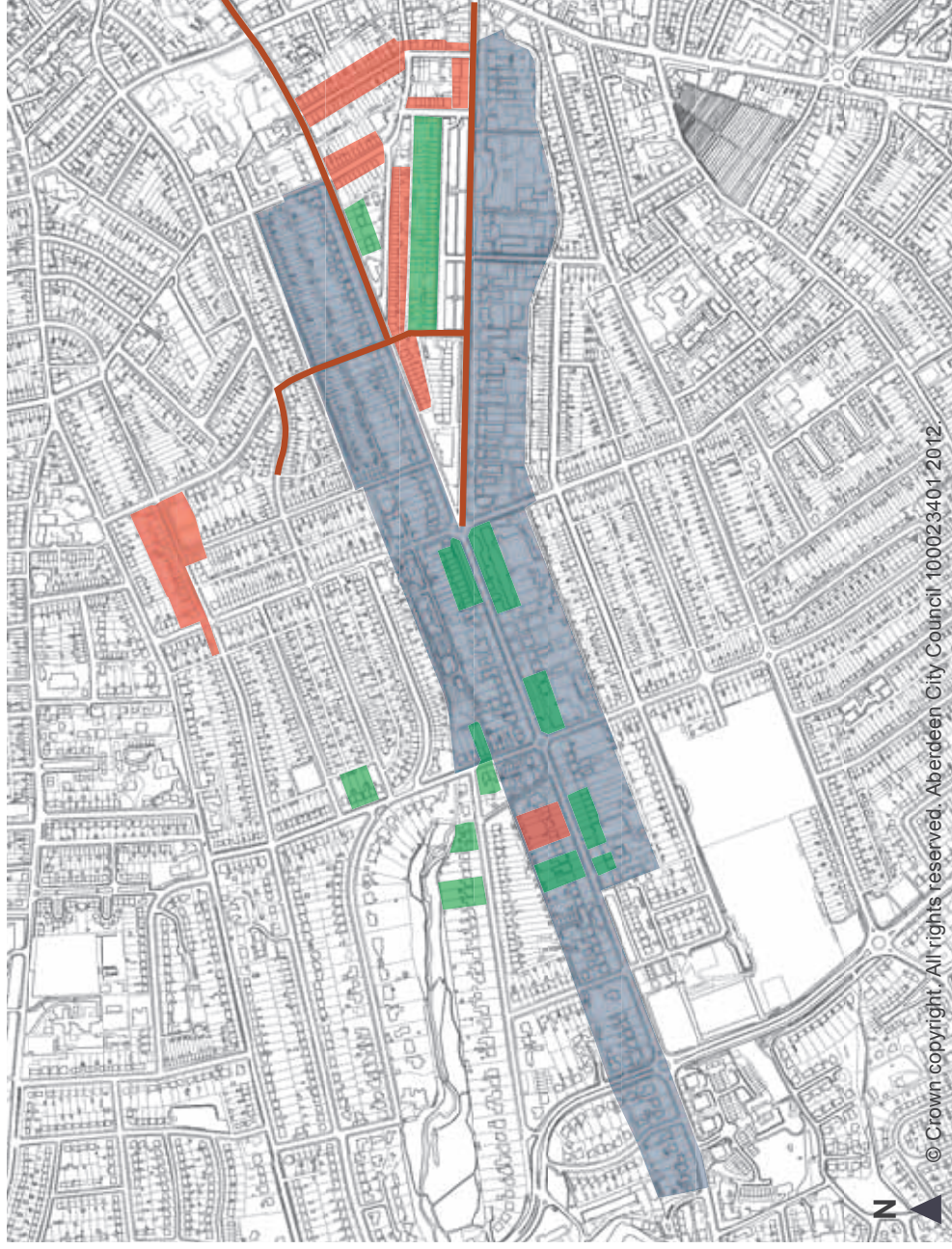
- Category A
- Category B
- Category C

present. There are 'sets' of identically designed buildings to the west of Queen's Road. Corner buildings within the character area are typically of a high standard. They follow the same design as the remainder of the street, but increase interest by erecting more detailed features.

There have been a number of back lane developments of existing coach houses or the creating of new premises. These have typically taken the form of two storey developments, which are usually accessed from Albyn Lane. The developments are mostly small, occupying approximately 90m<sup>2</sup> and have a business use. One development in this area has domestic use and comprises eight flats in a two storey block. There is one large back lane development of 600m<sup>2</sup> which is in business use. The property is accessed from Albyn Place and is a two storey, pink dry dash building.

Exemplar buildings include Harlaw Academy (19 Albyn Place) built as an orphanage for girls and it shows Aberdeen classicism at its most effective. 50 Queen's Road, incorporating many architectural styles, is a stark contrast to the classical, straight lined and austere elements of Harlaw Academy. Designed by Aberdeen architects Pirie & Clyne (1885-1887) the Grade A listed house is a two storey and attic villa, incorporating oversized angle turrets and oriel windows with decorative motifs in pink and grey granite.

Plan 4 : Character area B, Built Heritage



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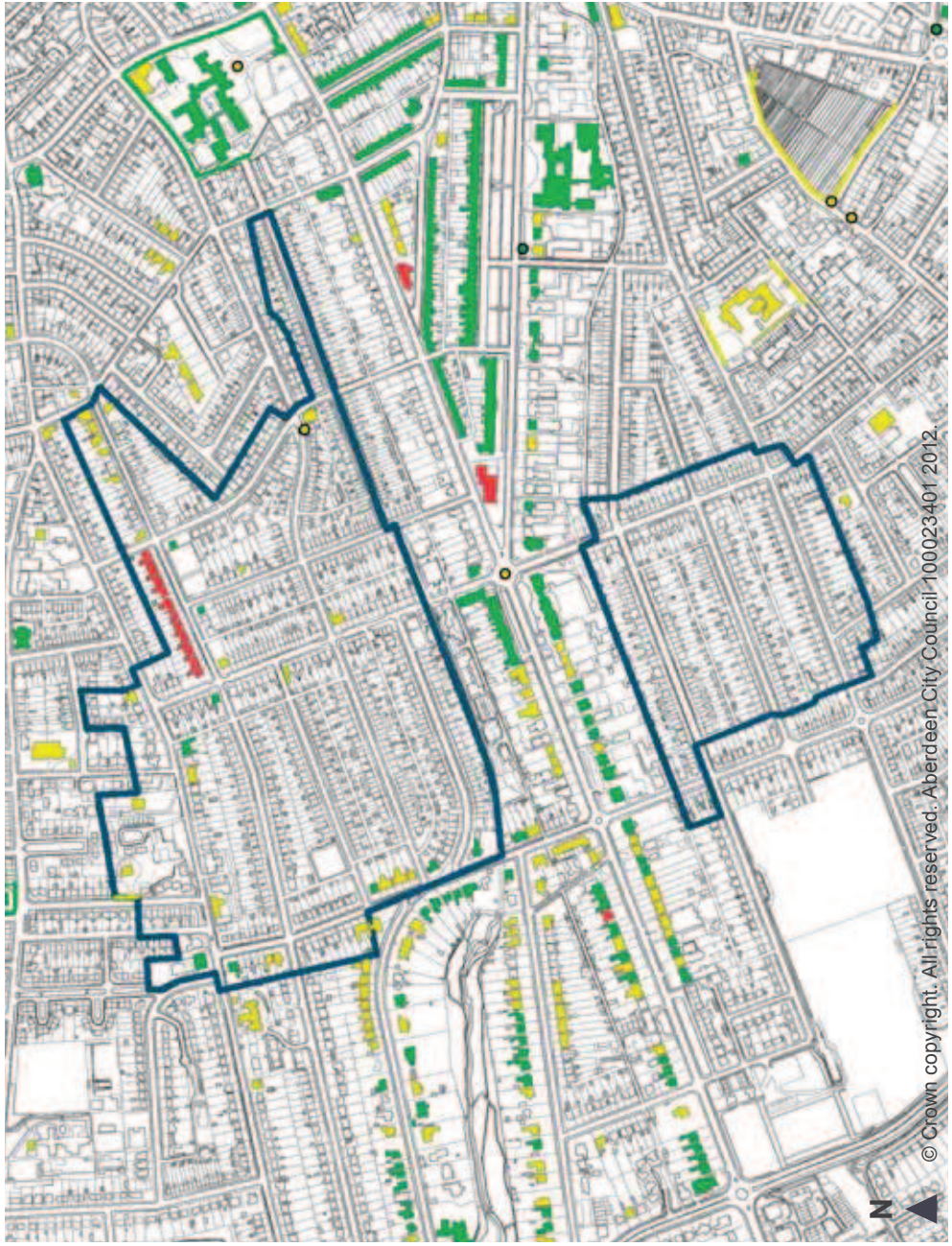
Key	
<span style="color: red;">■</span>	Listed building Group category A
<span style="color: green;">■</span>	Listed building Group category B
<span style="color: orange;">■</span>	Historic roads, pre 1828

**C | north and south of Queen' Road, but east of Rubislaw Den.** This area comprises near uniform asymmetrical terraces and semi detached villas, with the occasional villa. The houses are typically modest, two storeys and feature bay windows running over both floors. The bay windows have ornamental iron detailing and are often capped by their own roof. The doorways of the properties are broad, and a high proportion feature stained glass fanlights and sidelights. There are a number of interesting doorway features present including inbuilt porch detail and arched doorways. Again low granite front boundary walls are present in this character area, a feature which is present throughout the Conservation Area. This area has a distinctive rhythm due to the symmetrical nature of the buildings, the linear street pattern and the relationship between corner buildings.

The eastern section of Desswood Place and the eastern section of Hamilton Place break from the pattern described. The properties are more diverse and detailed with features such as ornate door lintels, gable ended buildings with curving roof features. The north side of Desswood Place is elevated from street level. Osborne Place comprises single storey terrace houses, topped with dormers, slightly emulating the Aberdeen cottage.

St Swithin Street features a number of properties of a plainer style than is typical of the area. Union Grove is distinctive as it comprises three storey terraced properties. The buildings are plain in styling but do feature broad doors with

Plan 5 : Character area C, Listed Buildings



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Key	
■	Listed building Group category A
■	Listed building Group category B
■	Historic roads, pre 1828

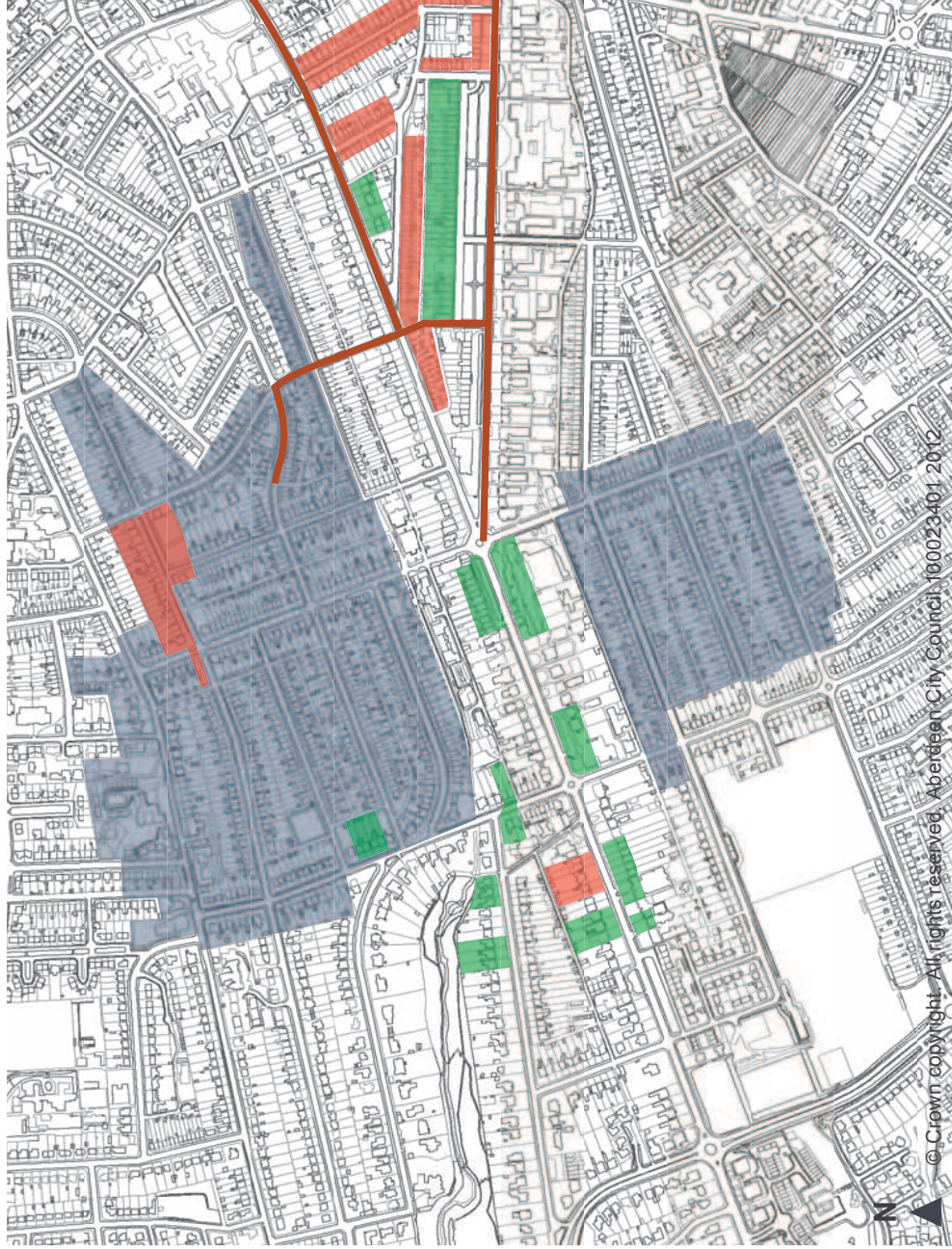
fanlights and sidelights. On the south side of the street the buildings have bay windows that run over all three floors on one side of the building. King's Gate and Forest Road and the southern end of Fountainhall Road possess buildings that are larger than typical. The majority are detached or semi-detached villas, yet display the features that are common through the character area. Alongside more fine detail with features on the roof line and front elevation such as 'fake gables', dormer and stonework detail.

There are a number of listed buildings in the northern section of character area C (Plan 1 page 18). Of these 130 Bleinheim Place, formally Fountainhall House forms one of the oldest buildings. Built in approx 1752 the property

2 to 6 Desswood Place



Plan 6 : Character area C, Built Heritage



**Key**

- Listed building Group category A
- Listed building Group category B
- Historic roads, pre 1828

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follows the layout of the old routes of the Freedom Lands and as such now sits at a 45 degree angle to the adjoining property and the street.

The most striking set of properties within this character area comprises a set of 19 Category A listed buildings that run along the north side of Hamilton Place, between Whitehall Road and Fountainhall Road. Built in the late 1890 the large two storey semi-detached villas are rich in detail and follow a formula; symmetrical double villas of mirrored plan, with two gables to the attic and a parapet running between them. Each set of premises uses the same pattern, construction material, massing and a variation of the same decorative technique, but yet each set is distinctive.

2-3 Desswood Place/13 Whitehall Road occupies an important site at the corner of Desswood Place and Whitehall Road and makes a particularly positive contribution to the character area. Two storeys with dormers, this premises occupies a triangular plot, which is reflected in its form. It is distinctive from the buildings which surround it due to its Arts and Crafts influence in the styling and the very prominent and detailed gable. Further buildings which are of interest are both located within Blenheim Lane. On the north east side close to the turn in the lane sits 4 Blenheim Lane. The building is a chauffeur's mews, set back from the build line of the lane. The course granite rubble one and a half storey building sits with its gable to the lane and in front is a timber with corrugated iron roof carport (Brodgen

1986). Abutting this to the north is a large, two storey coursed granite rubble building which sits gable to the lane with a hayloft and hook.

Again the corner buildings in the area add interest and detail and are typically of a high standard. One modern development which does not follow this pattern is an office development to the south of Fountainhall Road. It does not follow the building line of the street, sits further back from the road than the remainder of the street and presents itself with its car park first. The positioning of the development does allow for views of the original corner building on the north side of the junction between Fountainhall Road and the back lane which runs east to west.

The non-residential buildings in the area are present on the ground floor of terraced blocks and are typically on the corners of streets.



Backland lane to Carlton Place

**D | Rubislaw Den area.** The area comprises substantial detached houses, typically set within large grounds which run along Rubislaw Den North and South. The houses are late 19th and early 20th century and were developed by the prominent architects of the time who were often employed to produce daring and unique designs to reflect the prosperity and personality of clients. The buildings are imposing, two or three storeys, and set back far from the road with an area of courtyard to the front. Features which are present that continue the theme of the Conservation Area include the use of bay windows, wide doors with fanlights and side lights, low granite boundary walls, stringcourse detailing, cast iron down pipes and guttering and a high degree of vegetation in the front gardens

Rubislaw Den South



Plan 7 : Character area D, Listed Buildings

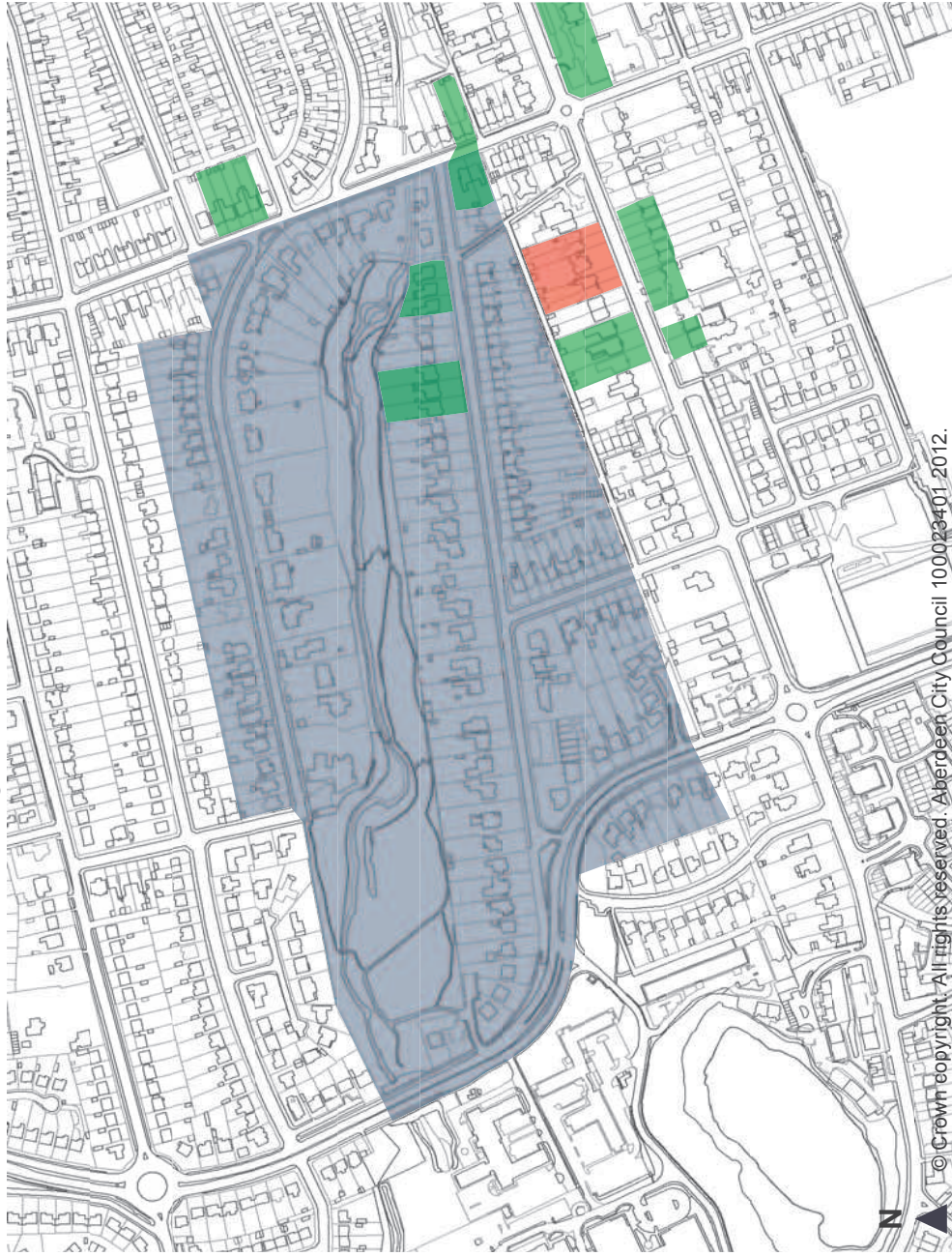


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**Key**

- Listed building Group category A
- Listed building Group category B
- Historic roads, pre 1828

Plan 8 : Character area D, Built Heritage



**Key**

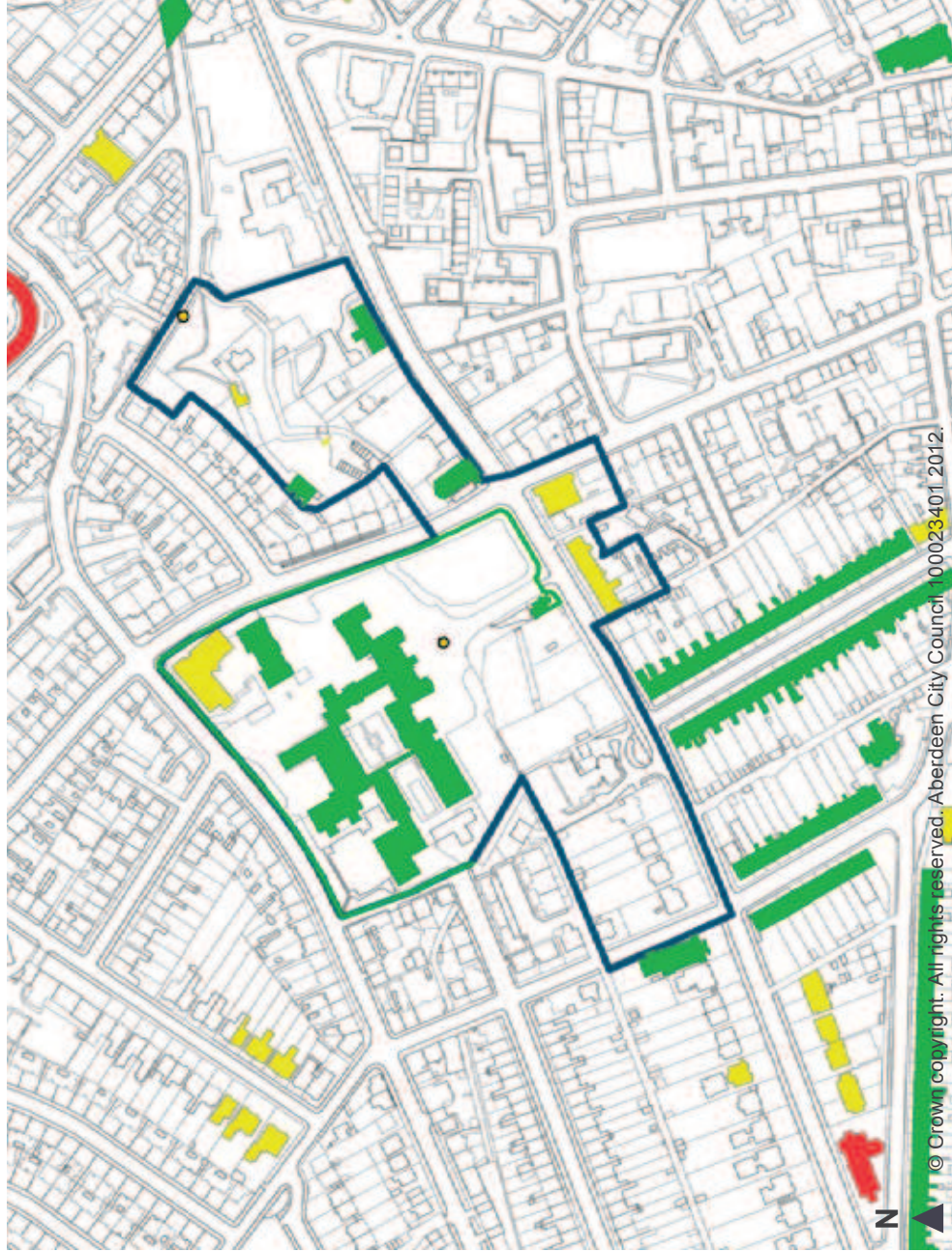
- Listed building Group category A
- Listed building Group category B
- Historic roads, pre 1828



Top : Queens Road  
Bottom : Queens Lane North

**E | Mackie Place.** Within this character area there are a small number of buildings. The largest of these is the Grammar School, followed by the Former Melville Church on Skene Street. The remainder of the buildings are few and far between and are residential. They consist of a mixture of terraced blocks, semi detached premises and cottages. The buildings accessed off Mackie Place sit within the valley of the Denburn and are contained within an undulating area of informal open space. Although not regular in street layout the buildings are of a similar height, mostly three storeys, with the cottages appearing to the one storey smaller on the front elevation due to the nature of the landscape.

Plan 9 : Character area E, Listed Buildings



**Key**

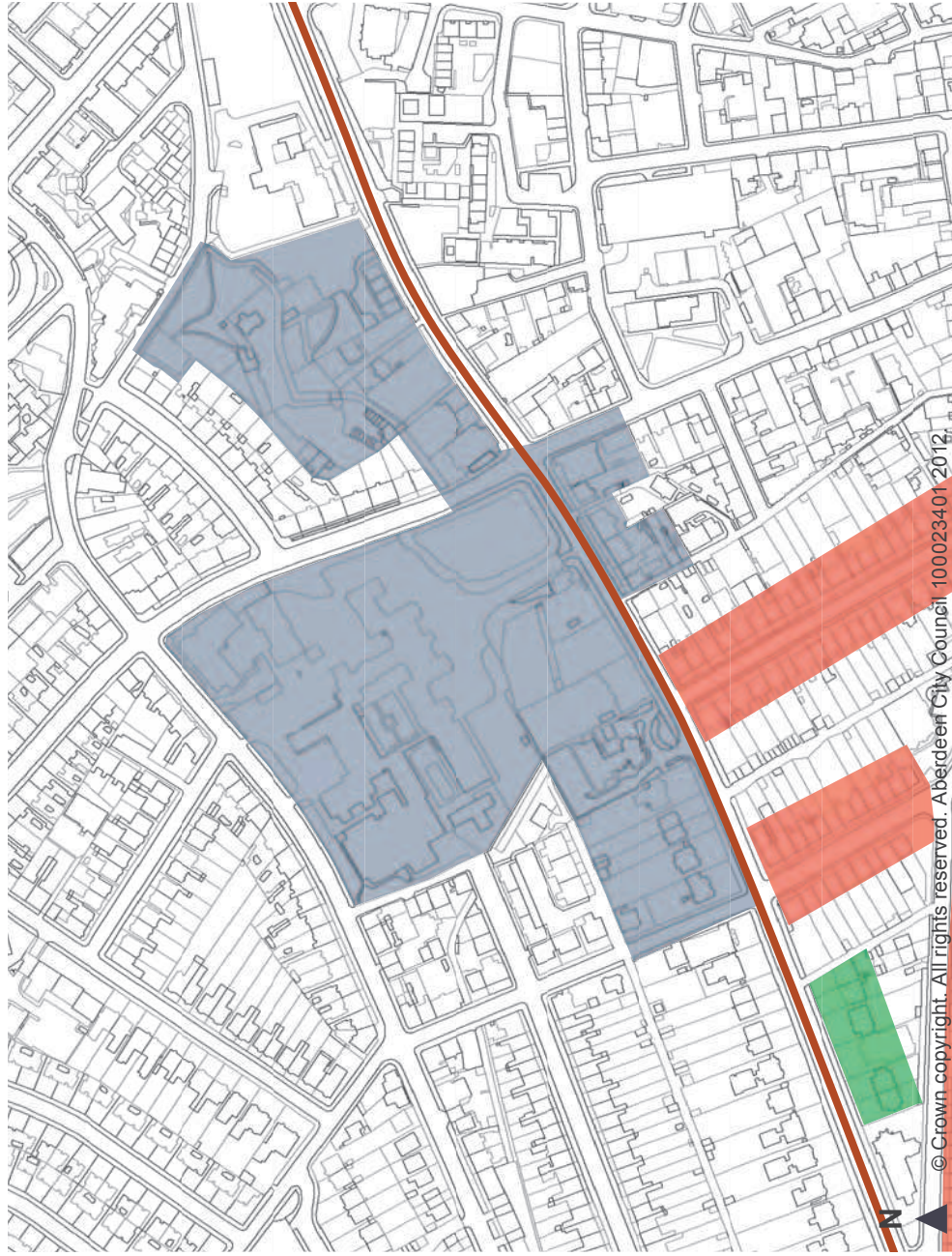
- Listed building Group category A
- Listed building Group category B
- Historic roads, pre 1828





Top : Gatehouse to Aberdeen Grammar School,  
Skene Street  
Bottom 174-175 Skene Street

Plan 10 : Character area E, Built Heritage



**Key**

- Listed building Group category A
- Listed building Group category B
- Historic roads, pre 1828

### 3.2.2 Materials

Within the Conservation Area as a whole the materials used are granite, both course and ashlar. Although the majority of the buildings are constructed of grey granite, there are concentrations of buildings of mixed pink and grey and solely pink granite. Coursed rubble is also present in residential buildings. Detailing is achieved through differing coloured grey granite and ridge line detailing or through ornamental detailing such as scroll patterns on gables and boundary walls.

The roof material is typically slate. Windows are white painted timber sash and case for the most part with iron framed windows within some institutional buildings. Cast iron is featured through the use of railings separating the street from front gardens, on guttering and down pipes, and on roof and dormer window features.



Top : Pink granite, Victoria Street  
Bottom : Slate and stonewor decoration, Osborne Place



Top : Sash and case dormer windows, Albert Terrace  
Bottom : Cast ironwork, Queen's Gardens

3.2.3 Orientation / building lines / heights

**A | Albyn Place; Carden Place; Albert Terrace and Victoria Street.** The development pattern

in the area is structured and linear, with main thoroughfares and back lanes running east to west, cross sectioned with those running north to south. The style of properties and the density ensures there is a strong urban form.

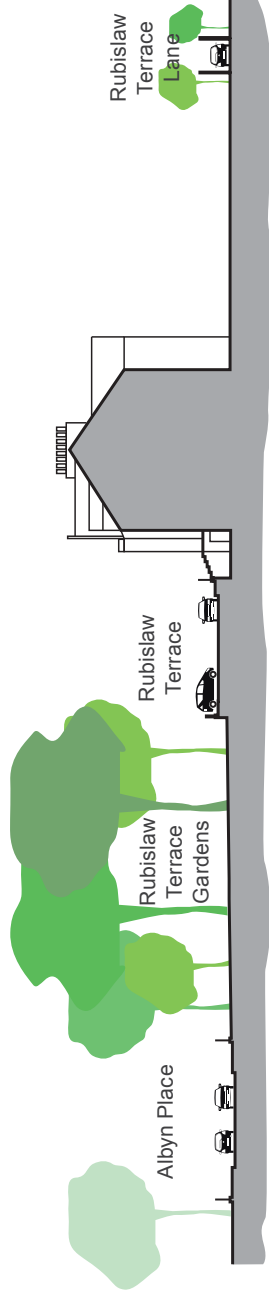
Corner buildings are typically of a high standard following the same design as the remainder of the street, but increase interest by the use of more detailed features. The buildings are all set back from the pavement either with small front gardens, flyovers and steps. The building line in the area is approximately 3m from the pavement with the exception of the properties to the east of St Mary's Episcopal Church, which mirror those on the opposite side of the street, and are 15m from the pavement. The character area is very flat and only changes in gradient by 5 meters. The streets are wide with Albert Terrace and Victoria Street being 12.5m and 12.8m respectively from boundary wall to boundary wall. While Rubislaw Terrace is nearly 14m, Waverly Place 14m, and Rubislaw Place is over 15m pavement to pavement. The back lanes are approximately 5m in width.



Single storey with dormers, Victoria Street

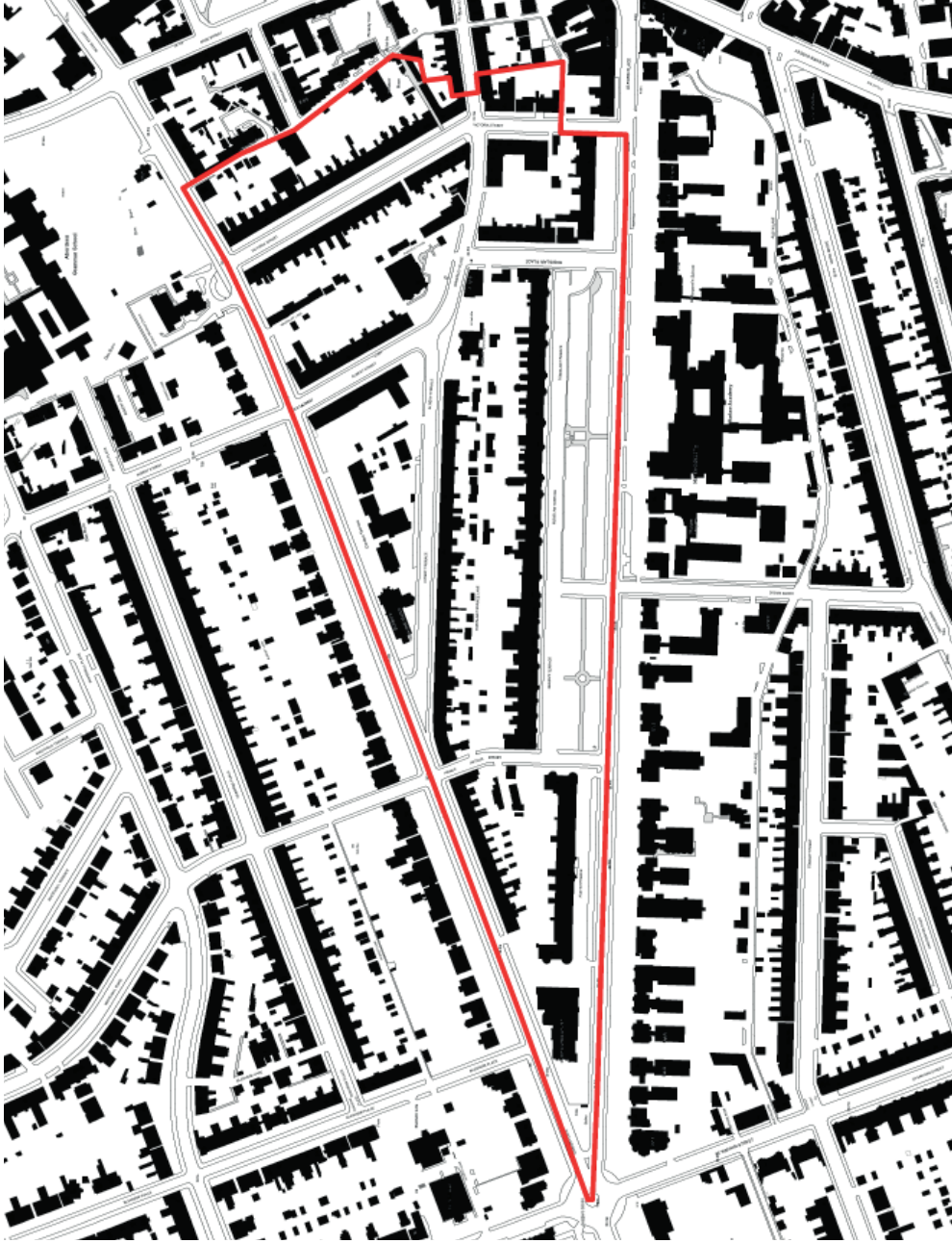


3.5 story townhouses, Queen's Terrace



Street cross section through Rubislaw Terrace

Plan 11 : Character area A, Urban Form Plan



**B | Queen's Road and the south side of Albyn Place.** The buildings within the street are typically detached, set back from the road with a front garden or courtyard area behind a low lying granite wall. The buildings on Carden Place sit on a 15m building line, while Albyn Place is 18m. The building line on the north side of Queen's Road starts at 15m and grows to 20m. On the south side of Queen's Road the building line is 22m. The main thoroughfare of the whole Conservation Area runs from east to west, the buildings therefore face north and south.

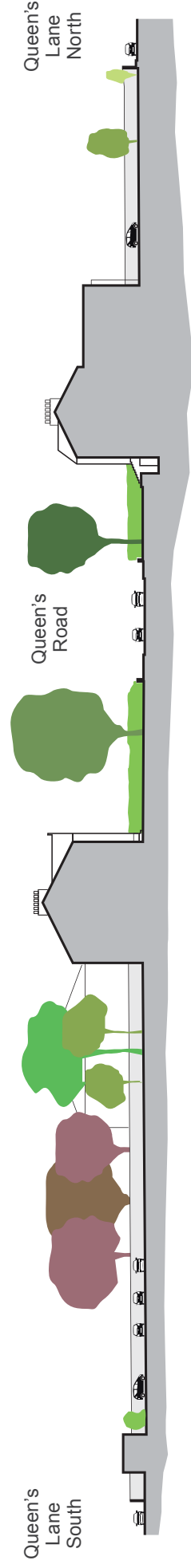


Queen's Road



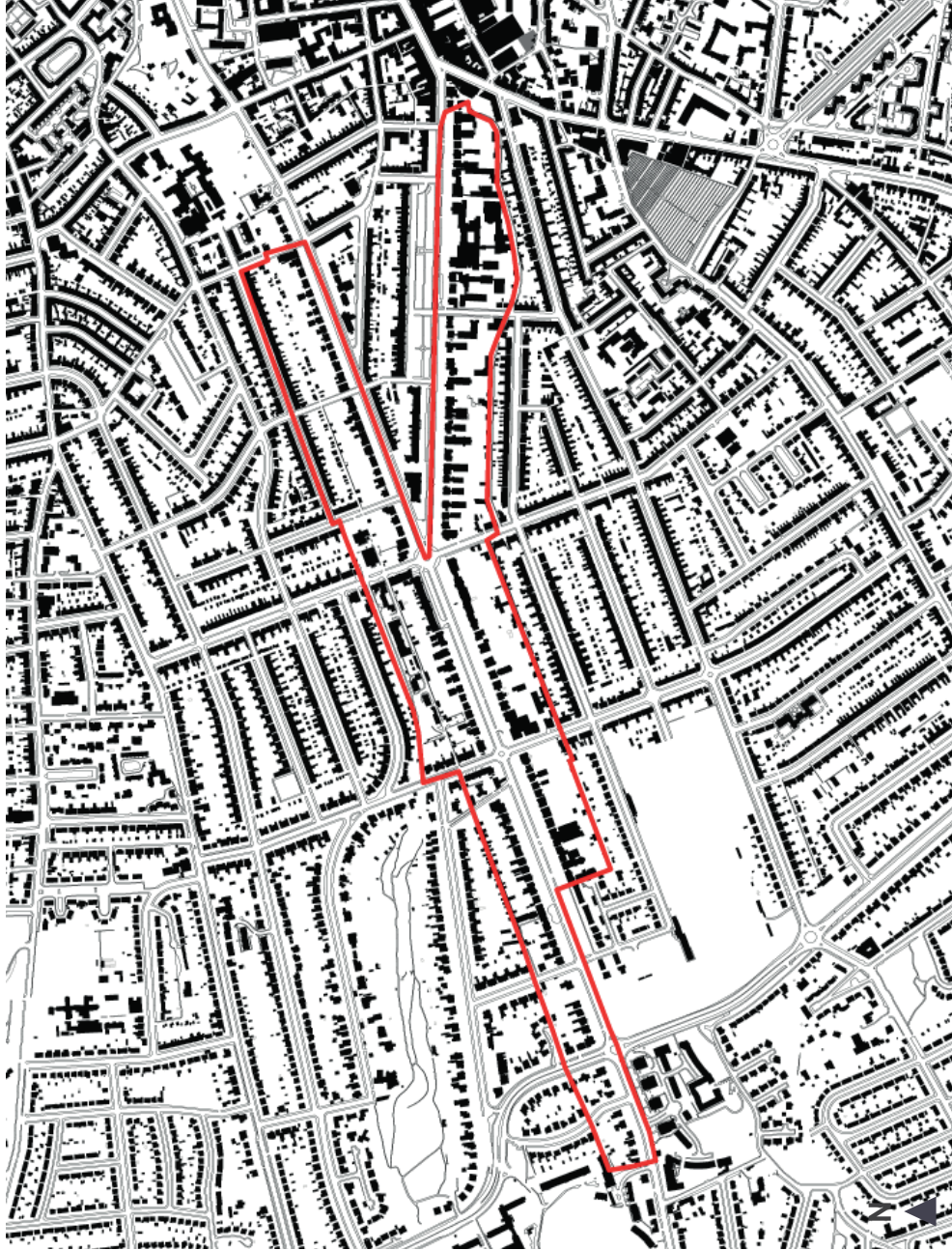
Carden Place

Character area B rises from 30m at its lowest point at the eastern edge of Albyn Place to a height of 70m to the rear of the 118/120 Queens Road. As this height difference covers a length of nearly 2 kilometres it is relatively unnoticeable. The streets within are all very wide, from pavement to pavement with Albyn Place being 14m, Carden Place 16m, and Queens Road 17m. Back lanes in the area are paved along one side and are usually 5m in width.



Street cross section through Queen's Road

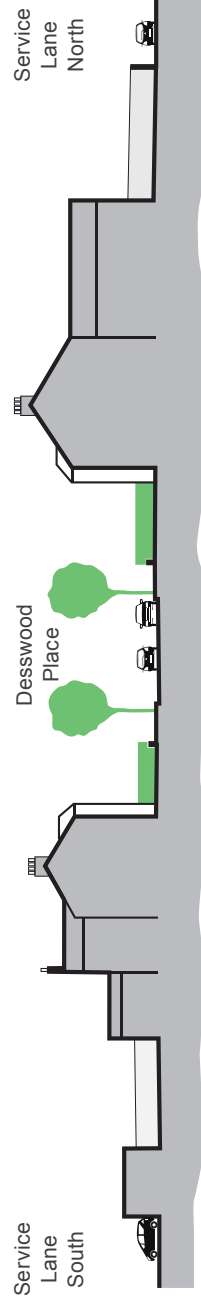
Plan 12 : Character area B, Urban Form Plan



**C | north and south of Queen's Road, but east of Rubislaw Den.** Typically terraced or semi-detached properties set back from the pavement by a low granite wall. The building line ranges from 6m to 8m. The buildings in the southern section of the character area are slightly smaller than those to the north. The majority of the streets run east to west, therefore the majority of the buildings face north or south. Corner buildings follow the same design as the remainder of the street but increase interest by erecting more detailed features. As the character area sits in the steepest part of the Conservation Area, the gradient is more noticeable, rising to 65m on King's Gate to 35m on Union Grove. The streets in this area are mostly 15m from pavement to pavement, with the back lanes sitting at 6m wide.



Devonshire Road



Street cross section through Desswood Place



Top : Kings Gate  
Bottom : Forest Road

Plan 13 : Character area C, Urban Form Plan

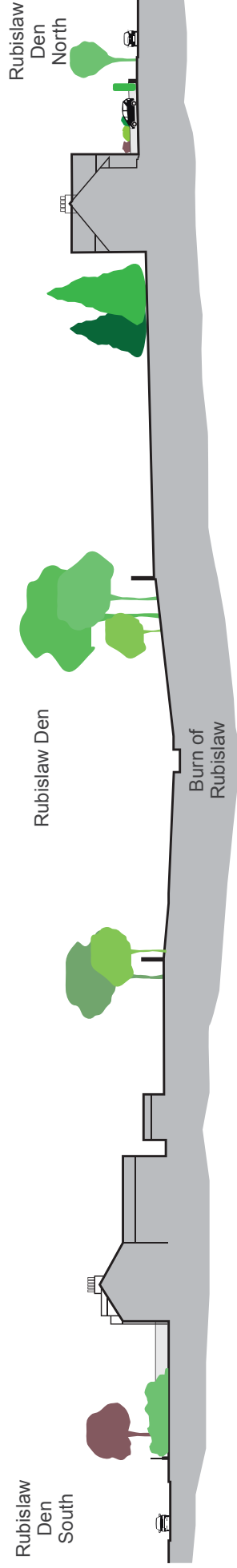




**D | Rubislaw Den area.** The buildings along Rubislaw Den North and Rubislaw Den South are north and south facing, while those on Anderson Drive face east and west. The buildings sit back from the streets although the build line of Rubislaw Den South is noticeably deeper than the rest of the Conservation Area at 21m, while the south side of Rubislaw Den North and Anderson Drive are both 12m with the north side of Rubislaw Den South being 10m. Rubislaw Den North and South continue the 15m pavement to pavement width of street, while Anderson Drive is 25m wide.



Rubislaw Den South



Street cross section from Rubislaw Den South to Rubislaw Den North



Top : Anderson Drive  
Bottom : Rubislaw Den North

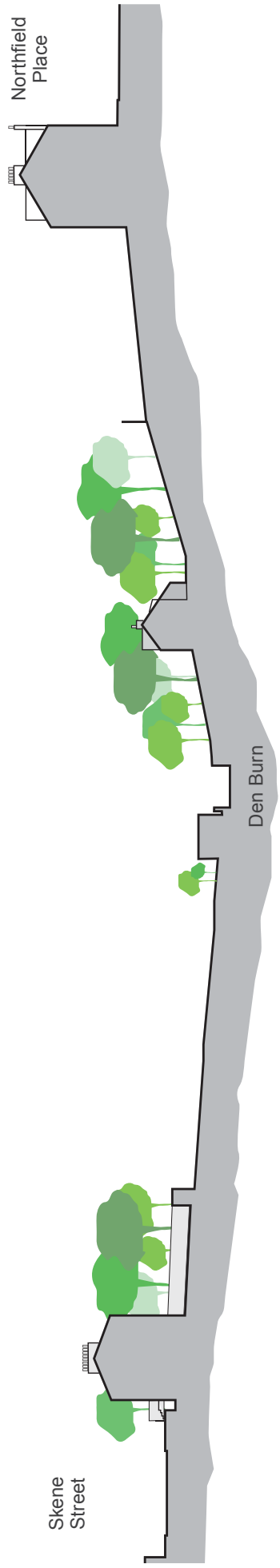
Plan 14 : Character area D, Urban Form Plan



**E | Mackie Place.** Properties on Skene Street face the street, whilst the collection of premises in Mackie Place is assembled to follow the landform. The buildings are rather substantial in form, including the cottages. Carden Place is 16m wide and Mackie Place ranges from 3m to nearly 7m wide. There is no set building line within this area. The Grammar School is nearly 100m from the street, while the former Melville Church and row of terrace houses are built up to the pavement. The row of four dwellings on Skene Place sits just over 2m from the pavement, while the dwellings in Mackie Place are orientated within the landscape.



Skene Place



Street cross section through the Denburn Valley



Top : Skene Street  
Bottom : Aberdeen Grammar School, Skene Street

Plan 15 : Character area E, Urban Form Plan



### 3.2.4 Uses

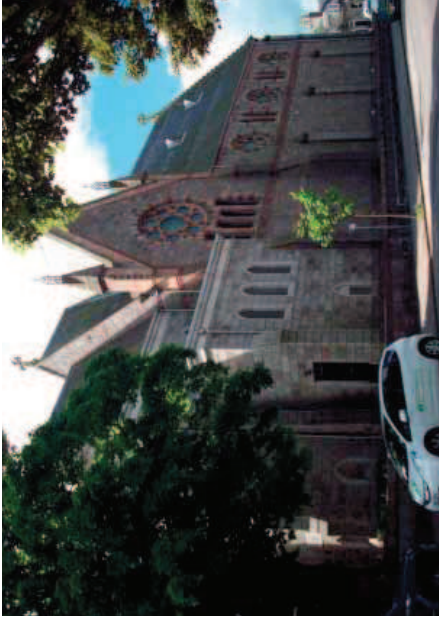
**A | Albyn Place; Carden Place; Albert Terrace and Victoria Street.** The streets within the character area split quite distinctively into residential and commercial use, with the two churches continuing their institutional use. Victoria Street, Albert Terrace and the south section of Carden Place are residential, while all other streets within the area fall into commercial use and are zoned within the West End Office Area.

**B | Queen's Road and the south side of Albyn Place.** The area has a predominantly commercial use, focussing on professional and financial services, health practitioners, hotel use, institutions and schools. The majority of the area is zoned under the West End Office Area, which promotes commercial enterprise in the area. This has led to a change in the layout of many of the forecourts and back garden areas, which have been turned into car parking spaces or now accommodate large rear extensions. There have also been a large number of signs erected in the area to advertise business premises. Some of these fit well through their use of material, scale and siting. There are residential dwellings to the west of the character area. There is a night time economy within this area from the hotels, hostel, restaurants' and bars.

**C | north and south of Queen's Road, but east of Rubislaw Den.** The area is predominantly residential. There are, however, a number of other uses to the southern end of Fountainhall Road and to the south end of St. Swithin Street. These include a selection of convenience stores, and shops with a more specialist use, a church and an office development.

**D | Rubislaw Den area.** The premises are residential.

**E | Mackie Place.** The highest percentage of uses within the area is residential. However, the Grammar School has an institutional function and there are a number of small retail/business premises on the ground floor of Skene Street.



Top : St Mary's (Tartan Kirk), Albert Terrace  
Bottom : Albyn Place



### 3.2.5 Negative factors/Issues

General built environment negative features include the removal of timber sash and case windows and the replacement of these with inappropriately designed thick framed uPVC windows. The inappropriate placement of satellite dishes and burglar alarms is also a concern.

#### A | Albyn Place; Carden Place; Albert Terrace and Victoria Street.

There is an issue with the removal of garden space/trees and an altering of the form of the area due to back lane developments of the commercial premises on Rubislaw Terrace. A number of premises have erected rear extensions reducing the garden size of the premises, and a number have been turned into car parking.

#### B | Queen's Road and the south side of Albyn Place.

Due to the nature of this character area, as a predominately commercial area which promotes commercial development there are features which cause friction within the Conservation Area. A unique feature of the original residential dwelling houses was the large garden space. These areas have now been developed into rear car parking or additional office space through the erection of rear extensions. This has eroded a large part of the original green space within the area. The office extensions are typically substantial as companies try to maximise office accommodation. To the front, in order to advertise their presence, commercial premises have erected signage. Some of these are not in keeping with the Conservation Area in terms

of material used, scale, positioning. Further additions include the development of car parking in the front garden. This has in cases removed a proportion of green space within the character area. A number of commercial back land developments have also taken place within this character area, most prominently from buildings accessed off Albyn Lane.



Top : Rubislaw Terrace Lane rear car parking  
Bottom : Queen's Lane South

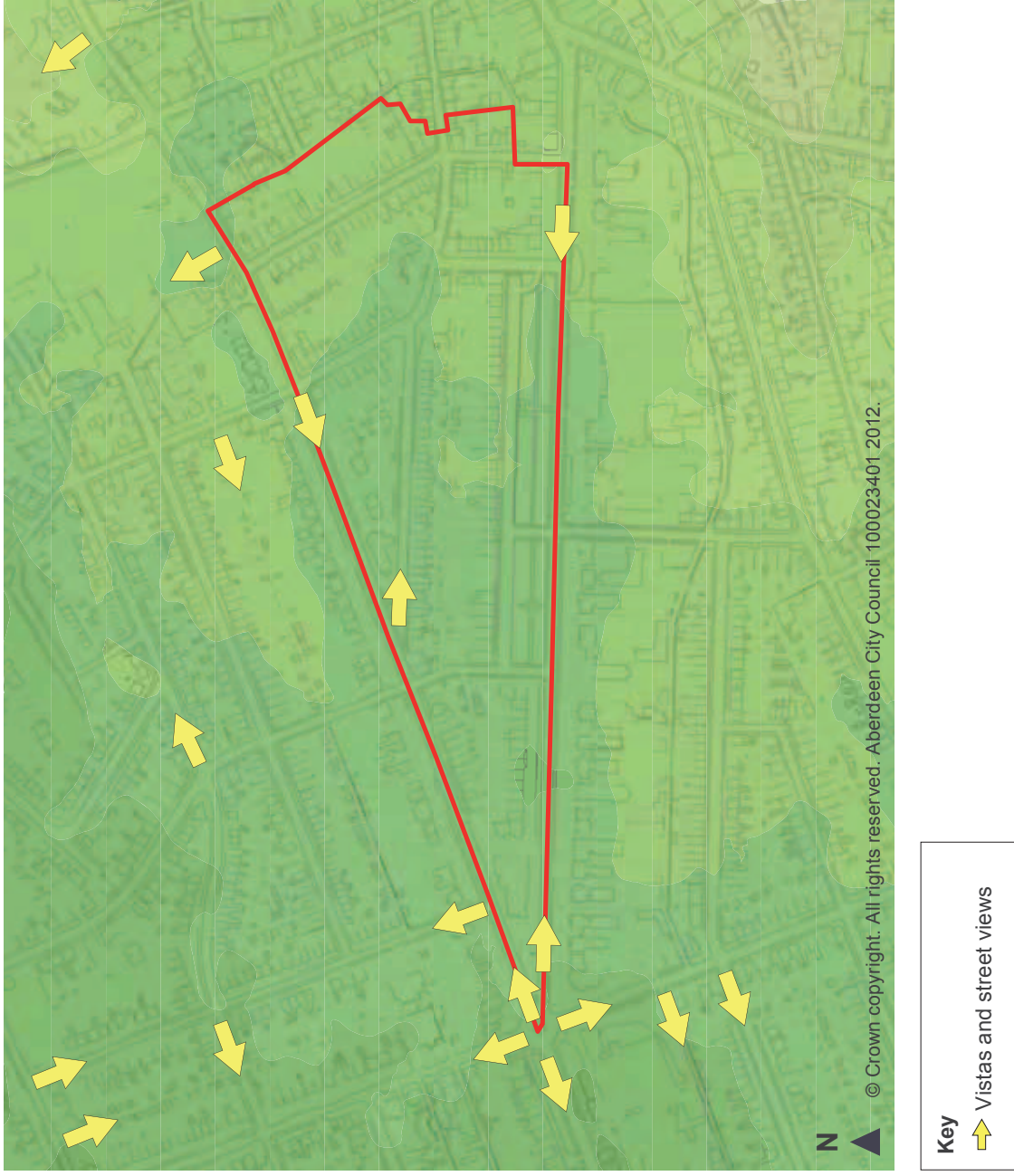
### 3.3 Public realm

#### 3.3.1 Views/vistas/glimpses

The linear nature of the streetscape allows for long views and vistas along the length of streets, and back lanes where these are present.

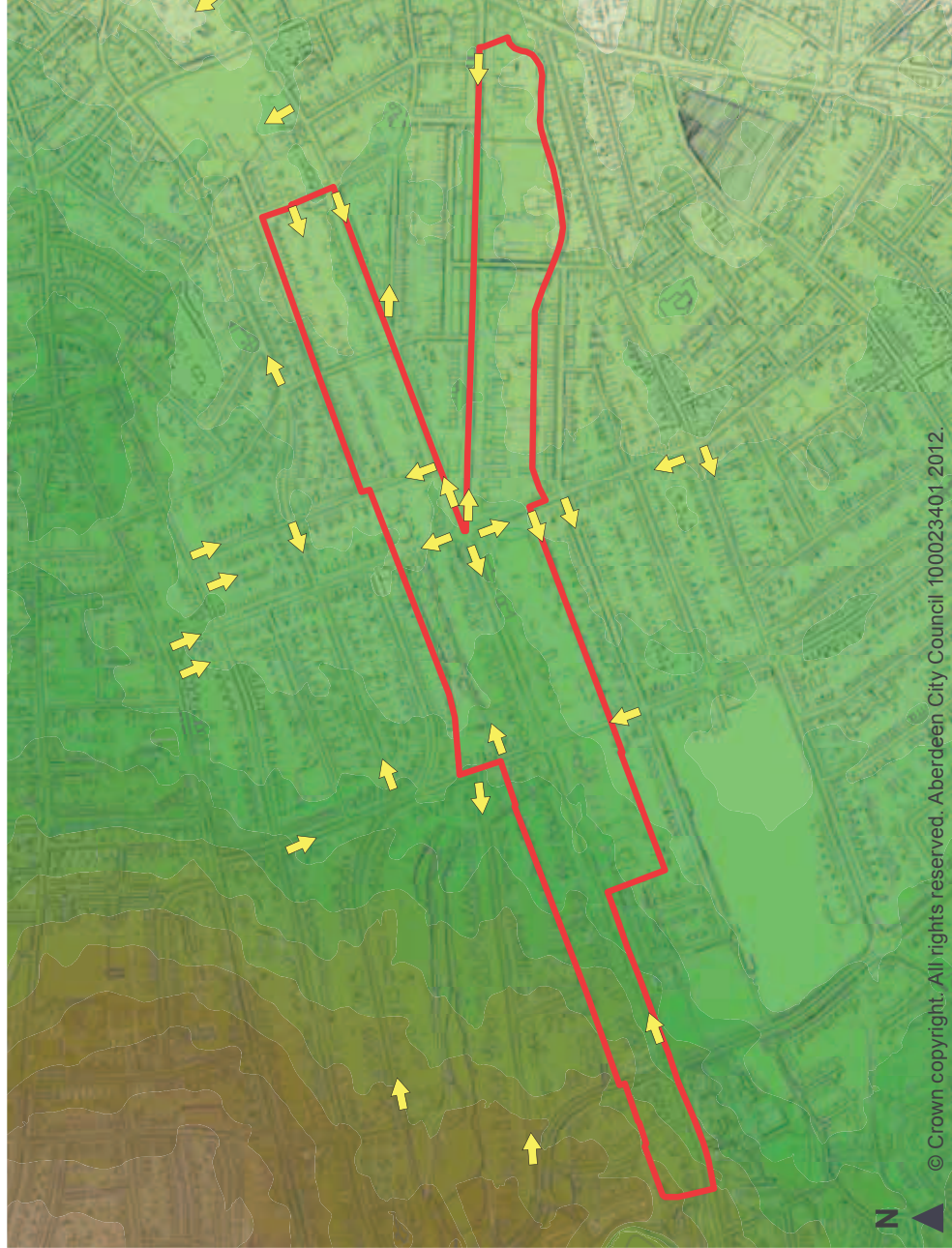
**A | Albyn Place; Carden Place; Albert Terrace and Victoria Street.** The views follow the streets, with views along Carden Place, Albyn Place, Albert Terrace, Victoria Street and Rubislaw Terrace. There are also long views along the formal gardens.

Plan 16 : Character area A, Townscape Analysis



**B | Queen's Road and the south side of Albyn Place.** A prominent focal point is the roundabout at Queen's Cross, an accumulation of five streets, atop of which sits a statue of Queen Victoria. Many of the corner buildings act as focal points and, due to the linear nature of the streets, create a break in the vista. The most distinctive of these is Rubislaw Church, built by J Russell Mackenzie in 1874, which is unusual for Aberdeen due to its sandstone construction.

Plan 17 : Character area B, Townscape Analysis



<b>Key</b>
➔ Vistas and street views



**C | north and south of Queen's Road, but east of Rubislaw Den.** The character area rises to take in the highest part of the Conservation Area. Due to the streetscape and the elevated level of this character area, there are long views that culminate down Blenheim Place on the Queen's Cross Church and down Fountainhall Road on Rubislaw Church. The back lanes in the area, especially Albert Lane, allow for very long views through the character area. From St Swithin Street it is possible to look well beyond the Conservation Area and down onto prominent buildings on Great Western Road, including Holburn West Church.

Plan 18 : Character area C, Townscape Analysis



**Key**

➔ Vistas and street views

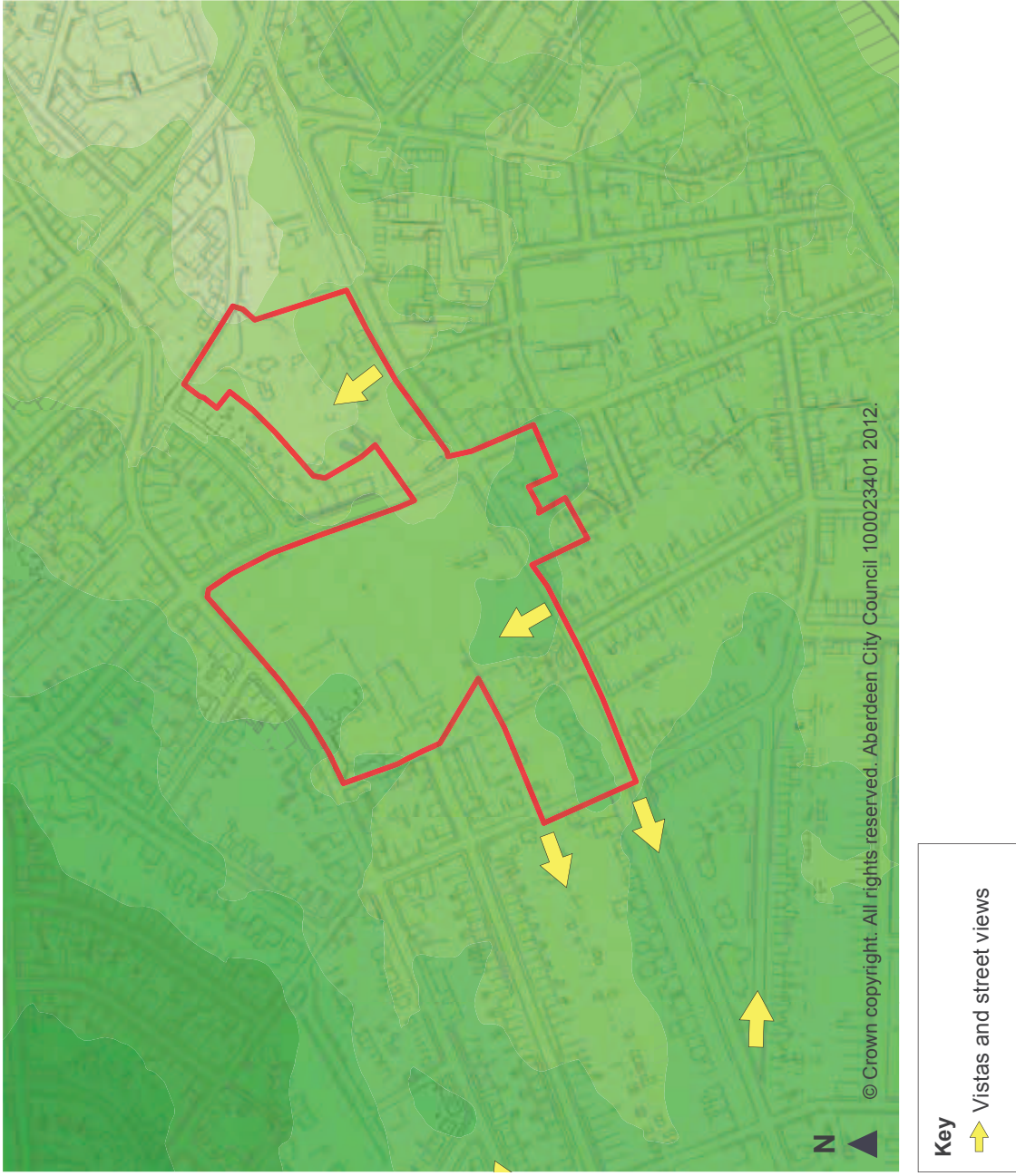
**D | Rubislaw Den area.** Views are the length of the streets. There is a small rise within Rubislaw Den North, but this does not hinder the long vista.

Plan 19 : Character area D, Townscape Analysis



**E | Mackie Place.** The views present within this character area are a contrast to the remainder of the Conservation Area as they small scale due to the undulating topography of the area.

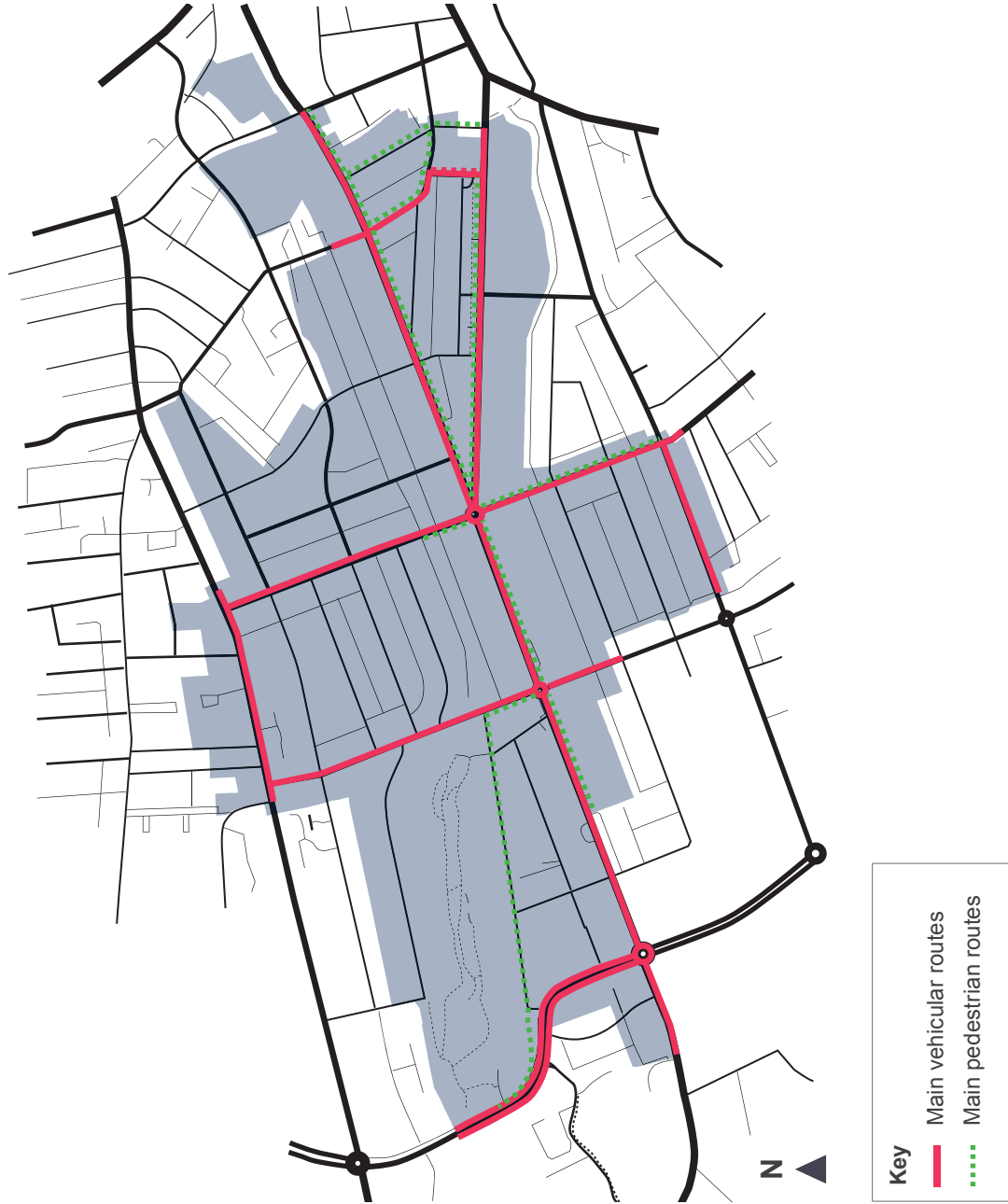
Plan 20 : Character area E, Townscape Analysis



### 3.3.2 Roads

**A | Albyn Place; Carden Place; Albert Terrace and Victoria Street.** As the area was deliberately planned, it follows a structured pattern. The majority of streets in the area are tared, with the exception being Albert Terrace which remains a setted street. Pedestrian movement is high at peak times and lunch time. Pedestrian and vehicle movement is concentrated on the main east to west thoroughfare of Carden Place, and on the north-south access route of Albert Terrace and Waverly Place. Car parking in residential areas is on street. There is the occasional off street car parking place on Victoria Street created by removing low granite boundary walls, which disrupts the flow and pattern of the area. The commercial properties that sit on Rubislaw Terrace and Queen's Terrace are accessed to the rear by Rubislaw Terrace Lane. The north side of the lane backs to the residential street of Albert Terrace and comprises a high stone coursed rubble wall with pedestrian access gates and single storey garages in a variety of materials and styles. The south side of the lane is more heavily developed with the removal of large sections of the high boundary wall to provide access to car parking to the rear of the premises on Rubislaw Terrace and Queen's Terrace. The openings are typically wide to provide greater visibility, thereby removing large amounts of the wall. To the east side of the lane the physical environment changes slightly. Ancillary two storey buildings are more typical, on both the north and south side of the lane. These are used as storage space and, on the south side of the street, an office premise is present.

Plan 21 : Activity and movement through the conservation area



The main thoroughfare runs east to west - Albyn Place, and Carden Place (B9119) which meet at the Queen's Gate roundabout merge into Queen's Road (B9119). The vehicle traffic is constant throughout the day on these three streets as the roads form one of the main routes through the city. North to south access to the character area is taken from Anderson Drive (A90), a dual carriageway which forms one of the main vehicle routes round Aberdeen. Further vehicle access is concentrated on the Queen's Cross and Queen's Gate roundabouts. These streets are busy with pedestrian and vehicle traffic during the day. Pedestrians also use the back lanes in this area. Parking is present both on and off street in the area. The rear lanes, Albert Lane and Albyn Lane, are dominated by car parking and, especially in Albyn Lane, large rear extensions. The boundary walls are high, stone rubble. Large sections of the high boundary walls have been removed to provide access to car parking to the rear. There are also garage door and outbuildings present in the lane.

**C | north and south of Queen's Road, but east of Rubislaw Den.** The majority of streets within the character area run east to west and the most heavily trafficked with vehicles and pedestrians are King's Gate and Union Grove. Of the five streets which run north to south Fountainhall Road, Forest Road and St Swithin Street seem the most heavily trafficked with pedestrians and vehicles. This is probably due to access to the Queen's Cross roundabout which is a major transport hub within the Conservation

Area and is used heavily throughout the day.

Parking within the area takes the form of on street parking to the front of properties and rear access to garages off back lanes. The back lanes typically comprise high boundary walls built of coursed or rubble stone, topped with brick or coping stones. There are a number of garage styles and forms but most are modest in scale and built of stone, granite or brick with low pitched or mono-pitched roofs. The garages have either slate or asbestos roof coverings. The garages are typically neat and small in proportion. The back lanes show a high degree of vegetation which overflows from the back gardens of properties.

**D | Rubislaw Den area.** The streets within the area are very wide and tree lined. The busiest street for vehicle traffic is the dual carriageway Anderson Drive (A90) which sits to the west. The road is one of the main thoroughfares in Aberdeen and therefore is heavily trafficked throughout the day. A further east to west street which is busy with pedestrian traffic during lunch periods, when compared to a typically residential street, is Rubislaw Den South. This is possibly due to the large office developments which sit outwith the Conservation Area to the west. Parking in the area is both on and off street. There is ample parking at residential dwellings and off street parking is available.

**E | Mackie Place.** Carden Place runs along the front of the Grammar School and is heavily used by both pedestrian and vehicle traffic. This street does allow for long views along Carden Place

and beyond the Conservation Area. From the west of the Grammar School and from Mackie Place there are views into a number of open space areas, which show the natural landscape formation and the undulating nature of the natural landscape of Aberdeen. Parking is both on and off street, with large areas of parking surrounding the buildings of Mackie Place.

### 3.3.3 Pavements

The streets within the Conservation Area are wide, tree lined and typically paved with concrete slabs. Victoria Street and Albert Terrace are exceptions as they are paved with large granite slabs in a multitude of pinks and greys. The kerbstone throughout is typically granite. On the east side of Forest Road there is an interesting pavement detail which consists of a pink granite kerb, followed by rows of setts three deep which sit on the road abutting the pavement. The setts detail is found throughout the Conservation Area. On Kings Gate there is an increase to a row of five setts and a modern interpretation can be found on the corner where Fountainhall Road and Desswood Place meet. The setts are also used to larger detail in Rubislaw Den South and on the east side of Forest Road, where larger numbers are present and are used on the pavement rather than on the road.

### 3.3.4 Street trees

Street trees are a strong feature of this Conservation Area, running along the majority of streets. They are typically mature Sycamore and Norway Maples with Cherry trees on Hamilton Place and Beaconsfield Road. Younger replacement planting has been carried out in Carilton Place, Beaconsfield Road and Beech saplings have been planted along St Swithin Street. There is minimal damage to paving around the trees, although some concrete paving blocks have been lifted by the maturing root systems. The street trees are generally well maintained. Though there are no street trees present between Queen Cross and Queen's Gate, the area still looks wooded due the high level of trees planted within the garden and courtyard areas of premises along these roads.

### 3.3.5 Signage

The street name signage in the Conservation Area is traditional black letter tiles with white writing. In some places in character area B (Queen's Road and the south side of Albyn Place) this has been replaced with standard blue street signage. The Conservation Area has a number of principal main roads running through it, such as Queen's Road and Anderson Drive, and the directional based road signage reflects this. The signage associated with the shops and shop frontages are in a good state of repair and relate well to the Conservation Area. Commercial signage is kept to a minimum on the commercial premises on Rubislaw Terrace. The signage that is present is subtle. Within character area B (Queen's Road and the south side of Albyn Place) there is an abundance of signage associated with commercial premises. Many of these are formed in granite or muted coloured aluminium; sit low to the ground; are unassuming in scale and are a positive addition to the Conservation Area. However, there is signage present that does not make a positive contribution.

### 3.3.6 Street furniture

There is minimal street furniture on residential streets. In those streets that are heavily trafficked (Carden Place, Queen's Road, Albyn Place, A90, Union Grove and St Swithin Street) the street lights are of a standard more associated with this use. Bus stops; bins; signal crossings and pedestrian safety barriers are present. There are a noticeable number of black cast iron bollards within character area C (north and south of Queen's Road, but east of Rubislaw Den), which are concentrated round the road junctions that lead to Fountainhall Road.

Victorian style lighting columns are present in Albert Terrace and Rubislaw Terrace. Wooden planters and benches are located in Rubislaw Terrace and Queen's Terrace Gardens, on an area of hard standing to the west of Albert Terrace, at the Queen's Gate and Queen's Cross roundabout, outside the Queen's Cross Church and outside the shops on Fountainhall Road. Iron railings surround the formal gardens and are present in a number of properties in character area A (Albyn Place, Carden Place

and Victoria Street) and B (Queen's Road and the south side of Albyn Place). Dog litter bins are located within the formal gardens.

Within the grounds of commercial properties there is an abundance of flood lighting, which at night causes a high degree of light pollution. Many of these installations do not contribute positively to the area and could be improved.

The most obvious piece of street furniture within the Conservation Area is the category B listed Bronze statue of Queen Victoria that sits atop pink marble plinth at the Queen's Cross Roundabout.

### 3.3.7 Negative factors / issues

There are no negative features for the public realm relating to character areas C, D and E.

Character area A: Albyn Place; Carden Place; Albert Terrace and Victoria Street

The pavements around the root systems of the trees are uplifted in places. The majority of back gardens on Rubislaw Terrace and Queen's Terrace have already lost green space for car parking spaces.

Character area B: Queen's Road and the south side of Albyn Place

An area which will need to be further addressed is commercial signage, specifically materials, proportions and design of signage that is deemed to be appropriate for the character area given its zoning as West End Office Area. The flood lighting of buildings at night is an area which needs to be considered.

### 3.4 Natural environment

#### 3.4.1 Open spaces

There are differing types of open space within the Conservation Area however the majority is formed through the private space that accompanies each building.

**A | Albyn Place; Carden Place; Albert Terrace and Victoria Street.** Premises have small front and rear gardens. Commercial premises such as those on Rubislaw Terrace have developed rear gardens to hard standing to accommodate car parking. There is formal garden space at Rubislaw Terrace Gardens and Queen's Terrace Gardens which covers just over 1 sq km. The gardens are separated from the pavement area on three sides by cast iron railings and are accessed through gates on all sides. A detailed granite balustrade runs along the north edge of the gardens. The area is well covered with mature trees.

**B | Queen's Road and the south side of Albyn Place.** Within the West End Office Area the majority of rear gardens have now been given over to car parking. A number of rear gardens also have large extensions present. The removal of front garden space is less prominent along Carden Place, than on Albyn Place and Queen's Road. A number of boundary hedges are present and commercial premises have kept a bank of shrubbery along the street. Further to this there are premises where the front courtyard element has been kept.

Plan 22 : Natural environment : Albyn Place and Rubislaw area





**C | north and south of Queen's Road, but east of Rubislaw Den.** There are two bowling greens present within the character area - one on Hamilton Place and one on Carlton Place. The North Burn of Rubislaw, runs along the back lane to the south of Beaconsfield Place and acts as a wildlife corridor.

**D | Rubislaw Den area.** The woodland at Rubislaw Den is a private garden managed by the Rubislaw Den Feuars Association, which represents the 59 properties surrounding the site. To the west of Anderson Drive is a small informal wooded area of with mature trees and a wooden bench.

**E | Mackie Place.** The undulating nature of the landscape leads towards the Denburn that runs throughout the area. There is a large percentage of formal and informal open space. Formal open space surrounds the Grammar School, which sits within its grounds. There is informal open space, approximately ¼ sq km in size, to the west of the Grammar School. This area is separated into two sections by a high stone built wall that is open to Skene Street. They are well maintained and contain a number of mature trees. The private gardens and open space surrounding Mackie Place, along with the landscape give it a very unique character. The area is set at a lower level than Skene Street and is dominated by mature tree cover.

### 3.4.2 Trees

Trees are hugely important to the Conservation Area – they create changes through the seasons, providing wildlife habitat and birdsong. From an historic environment perspective trees help to emphasise the grandeur of the streets and properties in this area. Even where there are no street trees, such as Queens Road, trees within the property frontages along make an invaluable contribution to the streetscape. There are a number of Tree Preservation Orders containing a number of trees and some running the length of streets (Plan 6).

The dominant tree species includes Norway Maple, Cherry, Beech, Horse Chestnut, Elm, Lime, Holly, Yew, Hawthorn and Whitebeam, with most street trees being Sycamore and Norway Maple.

### 3.4.3 Negative Features

The natural environment negative features relate to character area A and B.

**A | Albyn Place; Carden Place; Albert Terrace and Victoria Street.** The formal garden space of Queen's Terrace Garden and Rubislaw Terrace Garden is well used. The frequency of use could be increased through diversification of activities. There is also the loss of garden space due to the development of car parking.

**B | Queen's Road and the south side of Albyn Place.** The loss of open space in the front and rear gardens due to car parking and rear office extensions has had a negative impact on the natural environment within the character area. However Tree Preservation Orders, street trees and green courtyards areas all serve to increase the attractiveness of the area.



Top : Albyn Place  
Bottom : Carden Place

### 3.5 Key characteristics

The following key characteristics enhance the Conservation Area and need to be retained/protected /conserved.

#### A | Albyn Place; Carden Place; Albert Terrace and Victoria Street.

<b>General</b>	<ul style="list-style-type: none"> <li>• Linear tree lined streets</li> <li>• Build line and garden space</li> <li>• Back lane wall/garage/features – undeveloped residential/developed commercial properties</li> <li>• Street light fittings</li> <li>• Corner buildings more detailed than rest of street</li> <li>• Ironwork on guttering and down pipes</li> <li>• White timber sash and case windows</li> </ul>
<b>Residential buildings</b>	<ul style="list-style-type: none"> <li>• Aberdeen cottage - coursed one and half storey rubble build, with slate roof and dormers</li> <li>• Terraced blocks – coursed two storey rubble build with slate roof and dormers, strong string course detail</li> <li>• Very low boundary walls</li> <li>• Stone paving slab</li> <li>• Dormer windows with dog tooth patterning</li> <li>• Simple door and window lintel detail</li> </ul>
<b>Commercial buildings</b>	<ul style="list-style-type: none"> <li>• Two storeys, possibly with basement</li> <li>• Ashlar granite</li> <li>• Terraced buildings – either plain detailing, or ornate detailing with door and window lintel and string course, accessed by a flyover (steps).</li> </ul>

## **B | Queen's Road and the south side of Albyn Place.**

- Very wide linear tree lined main thoroughfare with wide linear tree lined streets
- Substantial detached or semi-detached properties
- Build line set back from the road and large garden area to rear and a courtyard to the front
- Back lane high walls in coursed rubble, topped with coping stones
- Some original back lane buildings, such as original coach houses and outbuildings are present
- Corner buildings more detailed than the remainder of the street
- Low granite boundary walls on the front elevation
- High density of vegetation from street trees and the front of buildings
- Cast iron present on guttering, down pipes and railings
- Queen's Road - Bay windows are prevalent, mostly running over two storeys; crow stepped detailed gables; dormers; large doors with fanlights and sidelights; detailed oriel doors ways in some buildings; mixture of pink and grey granite in some buildings with string course and decorative features in pink granite.
- Carden Place - dormer windows features such as dog tooth patterning; size of dormer in proportion to the building; broad doors with lintels and fanlights,
- Albyn Place –classical styling, columns present on a number of entrances; few dormer windows; more stoic and subtle in styling than Queen's Road.



Top : Queen's Road  
Bottom : Devonshire Road



Top : Osborne Place  
Bottom : Queen's Road

### C | north and south of Queen's Road, but east of Rubislaw Den.

- Wide linear tree lined streets
- Asymmetrical terraced properties typically two storey with bay windows
- Single storey with dormer on eastern section of Osborne Place
- Broad doorways with stained glass fanlight and side lights
- Mostly coursed granite buildings with slate roof, except Fountainhall Road and Osborne Place which is ashlar
- Stringcourse is visible due to detailing with grey granite
- Lintel detail on the doorway
- Ironwork detailing on the gutters, down pipes and bay window roof
- Low boundary garden wall
- Typically no dormers, with the exception being the eastern section of Osborne Place

**D | Rubislaw Den area.**

- Very wide tree lined streets
- Distinctive and unique houses
- Set within large gardens
- High degree of vegetation if front gardens
- Substantial houses 2 or 3 storeys
- Bay windows
- Wide doors with fan and side lights
- Low granite walls
- Ironwork detailing on the gutters and down pipes
- Houses set back



**E | Mackie Place.**

- Large amounts of wooded open space
- Boundary walls
- Undulating nature of the landform
- Burn
- Three storey buildings



Top : Rubislaw Den North  
Bottom : 3 Mackie Place

## 4 Management

Please see Section 2 Conservation Areas Management Plan for all guidance relating to the management of Albyn Place/Rubislaw Conservation Area. Please note that Section 2 also contains specific guidance on rear extensions within the West End Office Area (section Q on page 22). No alterations to the Conservation Area boundaries are proposed.

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>• Linear and grid pattern of the development</li> <li>• High quality buildings, many of which are listed, in good state of repair and maintenance</li> <li>• Abundance of street trees and trees/vegetation within front gardens/ front courtyards</li> <li>• Diversity of buildings</li> <li>• Original dormer pattern retained on residential streets</li> <li>• Quality of material used</li> <li>• Public transport linkages</li> <li>• Corner buildings</li> <li>• Views of churches aid views and way finding</li> <li>• Traditional and historic palette of materials which is characteristic of Aberdeen and its granite heritage</li> </ul>	<ul style="list-style-type: none"> <li>• Area of pavements in poor repair around the root system of trees</li> <li>• Front car parking on some properties in Victoria Street removing the original street pattern</li> <li>• Removal of timber sash and case windows</li> <li>• Installation of thick framed uPVC windows</li> <li>• Inappropriately placed satellite dishes</li> <li>• Inappropriate box dormers on front elevation of listed buildings</li> <li>• Loss of the original pattern and boundary walls of back land development due to car parking and rear extensions.</li> <li>• Loss of vegetation in the front courtyard and rear gardens due to car parking and extensions</li> <li>• Inappropriate signage materials, proportions and colours</li> <li>• Inappropriate floodlighting detracting from the best features of individual buildings</li> <li>• Variety of widow styles and materials in flattened properties</li> <li>• Inappropriate placement of satellite dishes.</li> <li>• Front box dormers</li> </ul>

Strengths	Weaknesses
	<ul style="list-style-type: none"> <li>• Removal of stained glass fanlight and sidelights from doors</li> <li>• Some traditional street signage removed and replaced with blue signage</li> <li>• Burglar alarms</li> <li>• Variety of widows styles and materials in flatted properties</li> <li>• Underused informal open space</li> <li>• View of the backlane car parking on Waverley Lane</li> </ul>



Corner building with traditional dormers, Prince Arthur Street



Back lane car parking, Waverly Lane



Looking over the Denburn

Opportunities	Threats
<ul style="list-style-type: none"> <li>• Diversify the open space within the formal park area</li> <li>• Reinstate street trees where these have been lost</li> <li>• Repair and reinstatement of traditional cast iron railings</li> <li>• Ensure high degree of vegetation remains or is increased within front courtyards</li> <li>• Reinstate vegetation in front courtyard areas where this is patchy</li> <li>• Completion of design and access statement and context appraisal for new developments</li> <li>• Enhance the presence of the Denburn</li> <li>• Improve use of informal open space</li> <li>• High quality extensions that respect, compliment and add to the character of the Conservation Area</li> <li>• Repair and replacement of windows with those of traditional style, proportions and materials</li> <li>• Enhancement of rationalisation of street furniture and signage</li> <li>• Education to ensure property owners are aware of the history and value of the Conservation Area; information on how to maintain historic buildings and their obligations as property owners (especially with regard to tenement properties and communal repairs)</li> <li>• Develop floodlighting guidance</li> <li>• Develop guidance on extensions in the West End Office Area</li> <li>• Develop guidance on railing reinstatement</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of the original pattern of development and boundary walls of back land development due to car parking and extensions</li> <li>• Loss of vegetation in the front courtyard and rear gardens due to car parking and extensions</li> <li>• Unsympathetic development that does not reflect or relate to the character of the character area</li> <li>• Lack of enforcement for breaches of planning permission/regulations</li> <li>• Removal of boundary walls</li> <li>• Garage premises at the junction of Albyn Lane and Albyn Grove may be subject to unsympathetic development</li> <li>• Unsympathetic development of large residential garages</li> <li>• North of Spademill Lane, area of garages which may be lost to future inappropriate development within this area</li> <li>• Development within the informal open space</li> <li>• Development on the informal open space to the west of the Grammar School</li> </ul>



### List of Streets in the Albyn Place and Rubislaw conservation area

- Albert Lane, (off Albert Street)
- Albert Street 1-35 inclusive
- Albert Terrace, all nos
- Albyn Grove, 1, 3, 6
- Albyn Lane, (north side except west end where both sides in CA4)
- Albyn Place, all nos
- Albyn Terrace, all nos
- Anderson Drive, 113-125, 104-116
- Ashley Lane, (north side)
- Ashley Road, 79-93, 84-88
- Bayview Road, all nos
- Beaconsfield Place, all nos
- Beechgrove Court, 1-6
- Beechgrove Place, 13-17
- Beechgrove Terrace, 82
- Blenheim Lane
- Blenheim Place, all nos
- Brighton Place, 105-119, 106-118
- Carden Place, all nos, Carden Medical Centre, former Melville Carden Place Church, St. Mary's Episcopal Church
- Carden Terrace, all nos
- Carlton Place, all nos, Bowling Club
- Desswood Place, all nos
- Devonshire Road, 1-105, 2-100
- Earl's Court Gardens, all nos
- Forest Avenue, 199-217, 178-186, Albyn School
- Forestgait Lodge, all nos, (off Richmondhill Place)
- Forest Road, all nos
- Fountainhall Road, all nos, Blenheim Gate and House, Dempsey Court, Grampian Court
- Gladstone Place, all nos
- Hamilton Place, excluding 2, Bowling Club
- Jack's Brae
- King's Gate, 7-55, 2-54, Forestgait Old Peoples Home, Forestgait Lodge
- Mackie Place, all nos, (off Skene Street)
- Osborne Place, all nos
- Prince Arthur Street, all nos
- Queen's Cross, 1-3, Queen's Cross Church, St. Joseph's School
- Queen's Gardens, all nos, Rubislaw Church
- Queen's Gate, all nos
- Queen's Lane North
- Queen's Lane South (all E of 213 Forest Ave, north side only W of 213 Forest Ave)
- Queen's Road, 1-63, 2-120
- Queen's Terrace, all nos
- Richmondhill Court, all nos
- Richmondhill Place, 3-19 odd nos, 16, 18 (Richmondhill House)
- Rose Street, 69-73, 75 (Melville Court)
- Rubislaw Den Gardens, all nos
- Rubislaw Den North, all nos
- Rubislaw Den South, all nos
- Rubislaw Place, all nos
- Rubislaw Terrace, all nos
- Rubislaw Terrace Lane
- St Swithin Street, all nos
- St Swithin Row
- Skene Place, all nos
- Skene Street, 170-181 all nos, 158-168 even nos, Melville Court, former Skene Street Church, Aberdeen Grammar School, Lodge, French School
- Spademill Lane
- Spademill Road
- Stanley Street, 128-138
- Thistle Street, 63-69
- Union Grove, 241-305, 246-300
- Union Grove Lane (excluding part E of 50 St. Swithin Street)
- Victoria Street, all nos
- Waverley Lane, all nos
- Waverley Place, all nos
- Whitehall Road, all nos
- Windsor Place, (off Thistle Lane)



Albert Terracet



Top: Carlton Place  
Bottom: Beechgrove Terrace

Notice of Review

## NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

### Applicant(s)

Name   
 Address   
 Postcode   
 Contact Telephone 1   
 Contact Telephone 2   
 Fax No   
 E-mail\*

### Agent (if any)

Name   
 Address   
 Postcode   
 Contact Telephone 1   
 Contact Telephone 2   
 Fax No   
 E-mail\*

Mark this box to confirm all contact should be through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail?  Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

TO ALLOW FOR FULL CONSIDERATION OF THE ASPECTS OF THE PROPOSAL.

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ENCLOSED REVIEW STATEMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?  Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

ALTERNATIVE EXTERNAL MATERIALS PROPOSED FOR THE DEVELOPMENT (PARTICULARLY IN RELATION TO THE TERRACED ROOF) HAVE BEEN IDENTIFIED. DUE TO THE LACK OF ANY OPPORTUNITY TO NEGOTIATE ON THE DEVELOPMENT PROPOSALS, WE HAD NO OPPORTUNITY TO DISCUSS THIS WITH THE PLANNING OFFICER PRIOR TO DETERMINATION.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

AS LISTED IN COVERING LETTER:

REVIEW STATEMENT  
 PLANNING AND DESIGN STATEMENT  
 PLANNING SUPPORT DRAWINGS

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [REDACTED] Date 29 OCTOBER 2014

CHRISTINE DALZIEL FOR HALLIDAY FRASER MUNRO

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**PLANNING REVIEW STATEMENT**

**EXTENSION OF EXISTING OFFICE  
ACCOMMODATION**

**6 ALBERT STREET, ABERDEEN**

OCTOBER 2014

On behalf of Russell Gibson



**HALLIDAY | FRASER | MUNRO**  
PLANNING

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## EXECUTIVE SUMMARY

- i. 6 Albert Street lies within a traditional terrace block stretching between Albert Terrace and Carden Place. This is a popular business district within the West End of Aberdeen, and the vast majority of properties in the area are in commercial use. Large numbers of these commercial properties include extensions to the original building. The site is identified as being within the West End Office Area in the Local Development Plan, which actively encourages commercial enterprise. The appellant, Russell Gibson Financial Services, occupies the entire building and has done since 2010. They are expanding rapidly and have increased the number of employees by 50% in the past year. A meaningful extension to their existing property will allow this successful local business to remain in this prestigious commercial location and ensure the building remains in active use now and in the future. The future of this business remaining in such a significant location should not be underestimated and should be an important consideration in the determination of this review.
- ii. The existing building is listed and located within a conservation area. However, in reviewing National and Local planning guidance, it is clear that this does not mean a moratorium on new development. Conservation and development are not mutually exclusive. It is commonplace in Aberdeen, particularly in the West End Office Area to extend buildings at the rear and allow for further high quality commercial accommodation. The key to ensuring traditional buildings remain in use, rather than left empty is to adapt the building to serve its modern requirements. This is clearly apparent throughout the West End area, to the benefit and continued success of this part of Aberdeen.
- iii. The frontage of 6 Albert Street is the principle elevation and the view from which this building (and indeed the terrace) is understood and appreciated. It will remain entirely unchanged. Furthermore, garden ground along Albert Walk to the rear has already been taken up with car parking and hard standing, as well as the extension to the adjoining property. Surely a well designed extension would contribute more to the purpose of the building, than simply removing the garden ground for car parking?
- iv. The plot itself extends to 6.5 metres wide, which is particularly narrow in the context of the surrounding properties. In order to provide a meaningful floor area, allowing for desk areas and circulation space, the extension expands to a 6 metre width, which will allow for 2 desks adjoining each other. The proposal includes a small basement, a ground floor which reflects the length of the adjacent extension to 4 Albert Street, and a small first floor meeting room. It is **not** proposed to create a full length two storey extension. The glazed link between the existing building

- and the proposed extension will provide separation between old and new, and ensure that the extension sits as 'lightly' as possible against the traditional building.
- v. Conservation Area Interim Guidance states that an extension should "*not normally exceed 30% of the rear garden*" and "*not normally extend to more than 70% of the feu width*". However, this is not a strict 'hard and fast' rule, and needs to be considered within the context of this narrow 6.5 metre plot. We have provided a sketch to show what an extension of these proportions would provide. This would lead to an unviable development that is not fit for purpose, and lead to a 1 metre wide strip of land between two high walls. We question the benefit that this land would provide and suggest it would be difficult to access, hard to maintain and lead to an unattractive plot layout.
  - vi. We appreciate that the extension at 4 Albert Street is the only existing one on the terrace, however, despite it being the only one it is present on the terrace showing the demand for office space in this location. Furthermore, the rear areas of each of the properties has altered over time with the inclusion of parking spaces and hard standing, confirming that Albert Street is no longer occupied by terraced residential cottages and associated gardens, but has now become a high quality and highly desirable office area. This can be seen from the alterations and backland development that has occurred both on this terrace, and on the opposite side of Albert Street.
  - vii. The design of the proposed extension has been carefully considered. The proposed material palette has been chosen to complement the granite building. The pressed metal rain screen cladding panels and full height glass will be of a high quality and the colour of the proposed elevations has been chosen to complement and respond to the darker hues in the granite. Examples of similar cladding materials and how well it complements traditional materials has been show in Appendix 2. We do not consider the extension to be "at odds" with the existing building, but is a modern extension to the traditional building within the constraints of a narrow plot.
  - viii. Any extension to the rear of this property, given there are only three existing windows would require to use the original openings for access. We believe that the use of the existing opening on the ground floor would be the most logical, practical and least disruptive option. The link to the original building through glazed corridors has been carefully designed to ensure that the extension will sit as 'lightly' as possible on the building and ensuring minimal disruption to the terrace and building line.

- ix. The extension proposed is not a full storey on the first floor, it is simply a small annexe of 22m<sup>2</sup>. The design is entirely reflective of modern, rear elevation design. We maintain that the design of the extension is of a high quality and has been carefully considered with the original listed building in mind. It is an honest modern design, rather than being a pastiche mimic of the traditional building. The inspiration for much of the design came from existing extensions of a similar style, which clearly show that modern architecture can be incorporated into and complement existing traditional buildings (refer Appendix 2).
- x. There have been no statutory objections to the planning application and only one adjoining neighbour has submitted a representation.
- xi. In conclusion, we would therefore respectfully request that this review be sustained and Full Planning Permission granted.

## 1 INTRODUCTION

- 1.1 This Planning Review Statement has been prepared by Halliday Fraser Munro, Chartered Planning Consultants and Architects in relation to the refusal of an application for Full Planning Permission for the 'Extension to existing office to provide additional office and support accommodation' at 6 Albert Street, Aberdeen (P140714). The application was refused by Aberdeen City Council under Delegated Powers on 31 July 2014. The following reasons for refusal were used:

*"The proposed rear extension due to its scale and mass is contrary to the Interim Supplementary Guidance Conservation Area Character Appraisals and Managements Plan, July 2013, which is a material consideration for extensions within Conservation Areas, and Scottish Planning Policy, Scottish Historic Environment Policy, and Local Development Plan Policies D1 (Placemaking and Architecture) and D5 (Built Heritage), and Managing Change: Extensions (Historic Scotland). In particular, the extension is overly long, wide and high, and obscures many of the features of the building, which is Category B listed, including dormer window, windows, and the eaves. Due to the design of the rear extension, being bulky, it would appear as an alien feature, particularly at first floor level within the terrace obscuring the eaves which is a unifying feature of the terrace and the traditional dormer window. The proposal would not preserve the setting of the listed building nor would it preserve the character of the Conservation Area from within public areas of which it would be visible.*

*The proposed demolition of the boundary wall to accommodate additional car parking is considered unacceptable. The wall, which runs parallel with Albert Walk and part way into the feu, contributes to the character of the Conservation Area and defines the historical feu. The deterioration of back lanes and removal of boundary walls would have an adverse impact on the setting of the listed building and would not preserve or enhance the character of the Conservation Area, contrary to the Interim Supplementary Guidance Conservation Area Character Appraisals and Management Plan, July 2013, Scottish Planning Policy, Scottish Historic Environment Policy, Local Development Plan Policy D5 (Built Heritage), and Managing Change: Setting (Historic Scotland).*

*The proposal, if approved, would set an undesirable precedent for similar developments in the Albyn Place / Rubislaw Conservation Area that would adversely affect and undermine the special character of the area as a result of the impact on the rear lane and rear feus, and on the terrace of listed buildings."*

- 1.2 This statement sets out the reasons for seeking a review of the proposal and the matters to be taken into account. We believe that the application was not given fair consideration by the Planning Service, therefore there has been no opportunity for negotiation and potential amendments to the proposal; that the reliance on the guidance relative to the Conservation Area has been overemphasised; and the comments regarding the design are overly critical.
- 1.3 Throughout this report, we will address the issues raised within the decision notice, however it should be noted that the length of this decision is extremely unusual, and despite the decision reaching **three paragraphs** in length, only **two policies** are mentioned.

## 2 DEVELOPMENT SUMMARY

- 2.1 6 Albert Street is one of a row of plots, sitting within a traditional terrace block stretching between Albert Terrace and Carden Place. The plot extends to 0.08 acres and comprises the original B-listed granite terrace cottage (built circa 1849), a small front garden area, a rear garden and car parking. The terrace itself is category A-listed. The existing building consists of three floors, including the ground floor, a basement and an attic.
- 2.2 This is a popular business district in the West End of Aberdeen, and Russell Gibson Financial Services have accommodated the entire 3-storey building (including basement, ground and attic floor) since 2010. Indeed, the Local Development Plan zones the site within the West End Office Area. 6 Albert Street is one of the narrowest plots within the area at 6.5 metres wide. The remaining 8 plots the terrace are at least 8.5 metres wide. All plots on this terrace, and indeed the terrace on the opposite side of Albert Street are in commercial office use. The adjacent property at 4 Albert Street has a rear extension, as do a number of the properties on the opposite side of Albert Street (See Figure 1 on Page 6).
- 2.3 The development proposed includes the addition of an extension to create further commercial accommodation to the rear of the original building. In terms of the scale of the proposed extension, it includes a small basement (extending to 17 m<sup>2</sup>), a ground floor to provide open plan office space (extending to 86 m<sup>2</sup>) and a small meeting room on the first floor (extending to 22 m<sup>2</sup>).



Figure 1: Aerial view of site



Figure 2: Photograph of Terrace along Albert Street

- 2.4 The proposed extension will sit 'lightly' against the existing building as a glass link has been included within the design of the extension that will minimise the visual and physical impact on the existing structure and reduce the bulk of the development. This glass corridor will also ensure that there is an honest break between the old and the new, and ensure that the building can be clearly read.

- 2.5 The proposed extension will provide additional floorspace for Russell Gibson, a financial services firm who have been in the same building for some five years and are keen to remain in this prestigious commercial location. This extension will allow for much needed facilities within their office, allowing for a meaningful expansion of this successful local business and ensure they can remain within their building for years to come.
- 2.6 Russell Gibson have grown over recent years, and now employ 10 people. This is forecast to continue, with staffing levels rising by 50% in 2014 alone. A letter of support was submitted to the Planning Authority from Russell Gibson, which we have attached in Appendix 1.
- 2.7 It should be noted, that at 6.5 metres wide, the plot is particularly narrow. The proposed extension responds to this. In order to provide a meaningful floor area and allow for desk areas and circulation space across the width of the ground floor, the entire 6 metre width of the site is required. The overall height of the proposed extension responds to the existing building lines with the highest point matching the levels of the dormer window.
- 2.8 The proposed basement measures approximately 5 metres wide. The ground floor is proposed to extend to 6.5 metres wide by 14.9 metres in length, and the small first floor meeting room would extend to 4.5 metres wide to 5.5 in length. The glazed corridor connecting the original building to the extension is to extend to 2 metres in length to ensure an 'honest' break between the old and new. The scale of the extension is accordingly in keeping with, and subservient to the existing building.

### **3 PLANNING APPLICATION**

- 3.1 A pre-application meeting with the planning service raised concerns regarding the initial development proposals and the scale of the development in terms of potential impact on the Conservation Area. Therefore, the initial proposal was reduced and the first floor element of the extension was decreased significantly prior to the submission of the application. By that point, a new case officer who had not been involved in the pre-application discussion had been appointed to determine the application.
- 3.2 We have not had the opportunity to meet with the Planning Officer at any point during their consideration of the application. We have received two emails containing information, however one of these was received the day that the refusal notice was signed, therefore too late to influence any discussion. In

order to have meaningful correspondence and understanding of the issues raised by each party, a meeting would have been more productive than sporadic email correspondence. Furthermore, we did not receive a copy of the letter of representation submitted by the neighbour, or receive an indication of the issues raised. We were therefore not provided any opportunity to respond to their concerns.

- 3.3 No statutory consultees have objected to this application, and only one letter of representation was submitted.

### **Report of Handling**

- 3.4 Following the Officer's Report of Handling being published online (following the Decision Notice being issued), we have only now had the opportunity to address numerous concerns raised by the Planning Officer. The Report of Handling highlights a number of points which we have not had the opportunity to discuss with the Planning Service due to the lack of communication and willingness from them to deliberate the case.

- 3.5 In the discussion section of the Report of Handling, the Case Officer raises a number of points for consideration, which we will review in turn below:

### ***Listed Building and Conservation Area***

- 3.6 The first paragraph of this section on page 5 of the Report of Handling states that the terrace in which 6 Albert Street is located:

*"is characterised by uniformity, and apart from 4 Albert Street which has a single storey extension to the rear, much of it has remained unaltered in terms of extensions"*

- 3.7 We appreciate that the extension at 4 Albert Street is the only existing one on the terrace, however, despite it being the only one it *is* present on the terrace showing the demand for office space in this location. Furthermore, the rear areas of each of the properties has altered over time with the inclusion of parking spaces and hard standing, which shows that Albert Street is no longer occupied by terraced residential cottages and associated gardens, but has now become a high quality and highly desirable office area. This can be seen from the alterations and backland development that has occurred both on this terrace, and on the opposite side of Albert Street.

- 3.8 The following paragraph in the Report of Handling states that the extension:



*“would not preserve the setting, but rather it would have an adverse impact on the listed building, and the terrace, by eroding the historic feu pattern because the extension would erode the spatial relationship of the building to the original garden...this is contrary to the key principles of Historic Scotland’s Managing Change Guidance on Extensions”*

- 3.9 We do not accept that the extension would have an adverse impact on the listed building, as evidenced by the 3D visuals of the proposed extension (See Appendix 3). This building has been in office use for several years and, unlike a number of the units within the terrace has retained an area of garden ground. However, it is commonplace in Aberdeen (particularly in the West End) to extend the buildings to the rear and allow for further high quality commercial accommodation. This has occurred significantly in the West End Office Area (in which the site is located) as identified in the Local Development Plan. This does not mean that there is an adverse impact on the building, but simply that the building is being adapted to serve its modern use to the benefit and continued success of this part of Aberdeen.
- 3.10 The key issues as set out in Historic Scotland’s Managing Change Guidance on Extensions are as follows:
- *Most historic buildings can be extended sensitively.*
  - *Extensions – must protect the character and appearance of the building; should be subordinate in scale and form; should be located on a secondary elevation; and must be designed in a high-quality manner using appropriate materials.*
- 3.11 We maintain that the proposal complies with these key issues. This guidance recognises that the fact a building is listed or of historical value, does not preclude it from being extended. The proposal does protect the character and appearance of this traditional granite ‘cottage’. The glazed link between the original building and the extension provides a clear differentiation between the historic and modern elements, and the frontage of the building, which gives the building its character, remains entirely unchanged. Furthermore, the extension is located to the back of the building and therefore a secondary elevation. The extension has been thoroughly considered and has been designed in contrast and in respect of the existing building. The materials proposed have been carefully selected to complement the original granite and will be of a high quality finish both inside and out, enhancing the setting of the original building.

- 3.12 Paragraph 4 on page 5 contains an extract from the Council's Interim Supplementary Guidance: Conservation Areas and contains a number of key considerations which we wish to comment on. These are taken in turn below.

***“The Council’s Interim Supplementary Guidance: Conservation Area...notes that in relation to rear extensions:***

- ***Any extension should allow the listed building to be understood and appreciated;***

- 3.13 Firstly we would point out that, although it is appreciated that this document is a material consideration, it is ***interim*** and ***guidance***. With regard to the first point, the extension has very much been designed as an ‘honest’ modern extension to the original building. Given the size of the building and the fact that only two elevations are visible (front and rear), the rear elevation regardless of the size of any extension, would be obscured to some extent. The glass link was created to ensure minimal visual and physical disruption to the terrace and reinforce the break between the old and new. The existing dormer will effectively create the link to the first floor annexe; however the height of the extension does not sit higher than this existing window. Furthermore, there will be no alterations to the front of the building, which is the principle elevation from which this building is understood and appreciated. The extension will not be seen from this principal elevation.

- 3.14 The proposed material palette has been designed to complement the granite building. The pressed metal rain screen cladding panels and full height glass will be of a high quality and the colour of the proposed elevations has been chosen to complement and respond to the darker hues in the granite. Examples of similar materials and how well it complements traditional materials has been shown in Appendix 2. We do not consider the extension to be “at odds” with the existing building, but is a modern extension to the traditional building within the constraints of a narrow plot.

- ***The form, scale, design and materials of any proposed development should complement and relate to the principal building and not normally exceed 30% of the original rear garden size;***

- 3.15 With regard to the second point, we consider that the proposed extension responds to the constraints of the narrow plot and relates to the building with the use of materials complimenting the granite. With regard to the size of the extension, the guidance states “***not normally exceed 30% of the rear garden***”. It must be considered that this is not a *normal* plot in the sense that it is very narrow. If the extension was to be reduced to cover only 30%, then the

extension simply would not be viable and would allow only 3 extra desks in total, and amount to an extremely small extension (see Figure 3). From the wording in the guidance, it clearly recognises that these percentage restrictions cannot be applied to all instances.

- ***Where an extension is centrally positioned across the rear of the listed building it should not normally extend more than 70% of the feu width; and should respect the location of existing windows and doors;***

- 3.16 Again, these guidelines are not a hard and fast rule for all extensions. The wording clearly states that the extension should '***not normally***' extend more than 70% of the feu width. It does not say they '***should never extend more than 70%***'. With the plot itself being only 6.5 metres in width and should the extension be reduced to 70%, it would lead to an extension of only 4.5 metres. This would not allow any significant workspace to be created and furthermore would lead to a narrow, meaningless strip of ground on the eastern boundary, extending to around 1 metre, which would create an unmanageable, left over area of ground and create amenity and safety issues. The area would be encased with solid walls on both sides (both from the neighbouring wall and elevation of the extension) meaning access to the land would be difficult, hard to maintain and lead to an odd layout of the plot.
- 3.17 In response to the Planning Officer's assessment that the extension would cover the windows and doors, we would point out that any extension to the rear of this property, given there is only three windows would require to use the original openings for access. We believe that the use of the existing opening on the ground floor would be the most logical, practical and least disruptive option. The link to the original building through glazed corridors has been carefully designed to ensure that the extension will sit as 'lightly' as possible on the building and ensuring minimal disruption to the terrace and building line.
- 3.18 Should the extension be reduced to comply with the suggested guidelines of no more than 30% of the back garden area and no wider than 70% of the plot, this would lead to an extension of 110m<sup>2</sup> (external) with a 63m<sup>2</sup> internal floor area resulting in a wall to floor ratio of 0.57 (see Figure 3). National legislation as set out by the British Council of Office Best Practice states that any office development should have no greater than a 0.4 wall to floor ratio, or the development would not be considered viable. Halliday Fraser Munro has extensive experience in designing high quality office accommodation, and understands the requirements of successful commercial developments in line with local and national guidance.

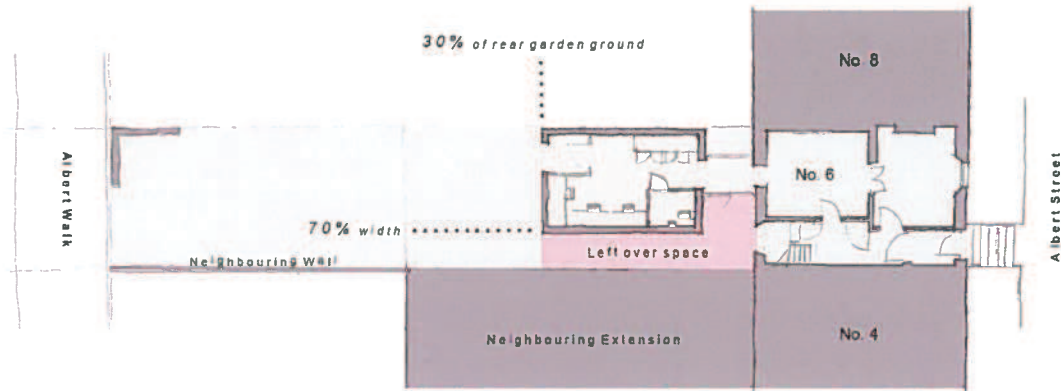


Figure 3: Sketch showing extension at 70% width and 30% of plot area.

- ***In general extensions should not be greater than single storey in height above ground level unless: (i) the design is of an exceptionally high quality and/or (ii) it can be demonstrated...that a larger extension is required to act as enabling development;***

3.19 In relation to the fourth point regarding the height of extensions as referred to in the Council's Interim Guidance, we would again point out the wording which states *"in general, extensions should not be greater than a single storey in height...unless the design is of an exceptionally high quality"*. This does not state that they should **never** be more than a storey high. Furthermore, the extension proposed is not a full storey on the first floor, it is simply a small annexe of 22m<sup>2</sup>. We disagree with the Planning Officer's assessment that the extension is not of a high quality. The design is entirely reflective of modern, rear elevation design. There are significant examples of modern extensions on traditional buildings across Aberdeen, and indeed Scotland and Halliday Fraser Munro has been involved in numerous examples of this. We maintain that the design of the extension is of a high quality and has been carefully considered with the original listed building in mind. It is an honest modern design, rather than being a pastiche mimic of the traditional building. The inspiration for much of the design came from existing extensions of a similar style, which clearly show that modern architecture can be incorporated into and complement existing traditional buildings (refer Appendix 2).

3.20 Despite this extension not being required to secure the viability of the building as indicated in the guidance, it does ensure that this successful local business can remain in this important strategic location and continue to grow and thrive. The future of this business remaining in such a significant location should not be underestimated and should be an important consideration in the determination of this review.

- ***Any proposed development will be assessed in terms of its impact on the adjoining listed buildings.***

- 3.21 With regard to the final point raised in the first paragraph on page 6 regarding the consideration of the extension on the adjoining listed buildings, we do not consider that there will be an adverse impact on the terrace as a whole. There is already an extension to the adjoining building at 4 Albert Street, and back-land developments are predominant along the remaining terrace in the form of car parking and hard standing, including the demolition of a number of the boundary walls. The important and historic setting of the buildings on this terrace is essentially related to the frontage of the buildings with the impressive streetscape of Albert Street. We do not consider that the building line to the rear of the properties is a key characteristic of the conservation area, rather the uniform building line facing onto Albert Street is the key feature that requires to be retained.
- 3.22 The Conservation Area Appraisal itself recognises that the buildings in this location are used as commercial properties, and acknowledges that former garden space within the character area now contains extensions, hard standing and car parking. Significantly, this part of the conservation area is located within the designated West End Office Area, where commercial proposals are encouraged. We consider that the proposal would preserve the character of the conservation area, as a part of the city characterised by high quality commercial offices.
- 3.23 The erection of this high quality extension at 6 Albert Street will ensure that this listed building remains in commercial use. The way in which the extension has been linked to the existing building maintains the traditional building line and terrace. Although the building is listed, it still needs to be adaptable to accommodate its modern use and retain flexibility to ensure it continues to be viable in the future.

#### ***Scale and Design of Extension***

- 3.24 The second chapter in the Discussion section in the Report of Handling relates to the design of the extension. The third paragraph on page 7 states that *“the length of the extension is considerably longer than the original building, it is as wide as the feu, and would be taller than a single storey in height”*. This is the case, however the original building itself was originally an Aberdeen ‘cottage’ and is only around 11 metres deep, therefore any extension would have to be longer in order to create any meaningful additional floorspace. This extension is the same length as the adjacent extension at number 4 Albert Street. As we

have discussed, the width of the feu extends to only 6.5 metres and demonstrated the problems created by reducing the width. Furthermore as stated previously, the Interim Guidance on conservation areas does not preclude the erection of extensions greater than one storey. This is not a full second storey, only one room.

- 3.25 The following paragraph in the Report of Handling states that *“the extension to the rear of number 4 Albert Street demonstrates the harm that can occur by such long and wide extensions”*. We disagree with this statement, and would suggest that that development demonstrated the harm that can be caused by *poorly designed* extensions. Furthermore, the plot at number 4 is almost double the width of number 6, therefore there may have been an opportunity to reduce the width of this extension.
- 3.26 A further point raised in this chapter is that the extension would result in *“overdevelopment of the site”*. Given the size of the feu, an extension of any size is going to have an impact. The extension is the same width as the original building, however a degree of separation between the existing building and the extension is achieved through the glazed corridor, which respects the original building, rather than ‘merging’ the two together

#### ***Amenity***

- 3.27 The last paragraph on page 7 states that the development would cause a *“loss of light to a number of the rear windows and would cause over-looking concerns from the link corridor and the terrace above”* at number 8 Albert Walk. The Report then goes on to state that a single storey option had been discussed with ourselves as agents, to overcome these amenity issues.
- 3.28 We would firstly like to point out that we have never received a copy of the objection letter, or discussed the content of this with the Planning Officer, therefore have never had the opportunity to address these issues. Furthermore, we have never discussed the option of a single storey extension with the Planning Officer throughout their consideration of this application.
- 3.29 Although we have not been provided the opportunity to respond to the concerns raised by the neighbour, we would point out that in regards to overshadowing, the window that would be affected would be the ground floor window closest to Russell Gibson. Even if the extension was reduced to a single storey, this would have the same impact on this window.
- 3.30 With regard to potential overlooking from the link corridor, we would suggest that this would be minimal given that this glazed section is simply a passage

way. We would be happy to fit opaque glazing to this section to ensure that no overlooking can occur. Again however, we have not had the opportunity to discuss this with the planning officer. Finally, the terrace on the roof will be used extremely rarely and when it is, it will be in the evenings, when it is likely the adjacent office will be closed.

***Access and Parking***

- 3.31 We note the comments made in the Report of Handling on page 8 relating to the retention of the boundary wall to the rear of the property. We have already stated to the Planning Officer that we would be happy to retain the wall and that this can be included within the proposal. Please see the Proposed Site Plan [A5032/P(-)02].

**4 PLANNING POLICY**

**Scottish Planning Policy**

- 4.1 The new Scottish Planning Policy (SPP) was published in June 2014, and contains a chapter entitled 'Valuing the Historic Environment', which is relevant to this case.

***Policy Principles*** (Para 137)

- 4.2 This paragraph states that the planning system "*should enable change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and their future use*". We consider that the proposed development maintains the importance of the historic building and includes a modern, attractive design to create meaningful commercial floorspace for the future use of the building as office accommodation in this area of Aberdeen.

***Listed Building*** (Para 141)

- 4.3 This paragraph states that "*change to a listed building should be managed to protect its special interest while enabling it to remain in active use*". The special interest of the building on its frontage to Albert Street remains unaltered and the extension to the back of the building is clearly separated. The special and historical interest of the building is very much the terraced frontage and the features found around the windows and doors on this principle elevation. These features remain unchanged. The surrounding area is very much established as a commercial centre in Aberdeen city, therefore this extension will allow the building to remain as such.

***Conservation Areas*** (Para 143)

- 4.4 This section states that “*proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance*”. We do not consider that the proposed extension will adversely impact on the character or appearance of the Albyn Place / Rubislaw Conservation Area, for the reasons outlined above. The design and quality of the extension is such that it will have no adverse impact on the Conservation Area.

**Aberdeen Local Development Plan (2012)**

- 4.5 The key planning policies relevant to the proposed extension area, contained in the Aberdeen Local Development Plan 2012 are summarise below:

***Policy D1 – Architecture and Placemaking***

- 4.6 Policy D1 encourages high standards of design and identifies a range of factors that are required to be considered. The policy highlights factors such as siting scale, massing, colour, materials, orientation and details as important in achieving high design standards. This has been considered through the design of the proposed extension, as follows:
- The scale of the building relates to existing building lines and neighbouring properties.
  - The overall floor area of the extension is less than that of the existing building and in visual terms, is clearly secondary to the existing building.
  - The proposed material palette will complement the existing building, providing an honest break between the old and new.
  - The extension has been designed to work with the operational arrangements of the commercial occupiers.
  - The extension has been designed to sit as ‘lightly’ as possible against the existing building, with the glass link minimising the visual and physical impact on the existing structure.
  - It is clear that the extension will not only be of a high design standard and quality, but that it will also serve its purpose as a much-needed and commercially viable extension for the commercial use of the building today and in the future.
- 4.7 Policy D1 also requires new development to make a positive contribution to its setting. We would propose that the extension would preserve, if not contribute to the conservation area. The high quality finish and materials will result in a successful modern extension to an existing building with historical merit.



**Policy D5 – Built Heritage**

- 4.8 Policy D5 requires that the proposals in conservation areas and listed buildings, must comply with Scottish Planning Policy (SPP). We have set out above our consideration of the proposal against the SPP, and therefore in accordance with Policy D5. We maintain that the design and quality of the proposed extension would meet the policy principles as set out in SPP and will not have a detrimental impact in the overall conservation area and listed building. National and local policy appreciates that simply because a building is listed, does not prohibit any changes to it to occur. This innovative design will complement the existing building and is a good example of how a modern design can be accommodated on an attractive traditional building.

**Policy B13 – West End Office Area**

- 4.9 The proposed extension is located within the West End Office Area, therefore Policy B13 applies. This policy states that applications for a change of use for office purposes will be favourable. Furthermore, the supporting text states that the location is a high quality office area on the edge of the City, where the Council will encourage and promote continual commercial development. The proposal is entirely in line with this Policy and will deliver additional high quality office accommodation.

- 4.10 Although the Discussion section of the Report of Handling does not address Policy B13, page 11 states that:

*“in principle an extension may be acceptable, the proposed extension is considered excessive”.*

- 4.11 We have previously shown what extension would be permitted if the guidelines were strictly adhered to, which would result in an un-viable extension (see Figure 3), and this does not offer suitable or high quality office floorspace. The occupiers wish to remain in this building, and extend the building not only to serve their purposes now, but also in the future. Extending the building within these confines would not be economically viable and would not ensure the long term viability of the building.
- 4.12 We would suggest, therefore, that the proposal complies with SPP, SHEP and the provisions of the local development plan.

## 5 CONCLUSION

- 5.1 This report has demonstrated that the proposed extension to the existing office accommodation at 6 Albert Street complies with relevant planning policy and will maintain, and enhance the character of the surrounding conservation area. The proposal will allow an existing successful local business to remain in the area and expand. The proposed extension will allow a modern, appropriate extension to an existing traditional building to ensure that this property continues as a successful commercial property both now and in the future.
- 5.2 The high quality design and finish of the proposed extension is not a pastiche mimic of the existing property and nor should it be. The proposal will demonstrate that high quality modern architecture can complement traditional buildings and ensure that the building remains in use.
- 5.3 The Interim Guidance states that extensions should '*not normally*' be more than 30% of the plot and '*not normally*' be wider than 70% of the plot. However this is not a hard and fast rule, and needs to be considered in the context of this narrow 6.5 metre plot. To extend the building within these limitations would lead to an unviable development that is not fit for purpose.
- 5.4 In summary:
- The site is located within the West End Office Area, where Local Development Plan policy B13 encourages commercial development;
  - The entire building frontage, and adjacent terrace will remain unaltered. The uniform street frontage and the features within the terrace are what makes the building special and are why the building is listed. The proposed development will have no impact on this;
  - The extension has been clearly separated from the listed building by a glazed link to retain the original building line and clearly define the old and new;
  - The extension is not greater in length to the adjacent extension at 4 Albert Street. It also does not encroach further into the plot than any of the hard standing or car parking along the terrace;
  - This is not a full two storey extension, but instead a small meeting room space is to be accessed off the first floor.
  - The development will not have a negative impact on the surrounding area, on the contrary, it will create an attractive, high quality feature to the rear of the property;
  - The development will allow a successful local business to remain in the area and ensure the building remains in active use now and in the future.

5.5 We therefore respectfully request that this review be sustained and Full Planning Permission granted.

**Appendix 1:**  
Letter from Russell Gibson to Planning Officer



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Aberdeen, AB25 1XQ

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The Planning Department  
Aberdeen City Council  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Ref ARB/TGH/HAS

29<sup>th</sup> April 2014

Dear Sir/Madam

### Re Application to extend the office space at 6 Albert Street

Russell Gibson was established in 2008 to provide a bespoke financial planning service to its clientele being predominately business owner and entrepreneurs based in the City.

Since inception the company has been rewarded for providing a high end service based proposition by an average annual year on year increase in turnover of 30% p.a. This has come from a predominately fee based income stream. This increase in turnover has been fed by existing client referrals. The expectation is to expand these services to client bases throughout Scotland and major UK Cities.

We moved to Albert Street in 2010 and have gradually upgraded the fabric of what had become a tired building over the years. This was undertaken to assist in housing the increasing staff numbers required to service the growing business needs.

As the business has grown we have recruited a number of staff and are in the process of filling two further senior positions bringing the number to 10. We have also taken the stance to provide student internships from the early years and have taken on a full time trainee financial planner from this source. The expectation is a further two staff members will be required by the turn of the year seeing the staffing levels rise by 50% in 2014 alone.

The expectation is that over the next 5 to 10 years the company turnover will treble and staff numbers increasing to around 20 for the head office over this period.

As an organisation we are at the forefront of our industry not just on a local basis but nationally within both Scotland and the UK. All three planning advisors hold Certified Financial Planning Status and it is a requirement of the Company that advisors need to attain this higher level of academic performance (well above the industry standards) before they can represent the organisation in an advisor role.

The Company's offices are located in the heart of what we see is the Financial/Professional Services District of Aberdeen with many Accountancy and Legal practices located in the vicinity. It is important for ourselves, clients and fellow professionals that we are able to be located in Albert St where we can utilise our skills and integrate with the financial and service professional communities.

With many oil industry organisations leaving the city centre to rehouse in large office spaces on the edge of the City we feel our application to develop our current accommodation is timely in that it remains important to continually upgrade the fabric of the traditional offices spaces in

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and regulated by the Financial Conduct Authority

Registered in Scotland No SC333657  
Registered Office: R&A House, Blackburn Business Park,  
Woodburn Road, Blackburn, Aberdeenshire AB21 0PS  
Directors: Alan R Ball, Tom G Hyslop

the West End of the City so they remain fit for purposes in the 21<sup>st</sup> Century. We feel that both Aberdeen and specifically Albert St is the best location for our business.



To date we have rejected the stance of many of our direct competition who have housed their organisations in the central belt of Scotland and only entered the city to see clients keeping their staffing costs low and not putting anything into the community. As an organisation we support local business at every opportunity and have retainer contracts utilising services with providers of IT, PR and various trades to name just a few. In addition we support the local VSA Charity both by way of sponsorship (currently main sponsor of the VSA PGA Golf event 15<sup>th</sup> May) as well as closing our doors for a day each year to utilise the staff services in doing good deeds for whatever the VSA have identified as a meaningful project.

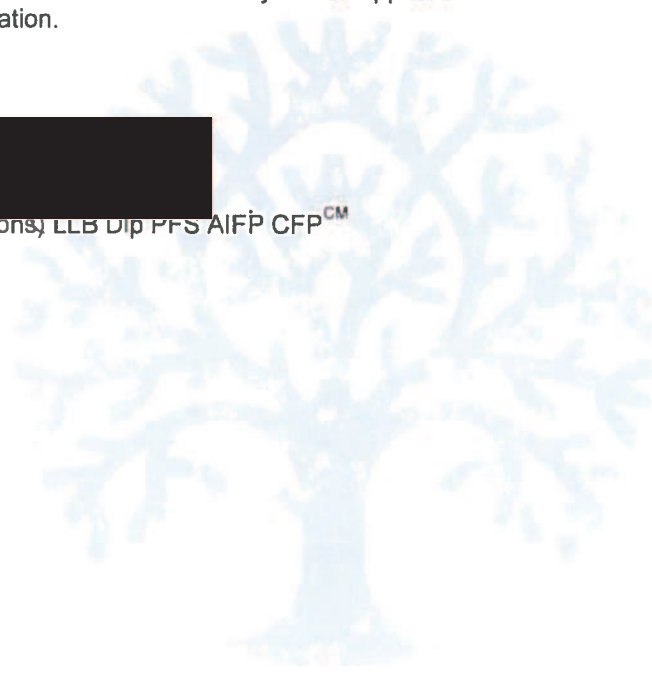
It is our long term desire that when we expand into the rest of the country we do it with a base in Aberdeen rather than the reverse. The ability to expand the organisation within our existing building goes a long way to ensure this will happen with the increasing jobs being provided within Aberdeen City Centre as well as our ability and need to utilise other local business providers.

We hope that the Council look favourably on our application which we would look to develop to a high specification.

Yours faithfully



Alan Ball MA(Hons) LLB Dip PFS AIFP CFP<sup>CM</sup>  
Director



**Appendix 2:**  
Images of similar materials

Examples of similar materials on extensions to traditional buildings:





**Appendix 3:**  
Photo Image of Extension



HALLIDAY FRASER MUNRO  
PLANNING

P2001/CD

29 October 2014

**Aberdeen City Council**  
Planning and Sustainable Development  
Enterprise, Planning and Infrastructure  
Business Hub 4  
Ground Floor North  
Marisshall College  
Broad Street  
ABERDEEN  
AB10 1AB

Dear Sir / Madam,

**NOTICE OF REVIEW  
PLANNING PERMISSION FOR AN EXTENSION TO AN EXISTING OFFICE TO  
PROVIDE ADDITIONAL OFFICE AND SUPPORT ACCOMODATION  
APPLICATION REFERENCE: 140714  
For Russell Gibson Financial Management**

I refer to the above project and enclose a completed Notice of Review Form and the following documents to form a Notice of Review in respect of the refusal of application 140714 – Planning permission for an extension to an existing office to provide additional office and support accommodation:

- Completed Notice of Review Form;
- Location Plan [A5032 / P (-) 01];
- Proposed Site Plan [A5032 / P (-) 02];
- Floor Plans [A5032 / P (-) 03];
- Proposed Elevations [A5032 / P (-) 04];
- Proposed Rear Elevation Plan [A5032 / P (-) 07];
- Planning and Design Statement;
- Travel Plan [dated March 2014];
- Letter from Applicant to the Planning Service [dated 29<sup>th</sup> April 2014];
- Planning Review Statement
- Decision Notice [dated 31<sup>st</sup> July 2014];
- Officer's Report of Handling.

Following the Local Review Body's consideration of the submitted information, a single hearing session is respectfully requested. This would allow the opportunity to outline the circumstances of the case directly to members of the Local Review Body.

I trust that the enclosed information is sufficient to allow the Review to be registered and progressed. Should you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully



**Christine Dalziel**  
**Senior Planning Consultant**  
**Halliday Fraser Munro**

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6 CARDEN PLACE  
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Ref ARB/TGH/HAS

29<sup>th</sup> April 2014

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We hope that the Council look favourably on our application which we would look to develop to a high specification.

Yours faithfully



**Alan Ball** MA(Hons) LLB Dip PFS AIFP CFP<sup>CM</sup>  
Director



## **THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

### **Refusal of Planning Permission**

Halliday Fraser Munro  
Carden Church  
6 Carden Place  
Aberdeen  
AB10 1UR

on behalf of **Russell Gibson Financial Management**

With reference to your application validly received on 13 May 2014 for Planning Permission under the above mentioned Act for the following development, viz:-

**EXTENSION TO EXISTING OFFICE TO PROVIDE ADDITIONAL OFFICE AND SUPPORT ACCOMMODATION**  
at **6 Albert Street, Aberdeen**

the Council in exercise of their powers under the above mentioned Act hereby REFUSE Planning Permission for the said development as specified in the application form and the plan(s) and documents docketed as relative thereto and numbered as follows:-

A5032/P(-- )01; A5032/P(-- )02; A5032/P(-- )03; A5032/P(-- )04;  
A5032/P(-- )05; A5032/P(-- )06.

The reasons on which the Council has based this decision are as follows:-

The proposed rear extension due to its scale and mass is contrary to the Interim Supplementary Guidance Conservation Area Character Appraisals and Management Plan, July 2013, which is a material consideration for extensions within Conservation Areas, and Scottish Planning Policy, Scottish Historic Environment Policy, and Local Development Plan Policies D1 (Placemaking and Architecture) and D5 (Built Heritage), and Managing Change: Extensions (Historic Scotland). In particular, the extension is overly long, wide and high, and obscures many of the features of the building, which is Category B listed, including dormer window, windows, and the eaves. Due to the design of the rear extension, being bulky, it would appear as an alien feature, particularly at first floor level within the terrace obscuring the eaves

GORDON McINTOSH  
DIRECTOR

**Continuation**


which is a unifying feature of the terrace and the traditional dormer window. The proposal would not preserve the setting of the listed building nor would it preserve the character of the Conservation Area from within public areas of which it would be visible.

The proposed demolition of the boundary wall to accommodate additional car parking is considered unacceptable. The wall, which runs parallel with Albert Walk and part way into the feu, contributes to the character of the Conservation Area and defines the historical feu. The deterioration of back lanes and removal of boundary walls would have an adverse impact on the setting of the listed building and would not preserve or enhance the character of the Conservation Area, contrary to the Interim Supplementary Guidance Conservation Area Character Appraisals and Management Plan, July 2013, Scottish Planning Policy, Scottish Historic Environment Policy, Local Development Plan Policy D5 (Built Heritage), and Managing Change: Setting (Historic Scotland).

The proposal, if approved, would set an undesirable precedent for similar developments in the Albyn Place/ Rubislaw Conservation Area that would adversely affect and undermine the special character of the area as a result of the impact on the rear lane and rear feus, and on the terrace of listed buildings.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- A5032/P(--01; A5032/P(--02; A5032/P(--03; A5032/P(--04;  
A5032/P(--05; A5032/P(--06.

**Date of Signing 31 July 2014**



**Dr Margaret Bochel**  
Head of Planning and Sustainable Development  
Enc.

**NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF  
PLANNING APPROVAL**

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions*

1. If the applicant is aggrieved by the decision of the planning authority to –
  - a. refuse planning permission for the proposed development;
  - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
  - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

Planning and Sustainable Development  
Enterprise, Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Gordon McIntosh  
Corporate Director





**RUSSELL GIBSON**  
FINANCIAL MANAGEMENT

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## **PLANNING AND DESIGN STATEMENT**

OFFICE EXTENSION AT 6 ALBERT STREET, ABERDEEN, AB25 1XQ

PREPARED BY HALLIDAY FRASER MUNRO

ISSUE 01, MAY 2014

## INTRODUCTION

This Planning and Design Statement has been prepared by Halliday Fraser Munro, Chartered Architects and Planning Consultants.

The document is written in support of a planning application to develop a 127.2 sqm extension of the existing office accommodation at 6 Albert Street, Aberdeen. It will demonstrate how the proposal has been carefully considered within the immediate and wider context.

The extension is proposed to the rear of the existing building to provide additional space for the applicant's growing business - including open plan, meeting, storage and staff rooms.

**CONTENTS**

**1.0 LOCATION**

**2.0 CONTEXTUAL ANALYSIS**

**3.0 SITE/BUILDING APPRAISAL**

**4.0 EXISTING BUILDING**

**5.0 DESIGN CONCEPT**

**6.0 DESIGN STATEMENT**

**7.0 PLANNING STATEMENT**

**8.0 PROPOSAL DRAWINGS**

## 1.0 LOCATION

6 Albert Street is located within a popular business district of Aberdeen city centre, namely the West End Office Area. It sits within a traditional terrace block, on a prominent street running south to Union Street and north to Rosemount.

6 Albert Street is located within the southern part of the terraced block and has a narrow plot—measuring approximately 6.5m at the widest point (from boundary to boundary).

The site covers approximately 0.08 acres and comprises of a traditional B-listed granite terrace cottage, built circa 1849, with a small front and large rear garden space and a car park to the rear. The plot and buildings are entirely in office use— contained over 3 storeys (including basement, ground and attic floor).



2.0 CONTEXTUAL ANALYSIS

FIGURE 1

This diagram highlights the site's location within the West End Office area of Aberdeen (pink hatch) and its proximity to several primary thoroughfares through the city centre. The blue line highlights the Conservation Area boundary to which this application relates.

FIGURE 2

This drawing identifies buildings in the surrounding area, which have a similar building footprint to that envisaged for the office extension at 6 Albert Street. The elongated form is common in this district; generally a result of commercial growth and residential expansion.

A dark blue hatch highlights where the building footprint is of a similar length to the proposed Albert Street extension.

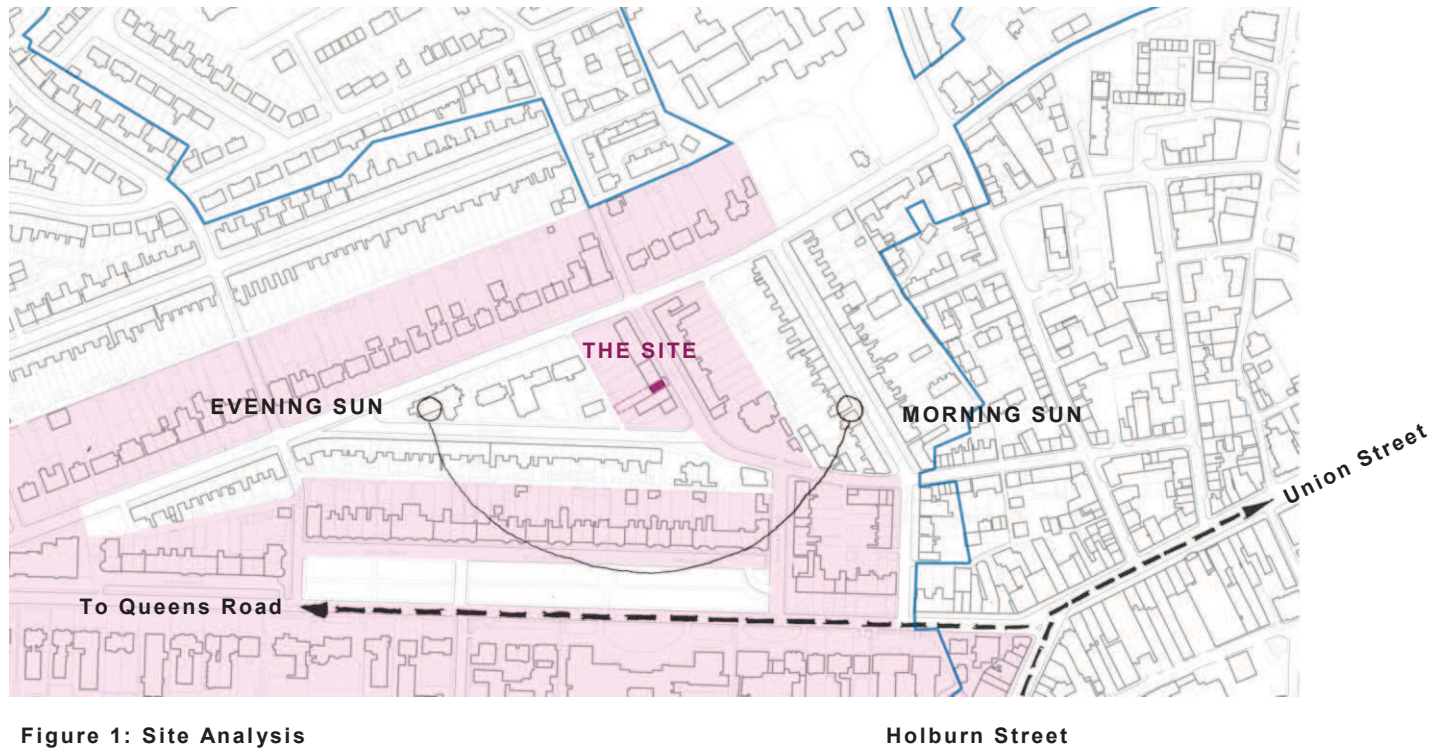


Figure 1: Site Analysis



Figure 2: Building Footprint Analysis

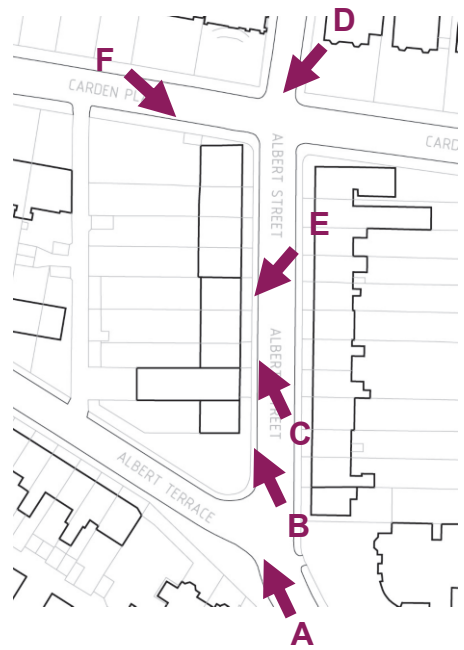


Figure 3: Street view photographs — front

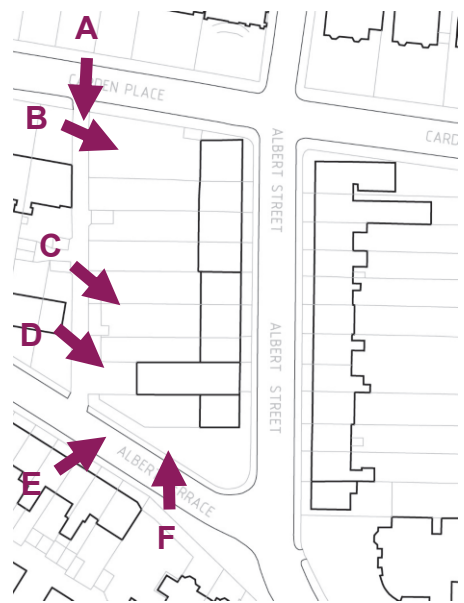


Figure 4: Street view photographs — back

### 3.0 SITE/BUILDING APPRAISAL

#### KEY FEATURES

Terrace block (3 storeys including attic and basement floors)

Albert Street—busy thoroughfare

Service lane with access to individual plot car parking and rear garden space.

Stone walls/hedging/railings used to define public/semi-private space

#### OPPORTUNITIES

Neighbouring one storey extension

Levels at rear of property could provide additional storey of accommodation (basement)

Dual access from existing building and service lane.

Extension could be built independently of existing office.

#### CONSTRAINTS

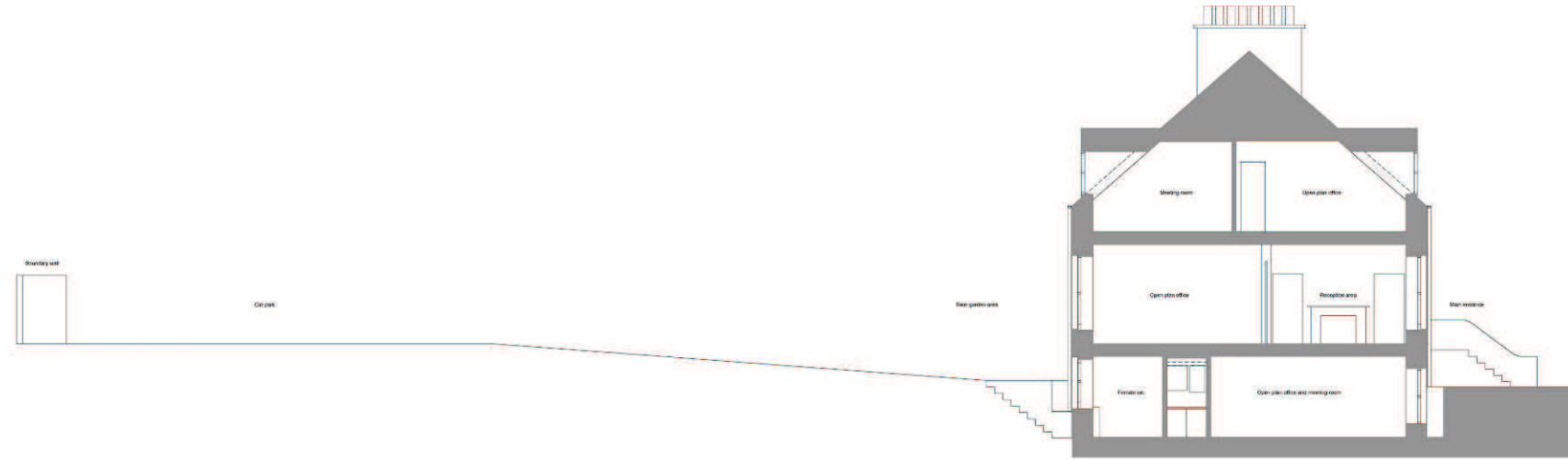
Limited options for window openings—roof and rear elevation (to avoid overlooking)

Narrow building width (6.5m approximate)

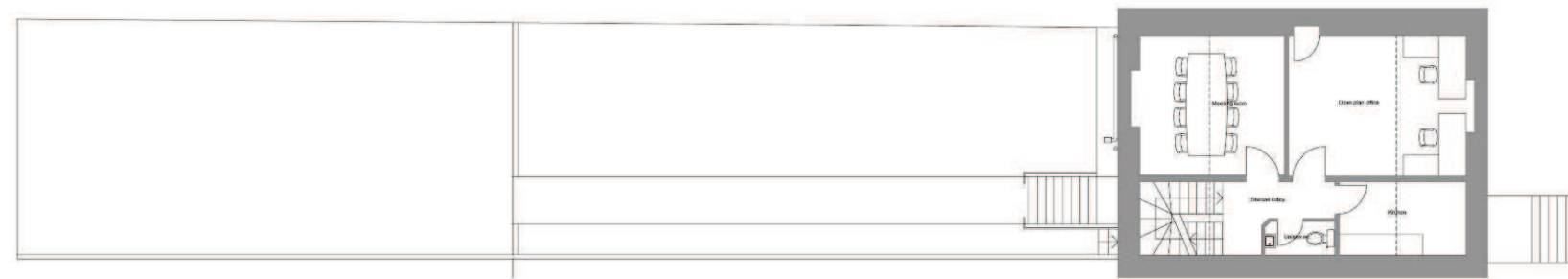
Limited space for car parking

Storey heights influenced by existing levels at rear of property

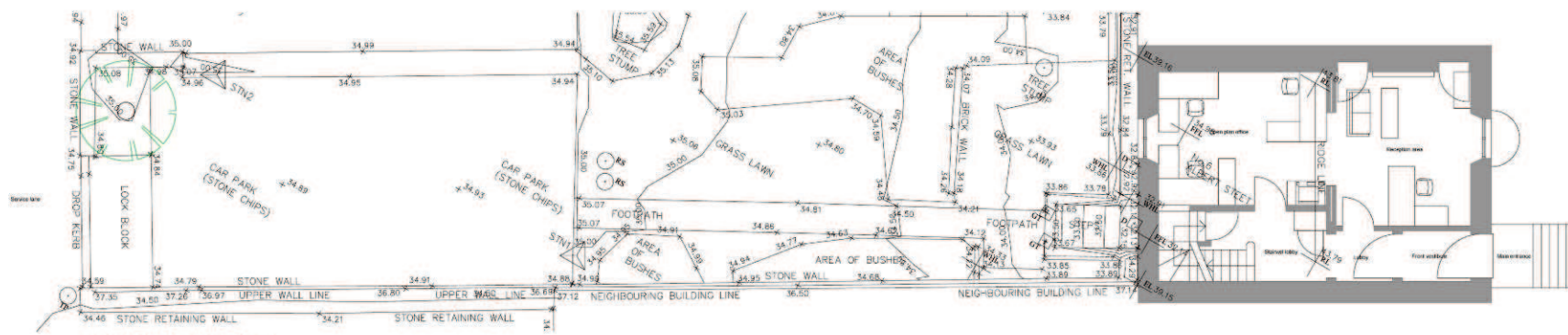
4.0 EXISTING BUILDING



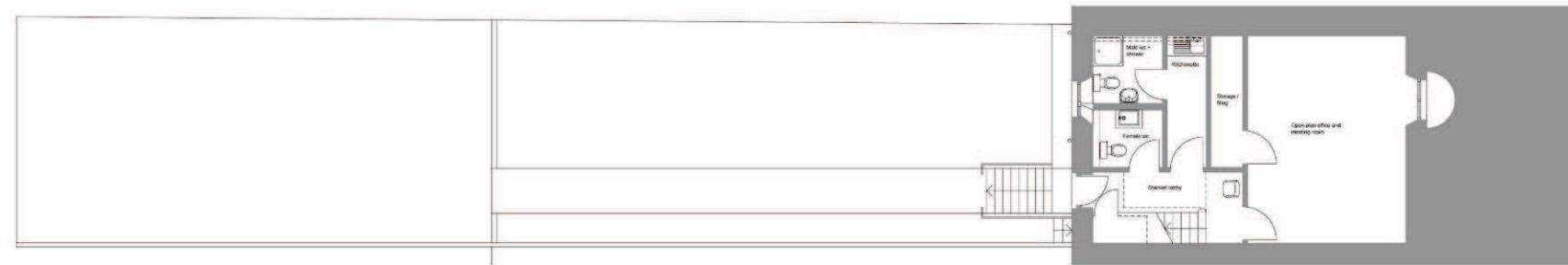
SECTION



FIRST FLOOR PLAN



GROUND FLOOR PLAN



BASEMENT FLOOR PLAN

Figure 5: Existing building drawings

Drawing incorporates topographical survey by Cameron and Ross.

Please note that a detailed building survey has not been undertaken. All dimensions should be checked and confirmed prior to construction.

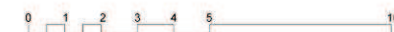


Figure 6: Rear elevation photograph

5.0 DESIGN CONCEPT

CONCEPT DIAGRAM KEY

- 1. EXISTING BUILDING
- 2. PROPOSED MEETING SPACE
- 3. PROPOSED OFFICE SPACE
- 4. PROPOSED STORAGE SPACE (BASEMENT)
- 5. EXISTING GARDEN AND CAR PARK

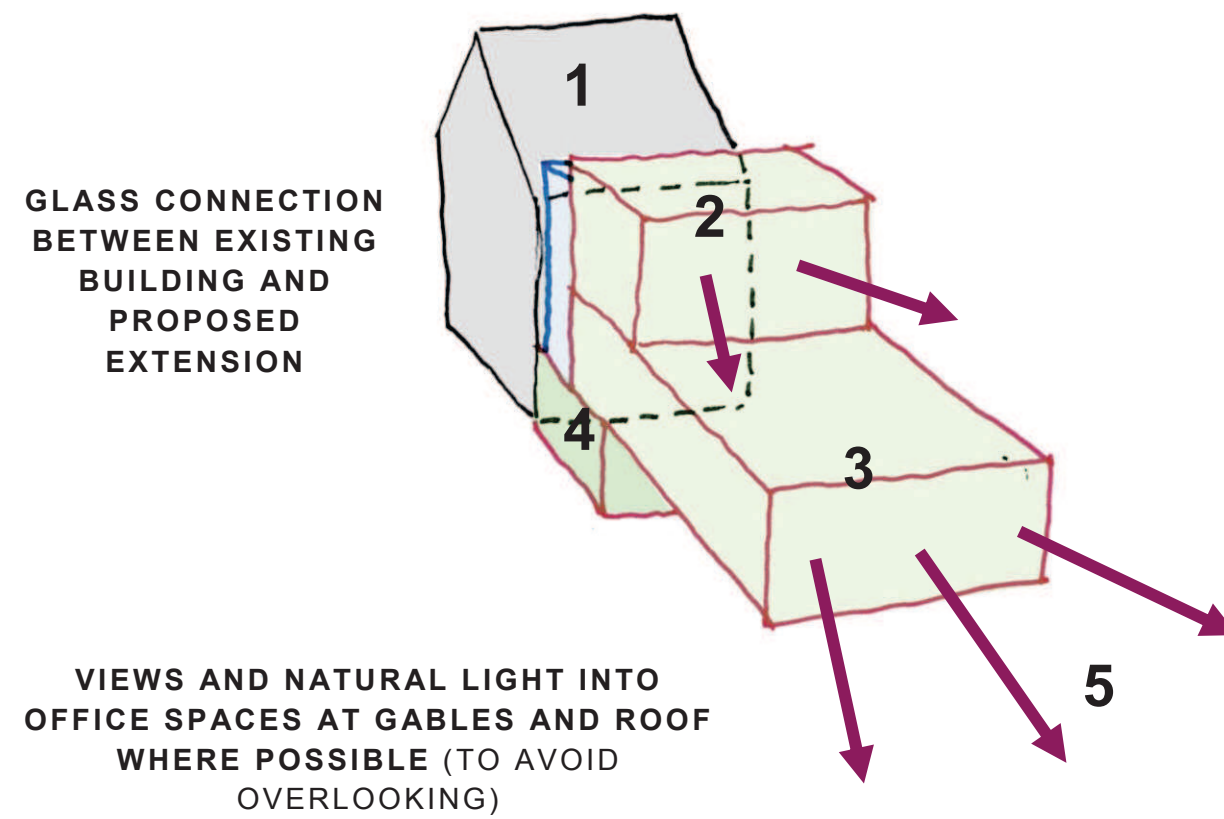


Figure 7: Concept Diagram



## 6.0 DESIGN STATEMENT

### COMMERCIAL CASE

The extension proposed at 6 Albert Street, is being considered in response to the applicants growing business and need for additional office, meeting and support spaces.

Russell Gibson Financial Management is a local business and boasts a predominantly local clientele. They acquired 6 Albert Street in June 2010, in the heart of Aberdeen's commercial district, with a view to remain in these premises for the foreseeable future.

The proposed extension would allow the applicant to remain operational in their current location and continue to attract locally based clients and employees.

### DESIGN CONCEPT

The floor plan of the extension has been arranged simply:-

- One meeting room has been provided on the first floor (providing views over the neighbourhood and offering additional desk space in place of an existing meeting room).
- An accessible WC facility and kitchenette provide much needed facilities which the applicant is unable to provide at present. Open plan office space is provided to the rear, with natural daylight provided by a number of roof lights and windows to the gable.
- A storage room is proposed on the basement floor, which will provide much needed paper and IT storage space. The applicant looked at providing additional desk space on this floor instead but it was deemed unfeasible after site investigations.

The proposed extension will sit as 'lightly' as possible against the existing building. A glass link will minimise the visual and physical impact on the existing structure and will provide an honest break between what is existing and what is new.

Three openings have been identified as appropriate connection points between the existing building and extension.

- On the basement floor, the existing rear doorway will be altered to provide access to the storage room.
- On the ground floor, the large rear window will be altered to provide access to the open plan offices.
- On the first floor, the dormer window will be altered to provide access to the meeting room.

This approach minimises disturbance of the existing building and provides level access to the proposed extension. See figure 8.

### SCALE

The proposed extension responds to the constraints of the site. As previously highlighted, 6 Albert Street is a particularly narrow plot within the terrace. In order to provide a meaningful volume of space for desks and circulation, the full width of the site is required (at full width, the space allows for 2 desks side by side and a corridor for fire escape). The overall height of the extension will respond to existing site lines—with the highest point matching the level of the dormer window.

### MATERIALITY

The proposed extension has been designed in contrast and in respect of the existing building. The palette of materials include a high quality pressed metal rain screen, the colouring of which, will respond to the darker hues in the granite. See figure 9 for examples of a similar cladding material. Glass will be clear, with manual operation internal blinds providing solar shading. Access to the roof lights will be provided via the first floor meeting room for ease of cleaning/maintenance. The extension will be designed with high quality details and finishes (both externally and internally).

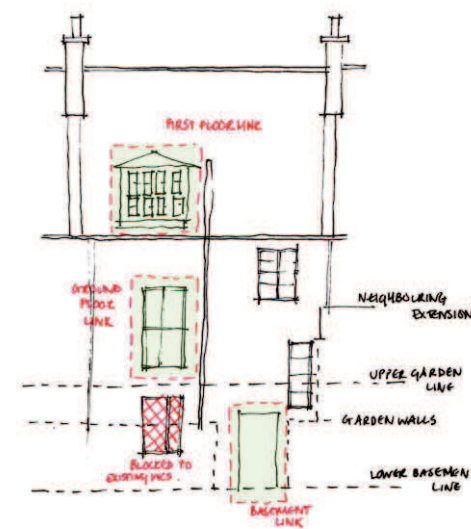


Figure 8: Alterations to existing openings



Figure 9: Material and form precedents

## 7.0 PLANNING STATEMENT

### RELEVANT PLANNING POLICY

Key planning policies relevant to this development proposal are contained within the Aberdeen Local Development Plan 2012 and are summarised below.

#### Policy D1—Architecture and Placemaking

Policy D1 encourages high standards of design and requires new development to be designed with due consideration for its context, to ensure a positive contribution to its setting. It highlights factors such as siting, scale, massing, colour, materials, orientation and details as important to achieving this. Each of these has been carefully considered in the proposals for the extension at 6 Albert Street:-

- The overall floor area of the extension (including basement) is less than that of the existing building and in visual terms, is secondary to the existing building.
- The scale of the building relates to existing site lines and neighbouring properties.
- The proposed extension will allow the continuing success of this business.
- The extension has been designed to work with the existing operational arrangements of Albert Street in terms of rear access and parking.
- The proposed material palette will compliment the existing building, providing a honest break between the old and new.

#### Policy D5—Built Heritage

Policy D5 seeks to protect the character of Listed Buildings and Conservation Areas and limits appropriate development to that which complies with Scottish Planning Policy. In terms of extensions to Listed Buildings, the Scottish Historic Environment Policy (December 2011) states that:

*‘The majority of listed buildings are adaptable and have met the needs of successive generations while retaining their character. Change should therefore be managed to protect a building’s special interest while enabling it to remain in active use. Each case must be judged on its own merits but in general terms listing rarely prevents adaption to modern requirements but ensures that work is done in a sensitive and informed manner.’ (SHEP para 3.35)*

6 Albert Street is a category B listed building (listed on 12/01/1967) and was built around 1849. The terrace is Grade A listed. It is appreciated that any alterations to this building will demand a sensitive approach to the surrounding context. As a result, careful consideration has been given to the material choices, building footprint, building height, building form, opening/window placement and the overall quality of development.

SHEP recognises that, despite a building being listed, this does not prevent appropriate extensions being established. The opportunity exists to adapt an old building for modern purposes, subject to a sensitive design.

#### Policy B13—West End Office Area

6 Albert Street is located within the ‘West End Office Area’ as identified in the Local Development Plan 2012. Policy B13 specifically supports commercial office development in this area. It states that the:

*‘...area is a prestigious, high quality office location on the edge of the city centre, readily accessible by public transport and which also provides off street car parking and space for expansion... We will encourage and promote the continual development of this area.’ (Section 3.34)*

The proposed extension at 6 Albert Street is entirely in line with this strategy, taking advantage of the ‘space to expand’ to create additional high quality office accommodation. The applicant is very keen to remain in this area, and particularly in this building, which has been established for their business.

#### Albyn Place/Rubislaw Conservation Area Appraisal

The site’s position within the Albyn Place and Rubislaw Conservation Area is a further important consideration. In terms of the July 2013 Conservation Area Appraisal, Albert Street is defined within Character area A, described below:

*‘Originally built as residential dwellings, the majority of buildings...now house commercial premises...The majority of commercial premises were not designed with a rear extension although some have had modest rear ones added.’ (p 10)*

The Conservation Area Appraisal identifies a number of ‘opportunities’ and ‘threats’ to the quality and character of the area. A key opportunity is noted below:

*‘High quality extensions that respect, compliment and add to the character of the*

*Conservation Area' (p 52)*

Key threats are also highlighted below:

*'Loss of the original pattern of development and boundary walls of back land development due to car parking and extensions.'* (p 52)

*'Unsympathetic development that does not reflect or relate to the character of the Conservation Area.'* (p 52)

We propose that the extension to 6 Albert Street is of a high quality, to match that of the existing building—in terms of design, build quality, material, finish and detailing.

The relevant key characteristics, which are required to be retained/protected/conserved are:

- *Linear tree lined streets*
- *Build line and garden space*
- *Back lane wall/garage/features—undeveloped residential/developed commercial properties*
- *Street light fittings*
- *Ironwork on guttering and down pipes*
- *White timber sash and case windows*
- *Two storeys, possibly with basement*
- *Ashlar granite*
- *Terraced buildings—either plain detailing or ornate detailing with door and window lintel and string course, accessed by a fly over*

The characteristics which will be affected by this proposal are noted below:

The build line and garden space at the front of the building will remain untouched. To the rear, the form of the proposed extension will be set forward from the façade, to ensure that the existing building line is visible. The scale of the rear garden space does not relate to the current requirements of the building use—planters and paving will be incorporated at the gable end of the proposed extension. In terms of Ironwork on guttering and downpipes—the original guttering and downpipes will be retained as far as possible and will be sensitively re-routed as required for the addition. Existing white timber sash and case windows will be retained and only where a connection is required to the proposed extension, will the opening be appropriately altered.

#### Conservation Area Appraisal—Specific Guidance

We have found a conflict between the aims of the West End Office Area and the Conservation Area guidance; which has lead us to provide the following justifications/statements in response to some of the guidelines. We have assumed that this list should include Albert Street.

*'The terraced properties in the West End Office Area are all Category B listed buildings and, as such, are more sensitive to inappropriate development. There can sometimes be a conflict between the drivers of supporting commercial development on the one hand and conserving our historic environment on the other. These terraces are:*

*1-16 (inc) Albyn Terrace;*

*1-10 (inc) Queen's Terrace;*

*1-26 (inc) Rubislaw Terrace'*

*(P. 19, Section 2.4, Aberdeen City Conservation Area Character Appraisals and Management Plan, Strategic Overview and Management Plan, July 2013)*

The following provides a response to the 'Guidance for individual named conservation areas—Q/ Albyn Place/Rubislaw Conservation Area, Rear extensions to terraces in the West End Office Area' (p 19)

#### *Q1 Relationship to the principal building*

*'...Any extension should allow the listed building to be understood and appreciated. The form, scale, design and materials of any proposed development should complement and relate to the principle building and not normally exceed 30% of the original rear garden size...' (p 19)*

The extension is set apart from the existing building with a glass link (marked 'A' on figure 10) — ensuring minimal visual and physical disruption to the terrace and reinforcing the break between old and new. See figure 10. This approach allows the building to be read honestly in terms of how it has been adapted for current use.

It is impractical to extend the office by 30% within this particular plot. A 30% extension would not provide sufficient desk space to allow the business to expand effectively. Please refer to the applicant's supporting letter for forecasted staff expansion. Given that the applicant is keen to provide an accessible facility and staff welfare facilities on the ground floor (neither of which are currently possible), the space left over would amount to only 2 desk spaces (see figure 11). The

cost of building an extension of this size compared to the productive output, unfortunately does not stack up.

The proposed material palette has been designed to compliment the existing. The pressed metal rain screen cladding panels and full height glass will be of a high quality, with appropriate detailing and finishes to match the quality of the existing building.

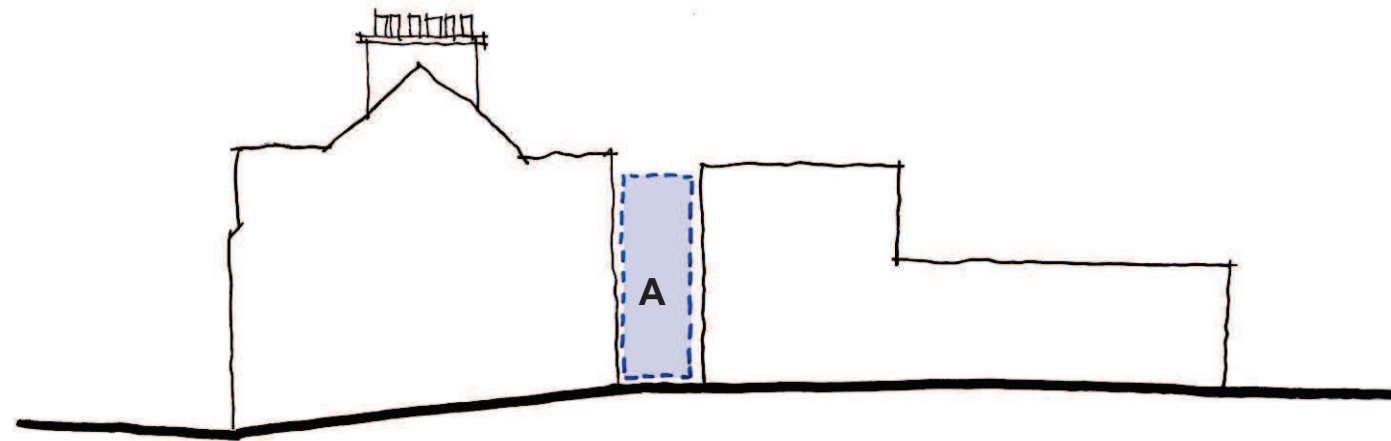


Figure 10: Material and form precedents

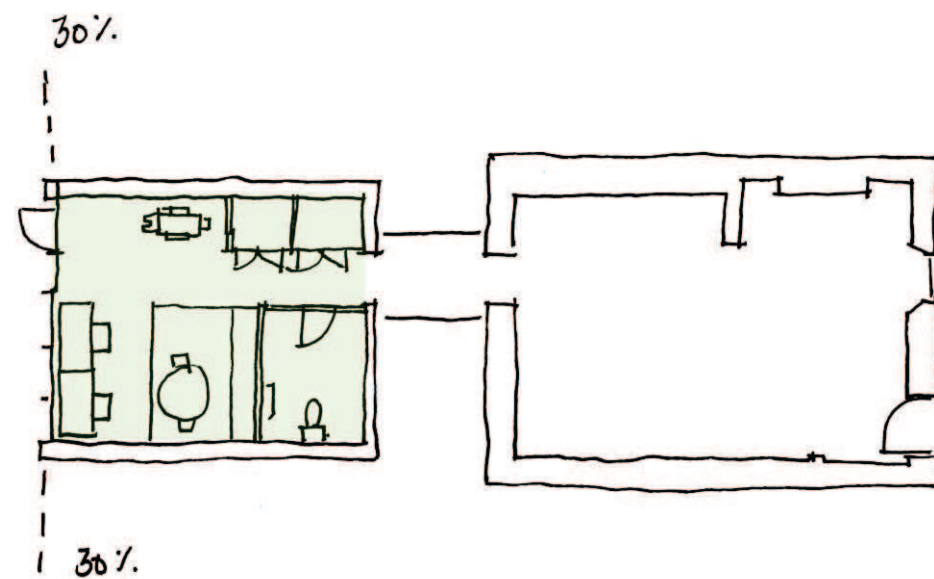


Figure 11: 30% length study

Early in the design process, we explored an option for a larger basement floor with open plan office accommodation—and a single storey ground floor extension. This provided sufficient space for expansion, however, was unfeasible due to the location of the foundations of the neighbouring extension. See figure 13.

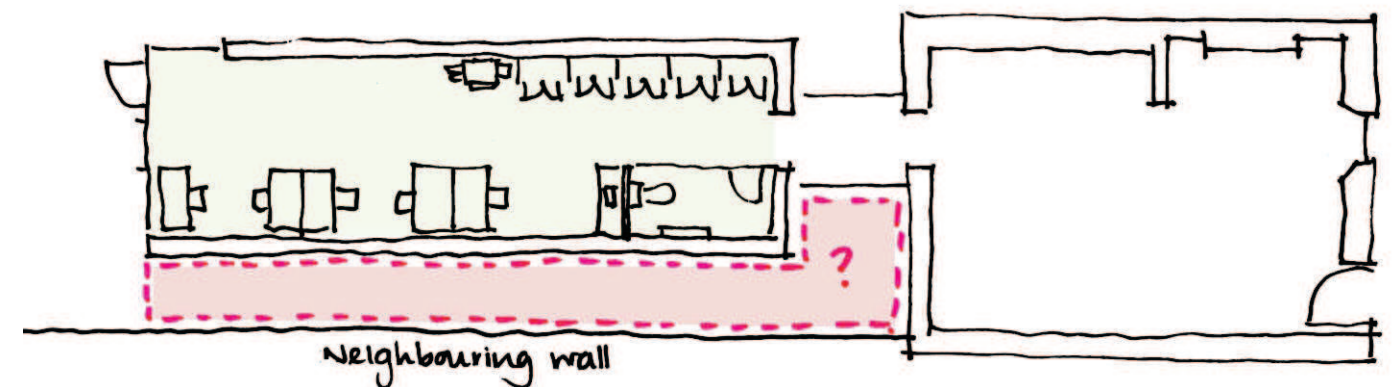


Figure 12: 70% width study

**Q1 Relationship to the principal building**

'..The traditional extension building form is an offshoot to the side of the building. Where an extension is centrally positioned across the rear of the listed building it should not normally exceed more than 70% of the feu width and respect the location of existing windows and doors. In general extensions should not be greater than a single storey in height above ground level (excluding sub basement level if present) unless:

(i) the design is of an exceptionally high quality with reference to scale; massing; materials; detail and setting and/or

(ii) it can be demonstrated to the satisfaction of the local planning authority that a larger extension is required to act as enabling development to secure long term viability of the listed building.' (p 19)

This particular site is one of the narrowest in the terrace at approximately 6.5m wide. Extending by 70% (width) is not practical here, due to location of the existing window through which it is proposed to link the ground floor (existing) with extension. This is the most logical, practical and least disruptive option to link the two structures. The space leftover (if the extension was to cover only 70% of the width) would be an unusable and unattractive corridor down the side of the building—encased on both sides by a solid wall (neighbouring extension/wall and proposed extension). See figure 12. An extension of this width would also inhibit the provision of a meaningful office environment (as only one desk could be provided over the width of the building) and create an unattractive extension in aesthetic terms.

## CONCLUSION

The preceding sections have demonstrated that the proposed extension to the existing office accommodation at 6 Albert Street will be in keeping with the character of the surrounding locale and the Conservation Area. The proposal will allow an existing successful local business to remain in the area and expand. This will be achieved through the addition of an in-keeping, moderate extension to the existing premises.

- The site lies within the West End Office Area, where Local Development Plan Policy B13 encourages commercial development.
- Visual and physical impact on the B-listed terrace building will be minimised as far as possible and will have minimal impact on the wider terrace.
- The extension will be no greater in footprint than the neighbouring extension at 4 Albert Street and will be in keeping with extensions in the surrounding area.
- The resulting proposed built plot ratio is the most practical solution, given the narrow nature of this particular plot and the intended growth of the occupier.
- The proposed extension is largely contained to one storey (above ground), with only a single room proposed to the first floor.
- The extension will compliment the existing building and be honestly expressed as a 'new addition'.
- The proposed development will not alter the layout or operation of the plot, therefore minimising the development's impact on the area.

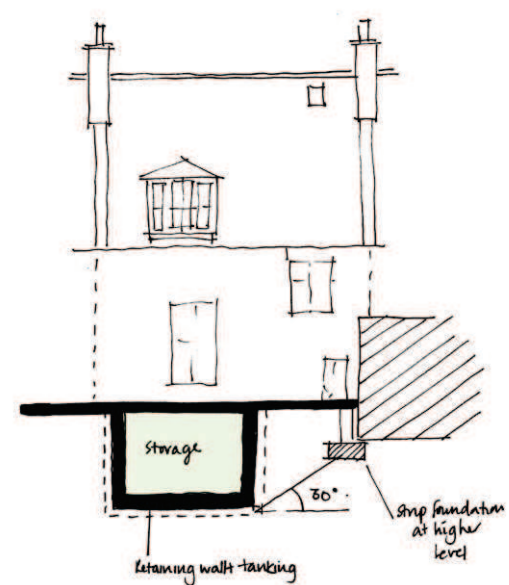
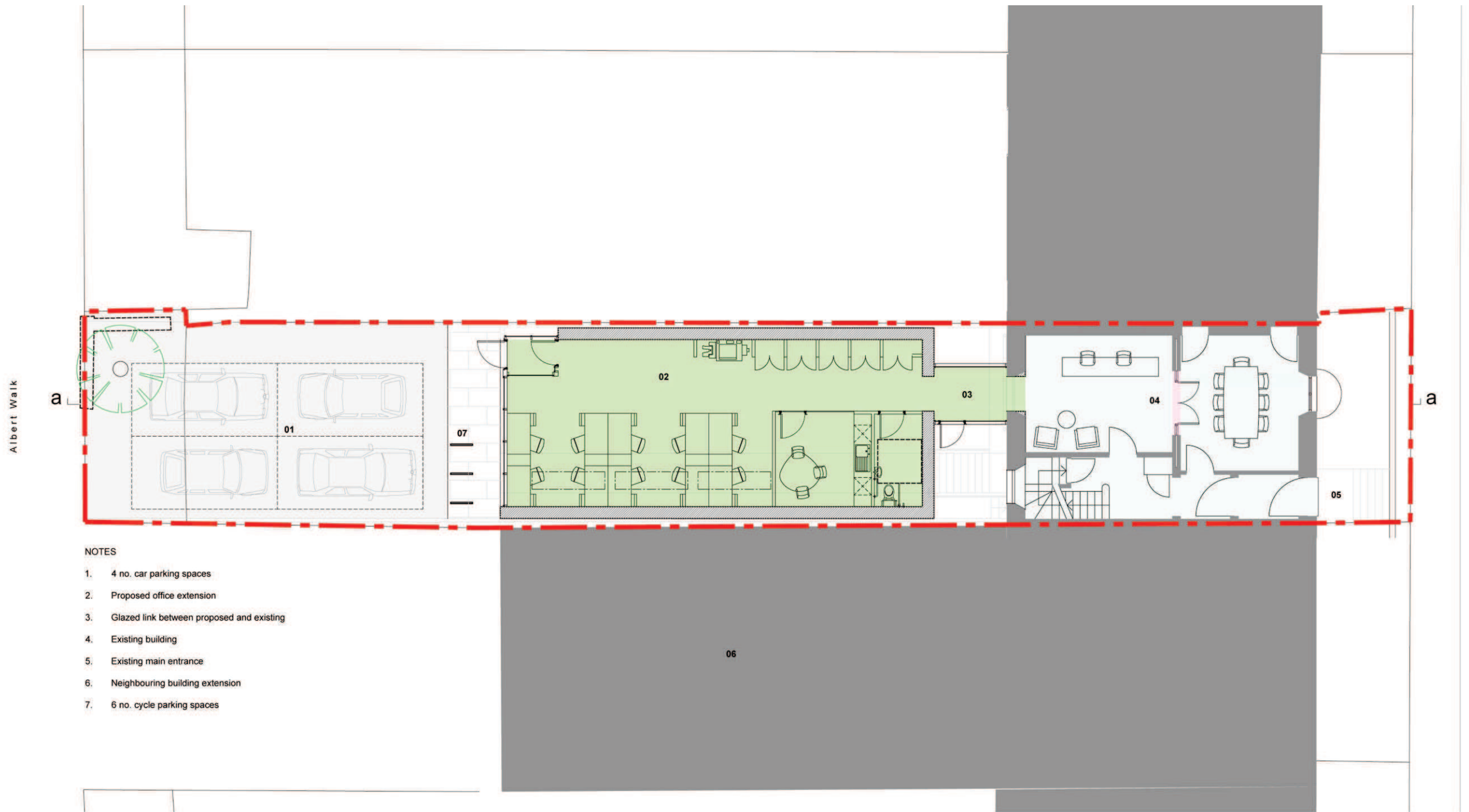


Figure 13: Basement foundations

8.0 PROPOSAL DRAWINGS



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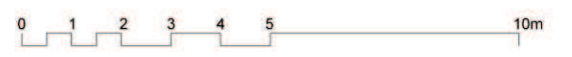


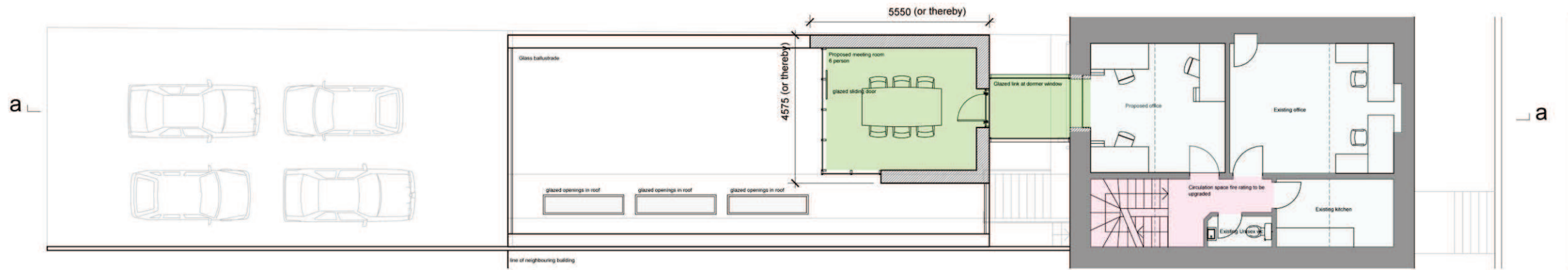
- NOTES
1. 4 no. car parking spaces
  2. Proposed office extension
  3. Glazed link between proposed and existing
  4. Existing building
  5. Existing main entrance
  6. Neighbouring building extension
  7. 6 no. cycle parking spaces

COLOUR KEY

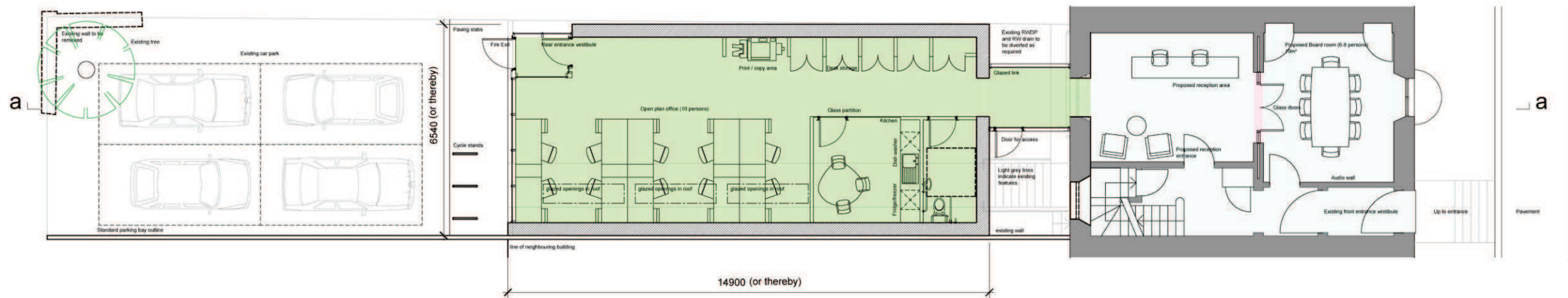
- EXISTING BUILDING
- EXISTING BUILDING ALTERATIONS
- PROPOSED EXTENSION

Please note that a detailed building survey has not been undertaken. All dimensions should be checked and confirmed prior to construction.





FIRST FLOOR PLAN



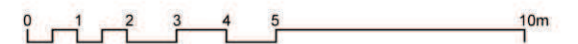
GROUND FLOOR PLAN



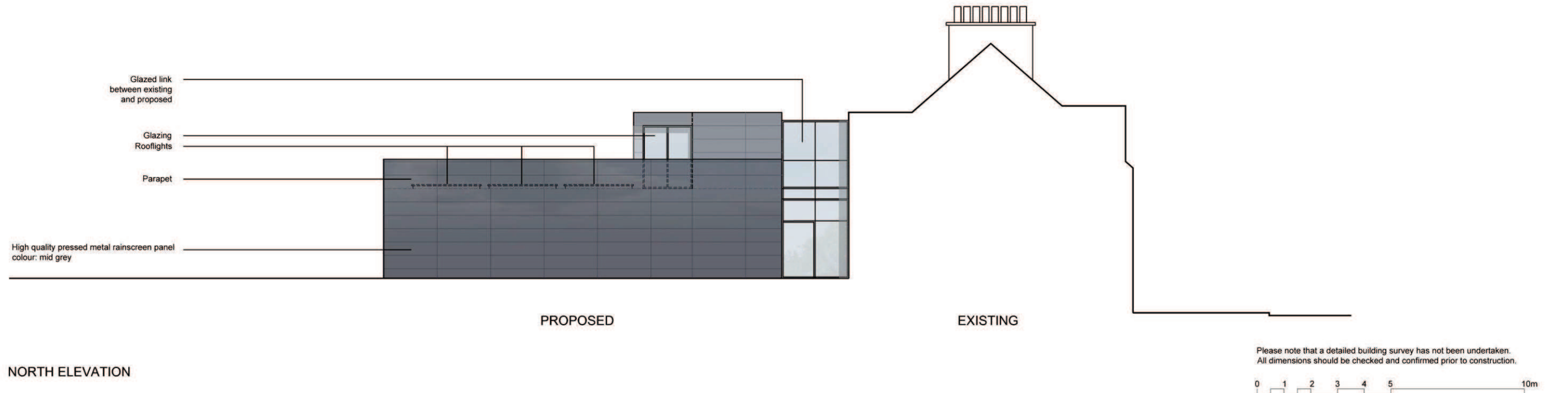
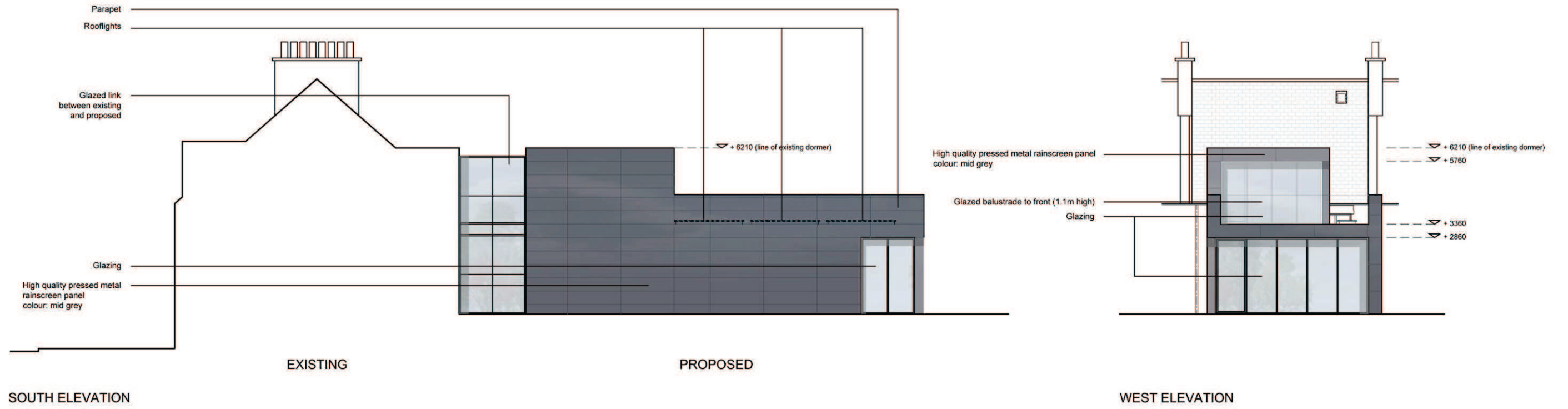
ACCOMMODATION SCHEDULE

All areas are as stated or thereby.  
All areas represent Gross Internal Areas.

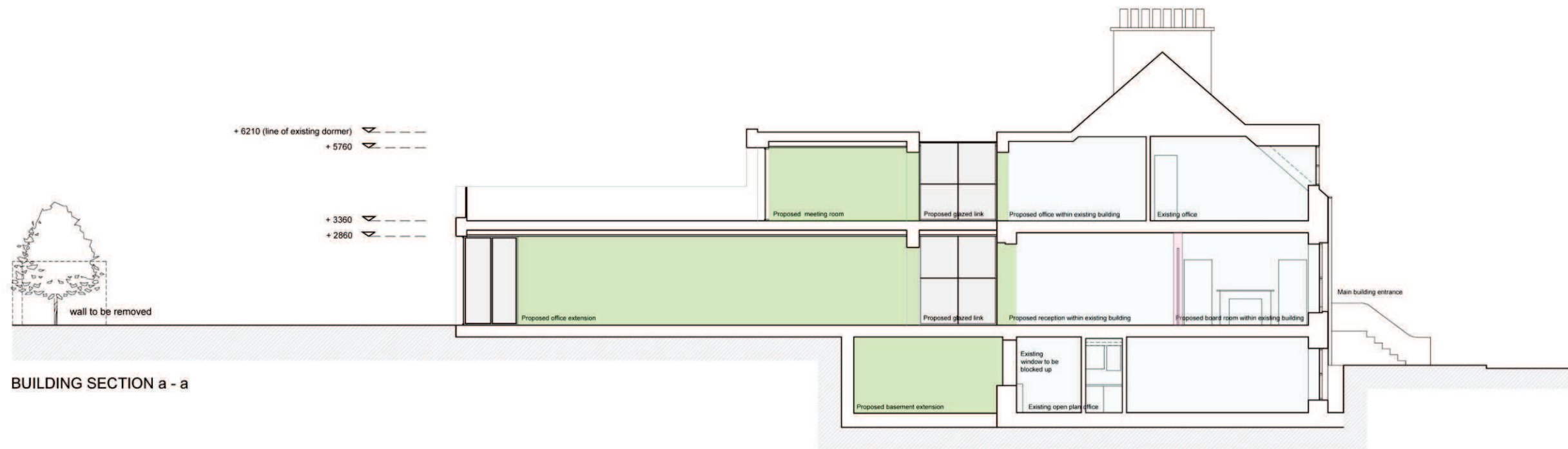
<i>Existing</i>	
First Floor	59.1m <sup>2</sup>
Ground Floor	59.1m <sup>2</sup>
Basement Floor	59.1m <sup>2</sup>
<i>Proposed</i>	
First Floor	22.6 m <sup>2</sup>
Ground Floor	86.8 m <sup>2</sup>
Basement Floor	17.8 m <sup>2</sup>
Existing Car Parking	4 no. spaces
Proposed Car Parking	4 no. spaces
Proposed Cycle Parking	6 no. spaces (external)







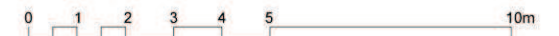
Please note that a detailed building survey has not been undertaken. All dimensions should be checked and confirmed prior to construction.



COLOUR KEY

- EXISTING BUILDING
- EXISTING BUILDING ALTERATIONS
- PROPOSED EXTENSION

Please note that a detailed building survey has not been undertaken.  
All dimensions should be checked and confirmed prior to construction.







**A/13414 – RUSSELL GIBSON FINANCIAL MANAGEMENT, OFFICE EXTENSION,  
6 ALBERT STREET, ABERDEEN**

**TRAVEL PLAN**

**INDEX**

1. INTRODUCTION
2. POLICY CONTEXT
3. TRAVEL PLAN FRAMEWORK
4. EXISTING TRANSPORT LINKS AND ACCESSIBILITY
5. PROPOSED DEVELOPMENT
6. CAR PARKING ASSESSMENT

**APPENDICES**

APPENDIX A:	SITE LOCATION PLAN
APPENDIX B:	PROPOSED SITE LAYOUT PLAN
APPENDIX C:	TRAVEL QUESTIONNAIRE
APPENDIX D:	TRAVEL INFORMATION PACK

## TRAVEL PLAN

### 1.0 INTRODUCTION

1.0 Travel Plans (TP) are new ways of managing the travel of employees and visitors to and from developments. They allow individual organisations to promote more sustainable travel behaviour without reducing mobility or accessibility. The successful implementation of the plan will provide benefits to the developer and the wider community.

1.1 Cameron and Ross present this Travel Plan (TP) on behalf of our Clients, Russell Gibson Financial Management, for proposed extensions to existing commercial premises to form further office space on Albert Street, Aberdeen.

1.2 Russell Gibson Financial Management is situated in the heart of the city of Aberdeen on the West side of Albert Street, approximately 40m metres South of its junction with Carden Place. The central location results in it being well placed to benefit from numerous bus services and is close to Aberdeen train station which allows easy access to Inverness, Glasgow and Edinburgh. A central office development also ensures there are many local amenities for staff with nearby shops, bars and restaurants.

1.3 The total number of employees working from the existing office is 7 full-time and 1 part-time. The standard working day is 9am to 5pm although the office is open between the hours of 8am and 6pm.

Of the current employees, 5 full-time live within 2 miles of the office, 2 drive and 3 walk. Outer city, 1 full-time member travels by train and beyond the city 1 full-time and 1 part-time car share.

It is anticipated that a further 3 full-time staff will be employed within the next 18 months.

Car sharing among the employees already takes place, with this thought to continue.

1.4 A Site Location Plan is provided in Appendix A.

### 2.0 POLICY CONTEXT

#### 2.1 NATIONAL, REGIONAL AND LOCAL TRANSPORT STRATEGIES

2.1.1 The TP takes account the national planning policies within documents "Scottish Planning Policy (2010)" and PAN75-Planning for Transport. Similarly this travel plan provides an accessibility assessment of the site by non car modes including walking, cycling and public transport which alongside Aberdeen City Council, adopts the same vision as detailed in the Local Transport Strategy, (LTS) to develop "a sustainable transport system that is fit for the 21st Century, accessible to all, supports a vibrant economy and minimises the impact on our environment".

- 2.1.2 The LTS was developed to set out the policies and interventions adopted by Aberdeen City Council to guide the planning and improvement of the local transport network and was developed within the wider policy framework provided by both the Scottish Government and Nestrans (the Statutory Regional Transport Partnership), including the Regional Transport Strategy (RTS) and National Transport Strategy (NTS), all of which revolve around the same vision of prioritising sustainable transport modes which are focussed upon within this TP.
- 2.1.3 The Aberdeen and Aberdeenshire Structure Plan, North East Scotland Together, also known as NEST is also considered along with the Aberdeen City Local Plan.
- 2.1.4 The above puts the emphasis on “the core objectives of the plan to focus future development on existing settlements and to reduce both the need to travel and the environmental cost of travelling”.
- 2.1.5 The Aberdeen City Local Plan in principle supports office development where this is shown to be accessible by sustainable modes of travel and is located close to residential areas.

## **2.2 POLICY CONTEXT SUMMARY**

- 2.2.1 The development satisfies the criteria of the National Planning policies due to its location close to existing road networks.
- 2.2.2 The opportunity exists for the use of sustainable transport modes as Union Street includes the provision to use bicycles within existing bus lanes. Similarly, the existing Kingswells and Bridge of Don Park & Ride facilities to the West and North respectively of the city encourages employees living outwith Aberdeen to use the sustainable service, reducing the need to travel by car, in turn, easing city centre congestion. Furthermore, the construction of the Park and Ride to the South of the city as part of the “Access from the South” development will further encourage and promote commuters to the city centre to use this sustainable mode of transport into places of employment like this central based development.
- 2.2.3 The Travel Plan Framework provided below will ensure that the use of sustainable transport modes is maximised through promotion of the initiatives set out within the Framework. This will focus on shared car trips by employees and the promotion of available transport modes such as public transport, cycling, walking and the introduction of the Aberdeen Car Club.

## **3.0 TRAVEL PLAN FRAMEWORK**

- 3.1 Overall Strategy and Objectives
- 3.2 Travel Plans (TP) provide a means of managing the travel of employees, to and from developments. They allow individual organisations to promote more sustainable travel behaviour without reducing mobility or accessibility. The successful implementation of the plan will provide benefits to the developer and the wider community.

### 3.3 TP Main Aims and Objectives

3.3.1 The main aim of the TP is to minimise and reduce the number of trips to the proposed development by single occupancy vehicle trips through the promotion of sustainable transport modes.

3.3.2 The Travel Plan framework therefor identifies the measures required to be carried out by the developer and the sustainable transport options available to meet the objectives of the LTS and wider policies. The TP framework also sets out the timescales for the monitoring process.

3.3.3 Initiatives are specified within the TP framework in order to:

- Comply with planning conditions
- Be consistent with the Government White Paper by offering wider travel choices
- Comply with the Scottish Planning Policy (2010)
- Promote equal opportunities by offering wider travel choices
- Comply with the Aberdeen City Council's Local Transport Strategy, Nestrans' Regional Transport Strategy and Scottish Government's National Transport Strategy.

3.3.4 The TP objective to benefit the local community with respect to:

- Reduced congestion
- Reduced air and noise pollution
- Safer Travel

3.3.5 The TP objective to benefit the development with respect to:

- Improved health, reduce stress, a better quality of life, cost and time savings and a greater travel choice.
- The development will gain through increased productivity of a healthier workforce.
- Better access for employees, visitors and deliveries.
- Interaction between employees and employer on the requirements and satisfaction of the commuting staff.

3.4 To achieve these objectives, a staged approach to the implementation of the TP will be adopted and is summarised below.

TP Stage 1: Cameron and Ross will (on behalf of Russell Gibson Financial Management) prepare and submit for the Council's approval this TP framework, which sets out the measures that will be implemented by the objective targets, monitoring procedures and proposed timescales.

TP Stage 2: Planning Approval Stage.

TP Stage 3.I: Developer to appoint a Travel Plan Co-ordinator.



- TP Stage 3.2: Construct and implement all upfront infrastructure works or initiatives as agreed in the TP.
- TP Stage 4.1: Initial review and monitoring of the TP no later than 3 months of occupancy. This is to include the issue of travel questionnaires to staff and visitors (if applicable) to determine their travel patterns. The survey will specifically address:
- Employee preference of their current modes of transport.
  - Employee attitude to changing their preferred mode of transport, if necessary.
  - Cost effective measures to encourage a shift from private car usage to other more sustainable modes of transport.
  - The potential for car sharing and awareness of the car sharing scheme for employees.
  - Assess and raise awareness of bus provision.
- TP Stage 4.2: Provide results of survey and set targets for mode share shift to be agreed with Aberdeen City Council no later than one month after completion of the travel surveys.
- TP Stage 5.1: The final stage will be monitoring of progress towards achieving the targets that have been set. An annual review will be undertaken in order to measure the success or failure of the TP for the initial three years and reviewed again at this time.
- TP Stage 5.2: Where appropriate the TP will be amended or updated and issued to Aberdeen City Council for its approval.

### 3.5 Travel Plan Co-ordinator (TPC)

3.5.1 Susan Ball had been appointed by RGFM as the travel plan co-ordinator (TPC). The TPC will retain a copy of the TP, and will be fully briefed in its aims and strategies. The TPC will have the necessary authority to promote the plan. The TPC will have a senior role within the company or have direct support of senior management.

3.5.2 The principal duties allocated to the TPC are as follows:

- overseeing the development of the Travel Plan once the development is complete;
- issuing staff questionnaire forms and ensuring that they are completed and returned;
- setting up and maintaining a car sharing register for the site;
- maintaining up to date travel information on noticeboards;
- liaising with staff, and visitors regarding travel issues;
- liaising with the local planning authority, Local Authority Public Transport Unit and bus operators to promote alternative means of transport;
- brief staff with respect to the aims of strategies of the TP.
- monitor, review, implement and promote initiatives to achieve targets.

- setting up a forum with the employees so that travel matters, the effectiveness of the TP and various initiatives can be discussed.

3.5.3 The TPC will arrange for the review and amendment of the TP annually. Any changes to the TP will be submitted to Aberdeen City Council for its approval.

3.5.4 The following web links provide the TPC with valuable information relating to Travel Plans. In particular the TPC should review the "Travel Plan Resource Pack for Employers" provided by the Department for Transport (D of T) a CD/hard copy of which can be requested free of charge from the D f T or downloaded fully from the Internet. The guide can also be obtained from the Government helpline on 0800 585794.

<http://www.dft.gov.uk/pgr/sustainable/travelplans>

### 3.6 Existing Conditions and Development Improvements

3.6.1 The following development improvements are to be provided as part of the development phase and are to be in place prior to first occupancy of the units.

- Staff changing, locker and shower facilities.
- Cycle racks / shelters to be provided at a convenient location.

### 3.7 Travel Database

3.7.1 A base level of current travel patterns will be determined by a staff and visitor questionnaire survey. A copy of the questionnaire is shown in Appendix C. The questionnaire aims to determine current travel patterns and establish what improvements can be made to the existing TP and travel options to/from site.

3.7.2 The questionnaire survey will be carried out within 3 months of initial occupancy of the development. The base data will be used to construct the travel database.

3.7.3 The TPC will maintain the staff travel database. The travel database will be subject to the provisions of the Data Protection Act. To maintain confidentiality, no details of staff addresses will be taken, only general areas of residence.

3.7.4 The TPC has a responsibility to maintain the travel database and update the travel database annually.

### 3.8. PUBLIC TRANSPORT

3.8.1 One of the main aims of the TP is to maximise the opportunities for travel to/from the development by public transport.

It is therefore vital that the TPC ensures that all public transport information is provided to employees and visitors.

3.8.2 The TPC will display prominently, (and maintain) public transport information.

Information on existing bus services in the local area would be provided on staff/visitor notice boards and intranet sites.

The TPC will promote the public transport information which includes bus service information, timetables, local bus stop locations and a list of useful websites.

- 3.8.3 The TPC should promote the use of buses and develop travel to work by bus days/weeks and other organised events to raise the profile of bus use.
- 3.8.4 All new employees will be provided with travel information, including details of public transport provision, bus, taxi firms and services.
- 3.8.5 The TPC will liaise regularly with the local bus operators, in this case First and Stagecoach, with respect to bus provision and report to them areas identified for improvement resulting from the staff/visitor travel questionnaires.
- 3.8.6 The TPC will consider and promote further transport initiatives. These may include:
- Allow staff shift times to be altered to suit bus timetables.
  - Liaise with local taxi and bus firms regarding the guaranteed lift home scheme.
  - Set up a Public Transport User Group.
  - Ensure staff are fully aware of all initiatives.

### 3.9.0 Car Sharing Scheme

3.9.1 "The encouragement of car sharing can assist in reducing the cost of travel to the workforce and overall congestion on the highway network. This would result in benefits such as reduced journey times and reducing stress associated with travelling by car. Details of car share schemes and examples are contained within the DFT "Travel Plan Resource Pack".

3.9.2 The advantages of car sharing to work are:

- reduced costs of travel and parking charges;
- reduced congestion on the road network;
- reduction in the demand for parking on site;
- shared driving reduces stress of commuting.

3.9.3 The principal issues that prevent people from sharing are:

- spatial separation of employee's housing;
- employees working different shift patterns;
- employees having other responsibilities, e.g. dropping children at school, shopping etc.

3.9.4 The following initiatives will be promoted by the TPC to promote car sharing between employees:

- The TPC will set up a register of staff who are interested in car sharing to allow staff to be matched and the names and work telephone numbers of potential sharers to be given out.
- The car sharing scheme will be advertised through posters on staff notice boards and new employees will be made aware of the scheme.
- The Nestrans car share database and Aberdeenshire car share database covering Aberdeen City and Aberdeenshire areas should be displayed within information boards.

<http://www.carshareaberdeenshire.com>

<http://www.nestranscarshare.com>

- Consideration of providing preferential parking spaces for multi-occupancy cars, to be located in favourable locations.
- Supply information to employees to promote car sharing to employees to highlight the financial and environmental benefits of car sharing.
- Promote car share days/weeks.

3.9.5 Car sharers would decide between themselves how they wish to split the cost of the journey.

3.9.6 The results of the staff surveys will be used to inform the TPC on the potential for car sharing and provide an opportunity to review current initiatives.

### 3.10 Walking Initiatives

3.10.1 The accessibility of the site to pedestrians is highlighted in section 4 of this report.

3.10.2 The benefits of walking to work should be promoted by the TPC and information is to be displayed prominently on company websites and notice boards.

3.10.3 The travel information packs which the TPC will create are to be provided to all new employees.

3.10.4 The TPC should particularly promote the fact that the nearest bus stops are within easy walking distance.

### 3.11 Cycling Initiatives

3.11.1 The Scottish Government published the Cycling Action Plan for Scotland (CAPS) on 25th June 2010, which established a vision that by 2020, 10% of all journeys taken in Scotland will be by bike.

3.11.2 The advantages of cycling to work are:

- convenience and reliability;
- fitness and enjoyment;
- saving money.

3.11.3 The principal issues that prevent people from cycling are:

- not owning a bicycle or feeling confident about using one;
- lack of safe cycle routes and fear of accidents;
- fear of bad weather;
- lack of facilities at work.

3.11.4 Staff travel surveys will ascertain the proportion of employees in the office who cycle to work and identify to others through promotion that cycling is a possible mode of travel. Secure cycle parking is to be provided within the development to positively promote and encourage cycle use.

3.11.5 Other initiatives may be considered by the TPC to encourage the use of cycling.

- Providing free cycle helmets to employees considering cycling to work.
- Provide employees with free cycle proficiency training
- Set up a cycle accessories equipment pool to be used by employees.

3.11.6 Appendix D also contains useful information relating to the benefits of cycling, list of useful websites and cycling incentive schemes and this should be provided/promoted by the TPC to all visitors and employees.

3.11.7 The TPC will consider walking and cycling promotion days/weeks to encourage further use of these travel modes.

3.11.8 The TPC should promote the uptake of the cycle to work scheme.

### 3.12 Delivery and Commercial Traffic

3.12.1 The development generates minor servicing movements throughout the typical working day. Management of this site traffic is essential in regulating the air quality, noise and traffic flow in the vicinity of the site.

3.12.2 The TPC will review and assess the impact of commercial traffic.

### 3.13 Plan Monitoring, Assessment and Targets

3.13.1 To enable the success of this TP, the TPC will be responsible for ongoing monitoring and regular assessment. The first monitoring report shall be submitted within 6 months of occupation of the development.

3.13.2 Once the development is in operation, the monitoring and assessment procedure will be conducted annually and will involve:

- Employee surveys;
- comparison of earlier (base) surveys;
- establish performance against targets.

3.13.3 In order to measure the success or failure of the TP initiatives, it is important that a realistic set of targets are adopted. These targets could be set to achieve and quantify the success of the TP.

3.13.4 In conjunction with the Aberdeen City Council Travel Plan Guidance and Local Plan Strategy to increase the mode share of sustainable transport modes for travel to work. The baseline mode share data has been obtained from the initial staff survey and is contained in Table 1 below.

Mode	Baseline (%)
Car Driver	38%
Car Passenger	12%
Walk	30%
Cycle	0
Bus	0
Taxi	0
Rail	12%
Other	0

Table 1: Staff mode share targets

3.13.6 The staff survey has provided the typical behaviour which indicated a good model split.

3.13.7 The TPC should review the progress towards the aims of the TP by the use of further questionnaires and other information resources.

3.13.8 The TPC will amend the TP where necessary at the annual review, with the agreement of Aberdeen City Council.

### 3.14 Programme

3.14.1 The questionnaire survey of employees (Appendix C) will be carried out no later than 3 months after occupation opening of the development. This will allow the monitoring to be submitted within 6 months of the development being occupied.

3.14.2 The TPC will arrange a meeting with employees to discuss and promote the aims of the TP.

3.14.3 The surveys would be carried out again every 12 months and the information will be compared to the targets set. The results will be set out in the updated TP and reissued to Aberdeen City Council for approval. Updated mode share

targets and initiatives must be agreed and implemented no later than one month of completion of the annual review.

3.14.4 If the targets are not met, the occupier will investigate the need for further measures and these will be set out in the updated TP.

## 4 EXISTING TRANSPORT LINKS AND ACCESSIBILITY

### Introduction

4.1 A review of the current transport infrastructure links and accessibility for the proposed development site has been undertaken for all travel modes.

### Pedestrian Accessibility

4.2 Within PAN 75, a maximum threshold of 1600m is considered for a walking catchment to be broadly in line with typical observed travel behaviour. This also corresponds to a typical journey time threshold of 20 to 30 minutes as identified within the "Transport Assessment and Implementation a Guide" (2005 TAI).

4.3 As the development is located within the central business district, the area is well served with pedestrian footpaths with suitable crossings conveniently located throughout, creating ease of access to city centre shopping areas, nearby facilities and to further transport modes.

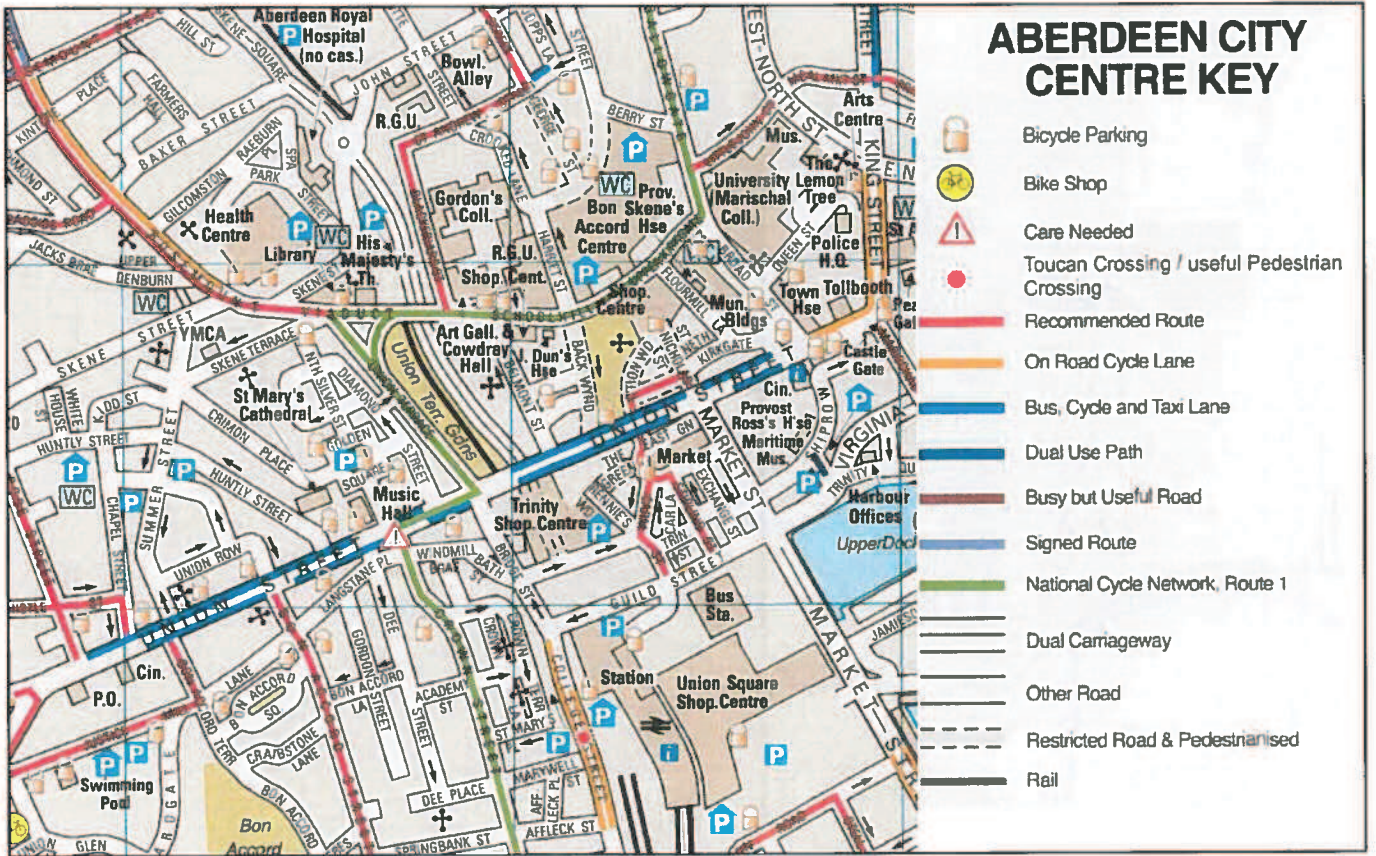
### Cycling Accessibility

4.4 A 5.0km catchment zone is considered for cyclists of which from the development, the 5.0km increment satisfies a large proportion of Aberdeen. The (TAI, 2005) identifies a maximum 40 minute cycle journey time (8km) which is achievable with the use of existing bus lanes en route for cyclists.

4.4.1 As can be seen within the Aberdeen Cycle Map, produced by the Aberdeen Cycle Forum - a voluntary group encouraging and developing cycling within Aberdeen, there is a vast amount of cycle route options and infrastructure within the city centre, linking to the wider network of the city. The map includes cycle facilities such as cycle lanes, as well as cycle shops, places to lock bikes, recommended quiet routes and recreational routes around the City

4.4.2 There are a number of cycle route options nearby the development in Huntly Street, and as mentioned at the start of this report, Union Street enables cyclists to make use of the existing bus lanes. The National Cycle Network Route (NCR1), passes nearby the development, which enables cyclists to travel both North and South of the development whilst linking in with recommended routes shown.

4.4.3 Similarly, Aberdeen City Council have developed a Core Paths Plan with the vision to "form a complete paths network throughout the City, encouraging healthy and sustainable access opportunities for all". The core paths network caters for all user types and abilities, including cyclists.





## Public Transport

- 4.5 The nearest bus stop and shelters are located on Union Street, a short walk from the development. The Travel Information Pack contained within Appendix D confirms the details of the numerous bus services in operation. Table 2 gives a brief summary of the public transport services.

	Service Number	Journey	Typical Time Interval Between Services
First Bus	1	Garthdee – Bridge of Don	Peak time 12 minutes Off peak 20-30 minutes
First Bus	2	Garthdee - Ashwood	Peak time 12 minutes Off peak 20-30 minutes
First Bus	13	City Centre – Bridge of Don	Peak time 30 minutes Off peak 30 minutes
First Bus	13A	City Centre – Sea Beach	Peak time 30 mins
First Bus	40	Park and Ride Service	15 minutes
Stagecoach	X50, 250, 260, 267, 268	Ellon to Aberdeen	20-30 minutes

Table 2 : Summary of Existing Public Transport Provision

- 4.5.1 These examples confirm that there are daily services operating in the area with numerous scheduled buses throughout the day. The bus service would allow employees to use this mode to travel to and from the site to suit standard office hours.
- 4.5.2 As previously stated, the TPC is required to make visible all available bus timetables and routes to staff on a notice board or via alternative methods such as company intranet.

## Rail Network

- 4.6 Again, due to it's central location, the city centre train station is within a suitable walking distance. This mode of transport provides employees and visitors frequent train services linking Aberdeen with Huntly, Inverurie, Dyce (bus link to airport), Portlethen, Stonehaven, Laurencekirk and destinations further afield.

## Car Club

- 4.7 A Car Club has been set up within Aberdeen city centre, which is an organisation that owns a number of cars which are shared amongst its members. Members simply have to book a car, via the phone or the internet, when they need it and are charged on a pay-as-you-drive basis. Members of the club benefit in that they do not have to own a car themselves, therefore saving them money and removing the need to find a parking space which can be difficult in Aberdeen City Centre. The Car Club provides a cheap, green and convenient alternative to car ownership. As well as individual membership, future occupiers of this development can benefit from the availability of corporate membership. As indicated below, a car club vehicle is

permanently located for booking nearby the development on South Silver Street.

The developer through the Travel Plan is encouraging the end-user to include car clubs within the transport options for their business.

4.7.1 Co-wheels was appointed and the Car Club was launched in April 2012. Twelve cars are now located around Aberdeen at:

- **Albyn Place – a short walk from Albert Street**
- Rosemount Viaduct
- Littlejohn Street
- Hollybank Place
- South Silver Street
- Queen Street
- East Craibstone Street
- Kittybrewster Depot

4.7.2 There are a variety of cars to choose from, most of which are under 100g/CO<sup>2</sup> so they are clean and green. There are also different sizes:

- Hyundai i10's and Kia Picanto's;
- Ford Fiesta's and Kia Rio's;
- Vauxhall Meriva; and
- Kia Sedona, for those requiring a 7 seater

#### Accessibility Summary

4.8 It is demonstrated that the site has pedestrian and cycling accessible links within the required catchment area, thus enabling potential employees residing in these areas to use these modes.

4.8.1 Public transport services provide daily services, enabling the proposed office development to link with the wider city and neighbouring towns.

4.8.2 The Travel Plan (TP) should be provided in order to maximise the usage of sustainable transport mode opportunities that exist in order to limit the use of single occupancy trips.

## 5 PROPOSED DEVELOPMENT

### Proposed Development

5.1 The proposals for this development consist of a two storey extension to the rear of 6 Albert Street. The intention is to add additional office space, meeting room and storage.

5.2 The proposed site layout plan is contained within Appendix B.

## 6 CAR PARKING ASSESSMENT

### Car Parking

- 6.1 The required car parking levels based on Aberdeen City Council's current Transport Supplementary Guidance is shown in Table 2 below. Where it is proposed to extend an existing building, parking provision should be based on the Gross Floor Area of the existing plus proposed building area. Within this guidance, there are 3 parking standard zones – the city centre, inner city and outer city. This development falls within the city centre, requiring car parking allocations of 1 space per 80m<sup>2</sup> GFA.
- 6.1.2 The proposal would result in the formation of 127m<sup>2</sup> floor area of offices / meeting room and storage space, in addition to the existing 177m<sup>2</sup> within the existing offices.

Usage	Current Maximum Parking Standard	Spaces Required	Spaces Provided
Existing 177m <sup>2</sup>	1 space/50m <sup>2</sup>	3	
Office Extension 127m <sup>2</sup>	1 space/50m <sup>2</sup>	2	
Existing and office extension		5	4

- 6.2 This proposal provides a total of 4 parking spaces, this being 80% of the maximum requirement. As identified within this report, due to the availability of varying transport links within the vicinity of the area and on street parking available on neighbouring streets, this is considered acceptable.

### Cycle Parking

- 6.3 In accordance with the Aberdeen City Council's development guidelines, cycle parking should be provided to equate to a minimum of 4% of the total parking provision.
- 6.4 In this instance this equates to 1 cycle space however to encourage cycling as an important sustainable transport mode, the allocation of additional cycle spaces is welcomed. It has been requested that 6 cycle parking spaces be made available within this development, all of which should be to a minimum specification of Sheffield type cycle racks, conveniently located, secure, adequately lit and well signed. To encourage use of such cycle infrastructure, changing, locker and shower facilities are to be provided for employee use.

END OF REPORT  
RAG

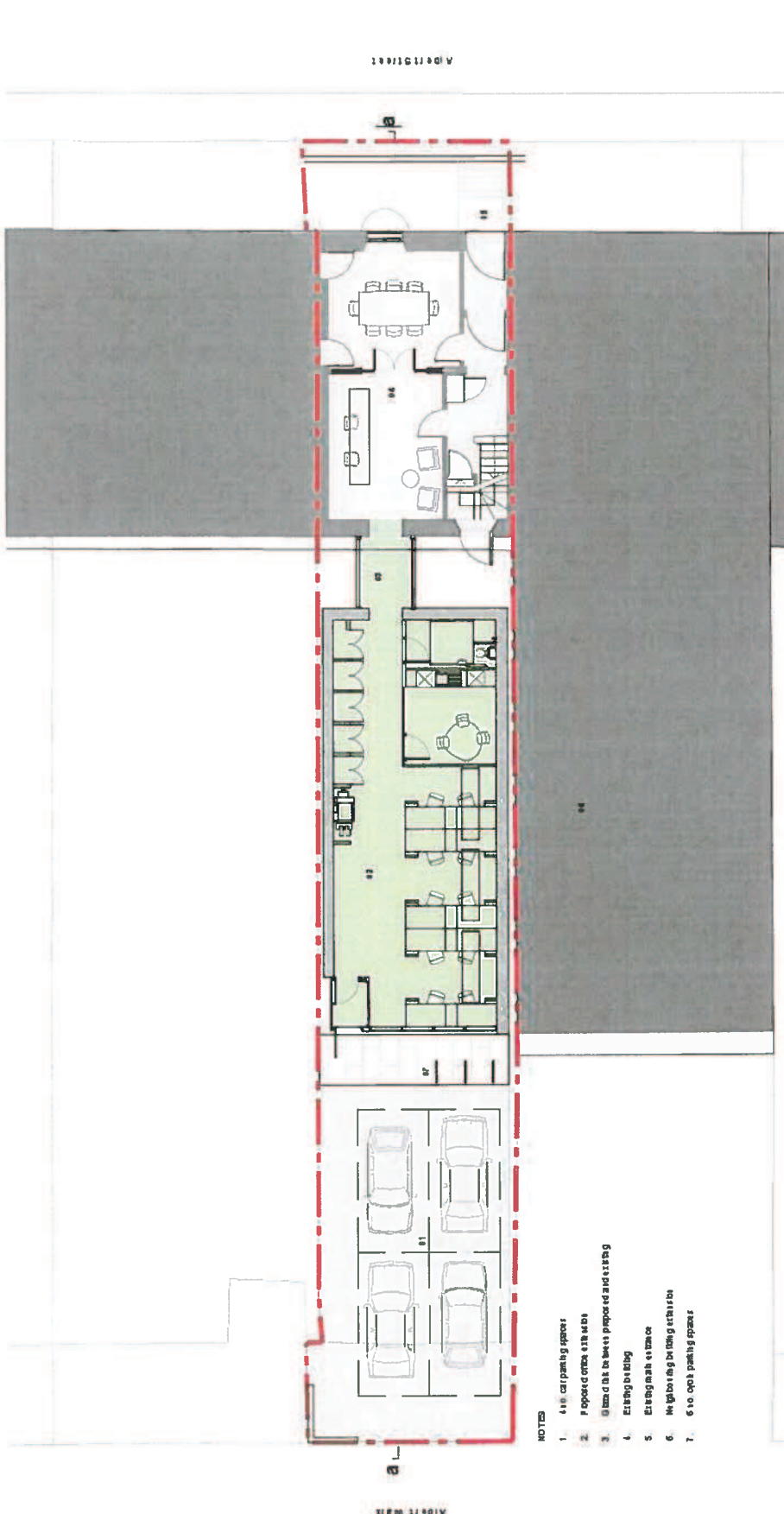
APPENDIX A

Site Location Plan



**APPENDIX B**

**Proposed Layout Plan**



- COLOUR KEY**
- EXISTING BUILDING
  - EXISTING BUILDING ALTERNATIVES
  - PROPOSED EXTENSION

Please note: Areas of shaded buildings (proposed extensions) are for reference only. All dimensions should be checked and confirmed prior to construction.



**Proposed Office Extension**  
5 Albert Street, ABERDEEN

Proposed Site Plan  
Scale: 1:100 @ A2  
Date: February 2014  
Dwg No: A002 / PC-02



- NOTES**
1. All car parking spaces
  2. Proposed office site walls
  3. Areas of site to be retained proposed and existing
  4. Existing building
  5. Existing main entrance
  6. New lighting for parking area to be
  7. 6 to over parking spaces



**HALLIDAY FRASER MUNRO**  
CHARTERED ARCHITECTS • PLANNING CONSULTANTS  
ARCHITECT • INTERIOR • EXTERIOR • CONSTRUCTION • GUIDANCE

APPENDIX C

Travel Questionnaire





7. Reasons for not travelling via bus.  
(please tick all that apply)

- Live too far away from bus route
- Buses are too infrequent
- Personal safety
- Reliability of buses is poor
- Too expensive
- Not enough information on routes, bus times.
- Prefer other mode.

Other (please describe) \_\_\_\_\_

---

8. Which reasons influence your decision not to travel via train?  
(please tick all that apply)

- Live too far from rail network
- Trains area too infrequent
- Personal safety
- Reliability of rail service is poor
- Too expensive
- Not enough information on routes, train time.
- Prefer other mode

Prefer other (please describe) \_\_\_\_\_

---

9. What would be required to persuade you to leave your car at home when travelling to work?

---

10. Are other modes of travel available to you?  
(please tick all that apply)

- Yes, walk
- Yes, cycle,
- Yes bus
- Yes, other
- Yes, car share
- No

11. If you do travel to work by car, where do you generally park your vehicle?

- Pay and display car park
- Off Street parking
- Park and Ride

12. With this development having no car parking, has this forced you to seek alternative means of travel to the car?

- Yes
- No

13. How many passengers normally travel in your car?

- 0
- 1
- 2
- 3
- 4

If your answer to Question 13 was one or more, please go to Question 15.

14. Reasons for travelling alone?  
(please tick all that apply)

- Using car for Essential to perform job.
- Unaware of anyone willing to car share.
- Car sharing is inconvenient.
- Prefer travelling alone.

15. Which of the following would most encourage you to car share?

- Help in finding car share partners with similar work patterns.
- Free taxi home if let down by car driver
- Reserved car parking for car sharers
- Other,

Other (Please describe) \_\_\_\_\_

16. Which of the following changes would encourage you to cycle to work? If you already cycle to work which would you most like to see? (Tick no more than 2).

- Safer, better lit cycle paths.
- Improved cycle parking at workplace.
- Improved cycle changing facilities and lockers at workplace.
- Arrangements to buy a bicycle at a discount.
- Other,

Other (Please describe) \_\_\_\_\_

17. Which of the following changes would encourage you to use public transport for your journey to/from work? If you already use public transport what improvement would you most like to see. Please tick no more than 2.

- More direct bus routes.
- More frequent bus service.
- Better lighting at bus shelters and workplace footpaths
- Discount tickets/passes available at work
- More convenient bus drop off points
- Public transport information
- Other,

Other (Please describe) \_\_\_\_\_

18. How aware are you of the following Travel Plan initiatives. Please tick appropriate box.

	Very Aware	Vaguely Aware	Unaware
- Car share database	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Guaranteed lift home scheme	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Local Public Transport Information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Employee Travel Information Packs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Existence of Travel Plan Coordinator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Local Cycle Routes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. If you have any further comments you wish to make please use the space provided below.

\_\_\_\_\_

\_\_\_\_\_

APPENDIX D

Travel Information Pack

OFFICE DEVELOPMENT  
ALBERT STREET  
ABERDEEN  
TRAVEL INFORMATION PACK



Want to save money travelling to work – *Yes!*

Want to help the environment – *Yes!*

Want to get fit as part your daily routine – *Yes!*

Fed up off traffic congestion – *Yes!*

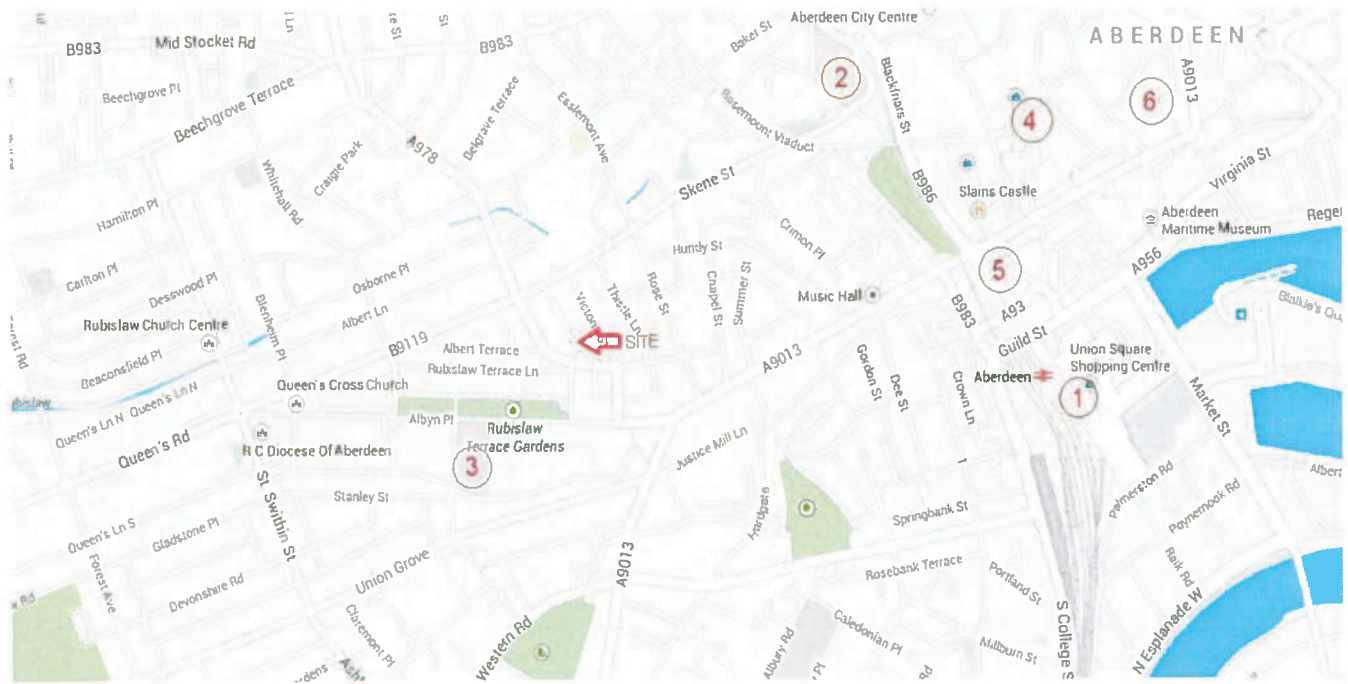
This travel plan provides the answers to achieve the above.

In line with government and Local Council policies  
Your Company set out measures in this Travel Plan  
to promote sustainable transport modes with the  
main goal of reducing travel by single occupancy  
vehicles.

For more information contact:  
Company Travel Plan Co-ordinator

[Susan Ball](#)

## Site Plan:



- 1** Train Station, Bus Station, Shopping Centre – Approximate 16 minutes walking distance (1.3 km)
- 2** Woolmanhill Hospital – Approximate 12 minutes walking distance (1 km)
- 3** BMI Albyn Hospital – Approximate 7 minutes walking distance (0.5 km)
- 4** Shopping Centre, Pharmacy, Post Office – Approximate 20 minutes walking distance (1.6 km)
- 5** Shopping Centre, Pharmacy – Approximate 13 minutes walking distance (1 km)
- 6** Grampian Police Force Headquarter Aberdeen Division, Aberdeen Sheriff Court – Approximate 20 minutes walking distance (1.6 km)

## Walking Benefits:

Walking to work is a form of healthy exercise that can be fitted into your daily routine, making you feel good, produces no pollution and is totally free.

### List of useful websites:

[www.get-about.com](http://www.get-about.com)  
[www.whi.org.uk](http://www.whi.org.uk)  
[www.ramblers.org.uk](http://www.ramblers.org.uk)  
[www.walkit.com](http://www.walkit.com)  
[www.walkingforhealth.org.uk](http://www.walkingforhealth.org.uk)  
[www.livingstreets.org.uk](http://www.livingstreets.org.uk)

### Health Benefits:

- Walking is better than low salt diets for **lowering blood pressure**;
- Walking a mile a day significantly:
  - **reduces** risks of coronary heart disease (by **50%**)
  - **reduces** risks of a stroke (by **66%**)
- Brisk walking can **help prevent cardiovascular disease, colon cancer, osteoporosis and diabetes**, researchers believe.
- Walking one mile in 20 minutes uses as much energy as 10 minutes moderate exercises and is a lot easier.

### Economic Benefits:

- Walking will **save you money** in comparison to taking your car.

### Other Benefits:

- Pedestrians **absorb lower levels of pollutants** from traffic fumes than other road users.

*Take Part in*

**THE NATIONAL WALK TO WORK WEEK**

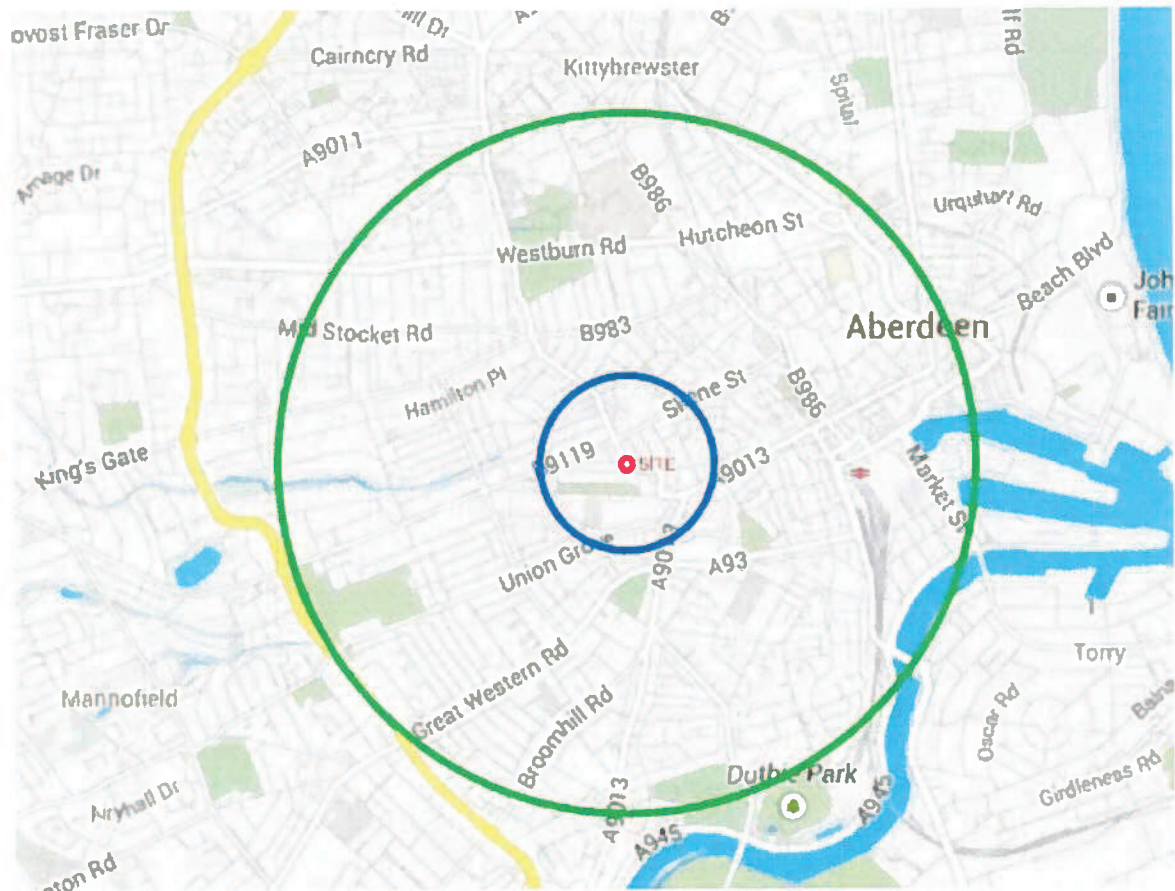
ON

**12-16 MAY 2014**

visit - [www.livingstreets.org.uk](http://www.livingstreets.org.uk) for information.



## Walking Distance Threshold Map:



— 400m walking catchments  
— 1600m walking catchments

## Cycling Benefits:

### List of useful websites:

[www.nationalcyclingstrategy.org.uk](http://www.nationalcyclingstrategy.org.uk)

[www.cyclingscotland.org](http://www.cyclingscotland.org)

[www.cyclescheme.co.uk](http://www.cyclescheme.co.uk)

[www.cycletoworknow.com](http://www.cycletoworknow.com)

[www.sustrans.org.uk](http://www.sustrans.org.uk)

[www.bikeforall.net](http://www.bikeforall.net)

[www.tfl.gov.uk](http://www.tfl.gov.uk)

[www.pedaling.com](http://www.pedaling.com)

### Health Benefits:

- Cycling 20 miles a week can **reduce** the risk of coronary heart disease (by **50%**)
- Cycling at 10 miles an hour will **burn off 400 calories** every hour.

### Economic Benefits:

- During rush-hour, a bicycle is about **twice as fast as a car**.
- Maintenance of a bicycle is **less expensive** than a car.
- A bicycle can be parked just about anywhere, so no more expensive car park bills.

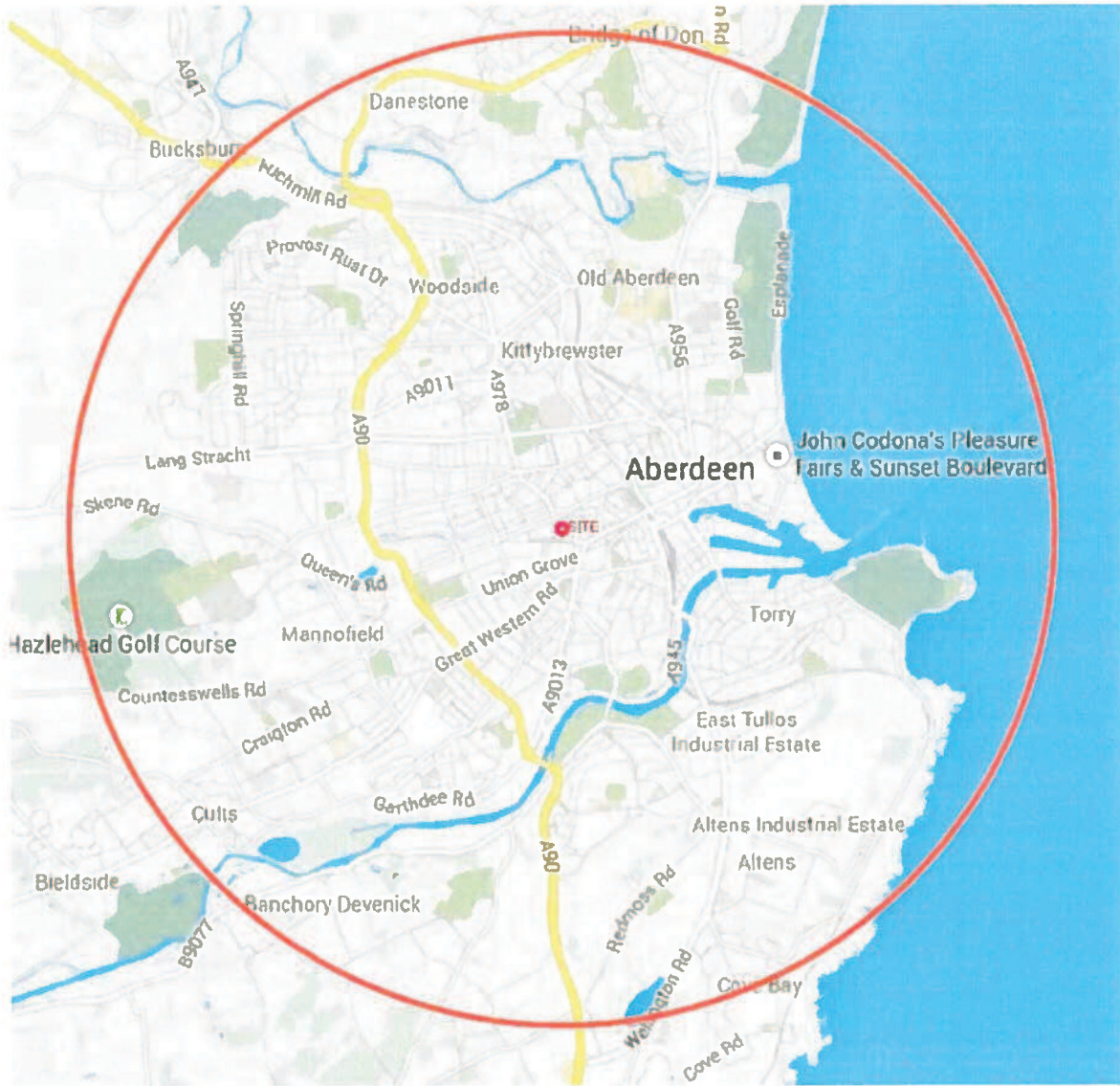
### Other Benefits:

- Cyclists **absorb lower levels of pollutants** from traffic fumes than other road users and produce no pollution.

### Useful information:

Take Part in  
**THE NATIONAL CYCLE TO WORK WEEK**  
visit - [www.bikeweek.org.uk](http://www.bikeweek.org.uk) for information

## Cycling Distance Threshold Map:



— 5000m cycling catchments

## Tax-free bikes for work

**Employees and employers benefit in many ways when they sign up to a Cycle to work scheme.**

**For example;**

**[www.cyclescheme.co.uk](http://www.cyclescheme.co.uk)**

Cyclescheme is the UK's number one provider of tax-free bikes for the Government's Cycle to Work initiative - employees make big savings on new bikes, employers get a healthier workforce and save money too! Cyclescheme has a great track record in helping employers of all sizes to set up and run successful Cycle to Work schemes. Their innovative online system is simple to use, and they have decades of industry experience and a vast supplier network of over 1,400 independent bike shops.

### **How it works**

- You visit one of over 1,000 participating bike shops to select the bike and equipment that you want. Enter your postcode in the box on the right to find your nearest partner stores. You will be given a paper quote, and you can use Cyclescheme's online tool to apply for your chosen package by entering the details online and requesting a secure voucher.
- Once you have requested a secure voucher, your employer confirms eligibility and approves the request. Cyclescheme will send them an invoice for the bike package, and a hire agreement is sent to you to sign. As soon as the bike is paid for, the secure voucher is sent to you.
- Your hire payments are deducted from your gross monthly salary. At the end of the hire period your employer has the option to offer the bike to you. If you want the bike you pay a Fair Market Value payment to own it outright.
- You contact your chosen bike shop to arrange collection. You'll be asked for photographic ID when collecting the bike and equipment.

### **Help your employer help you!**

A cycle to work scheme is a great incentive for employees, and companies can save money too - every bike processed through the scheme means an employer's National Insurance saving.

When your employer contacts Cyclescheme, they will provide a full information pack which will tell them all about how the scheme operates. They can even download it from the cyclescheme website. The good news: once your employer is on board cyclescheme help them administer the scheme and you should be on two shiny new wheels before you can say "where are my cycle clips?"

### **PAYE only – sorry**

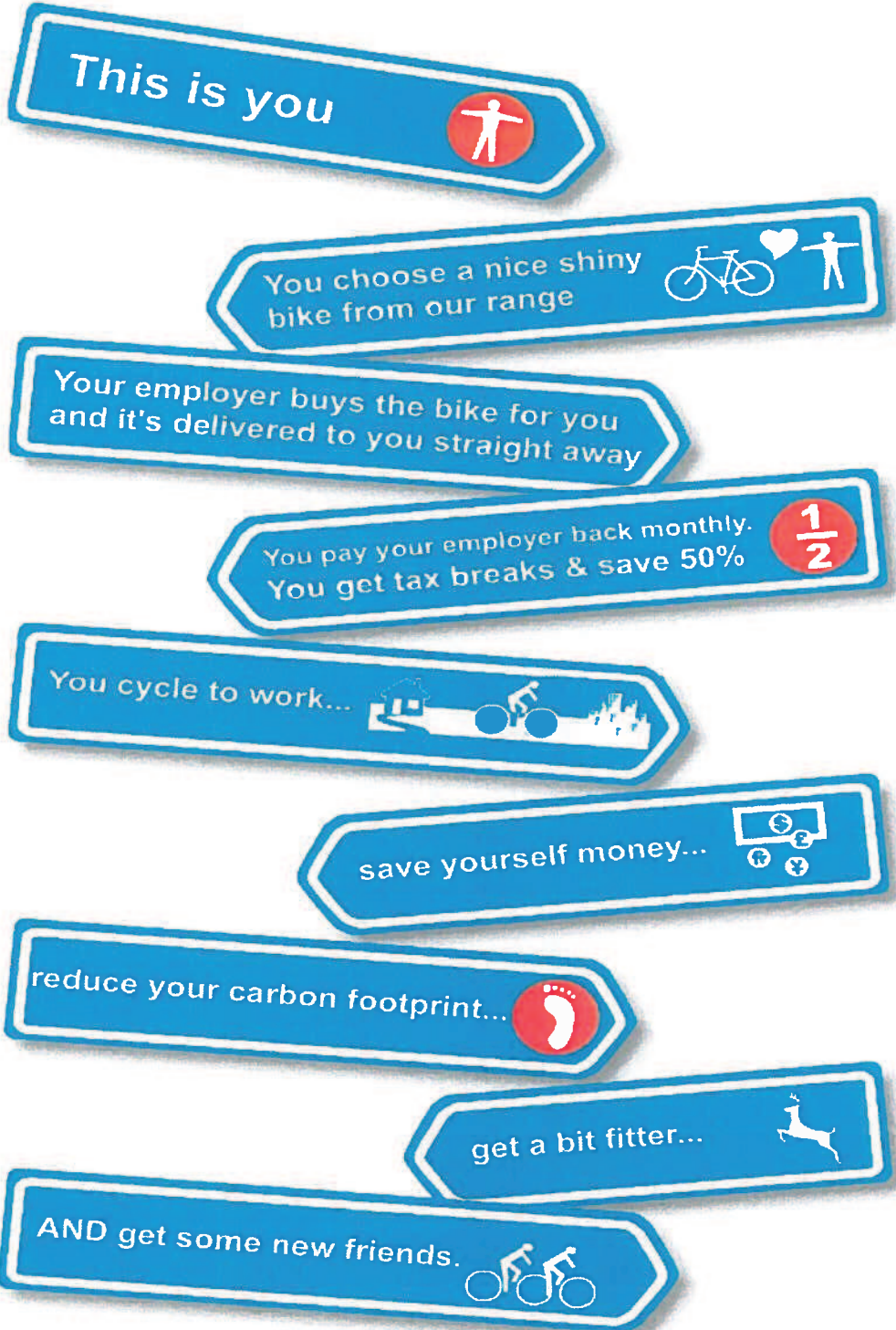
Your employer has to be willing to run the scheme before you can get your bike. This is because the scheme can only run through what is known as a salary sacrifice, where you agree to temporarily reduce your wages to pay for the hire of goods – in this case a bike and equipment. The scheme is available to UK tax payers who pay PAYE. Please note that the self-employed cannot take part in the scheme.

[www.cycletoworknow.com](http://www.cycletoworknow.com) provide a similar scheme for smaller companies

Contact them at  
[Contact@CycleToWorkNow.com](mailto:Contact@CycleToWorkNow.com)

Or call the help desk on

020 7183 1316 or 01793 250 063.

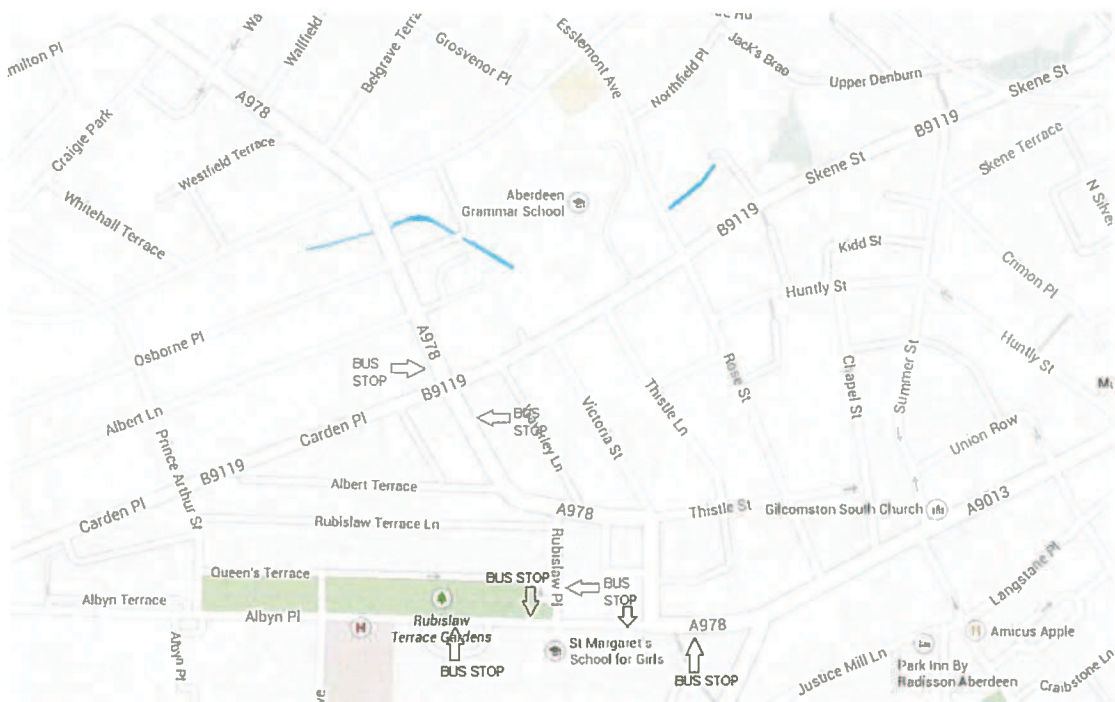


## Bus Timetable and Stops:

Bus timetable and general information can be obtained from the following website links:

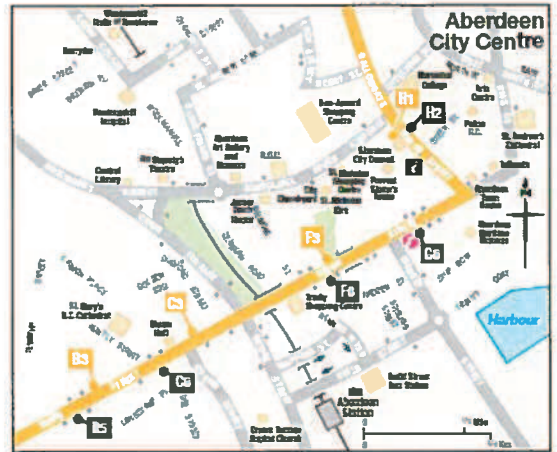
[www.transportdirect.info](http://www.transportdirect.info)  
[www.travelinescotland.com](http://www.travelinescotland.com)      tel. 0871 200 22 33  
[www.firstgroup.com](http://www.firstgroup.com)  
[www.stagecoachbus.com](http://www.stagecoachbus.com)      tel. 01224 591 381  
[www.nationalexpress.co.uk](http://www.nationalexpress.co.uk)  
[www.megabus.co.uk](http://www.megabus.co.uk)  
[www.get-about.com](http://www.get-about.com)  
[www.citylink.co.uk](http://www.citylink.co.uk)      tel. 0871 266 33 33

Route Maps from some of the following services are included within this Travel Information Pack and indicate bus stops in close proximity to Albert Street



Service Operator	Service Number	Journey	Typical Time Interval Between Services
First Bus	11	Northfield - Aberdeen - Kingswells - Aberdeen - Northfield	Peak time 8-10 minutes Off peak 15-30 minutes
First Bus	13	Scatterburn - Golf Links	Peak time 20 minutes Off peak 30 minute
First Bus	23	Heathryfold - Summerhill	Peak time 10 minutes Off peak 15-30 minutes
First Bus	27	City Centre - Airport	Peak time 30 minutes Off peak approx..90 minutes
Stagecoach	218	Westhill - Aberdeen Royal Infirmary	Approx. 90 minutes

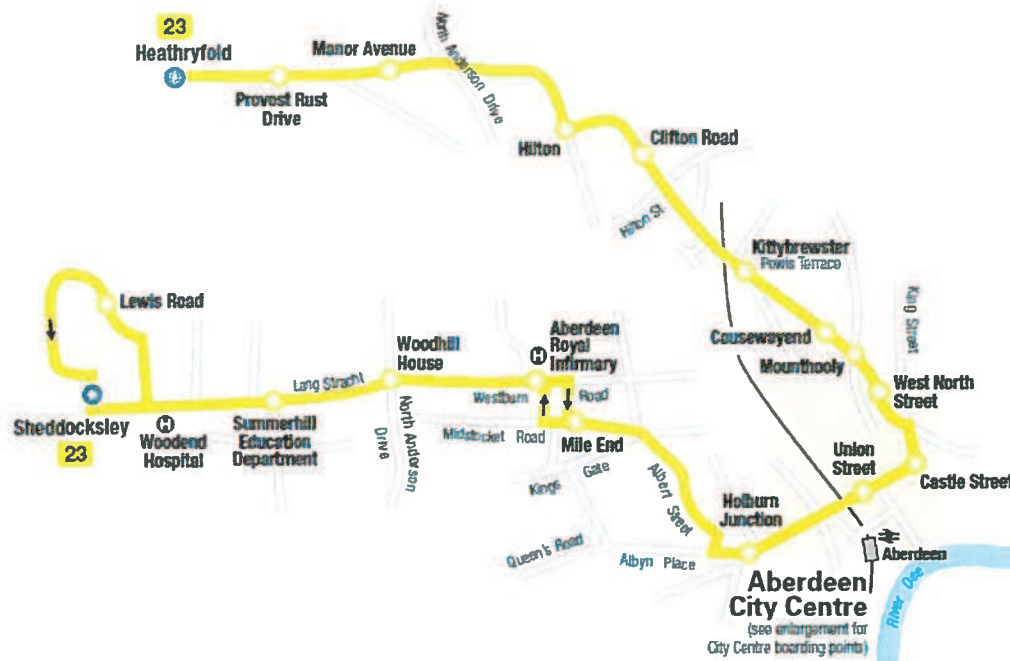
# 11

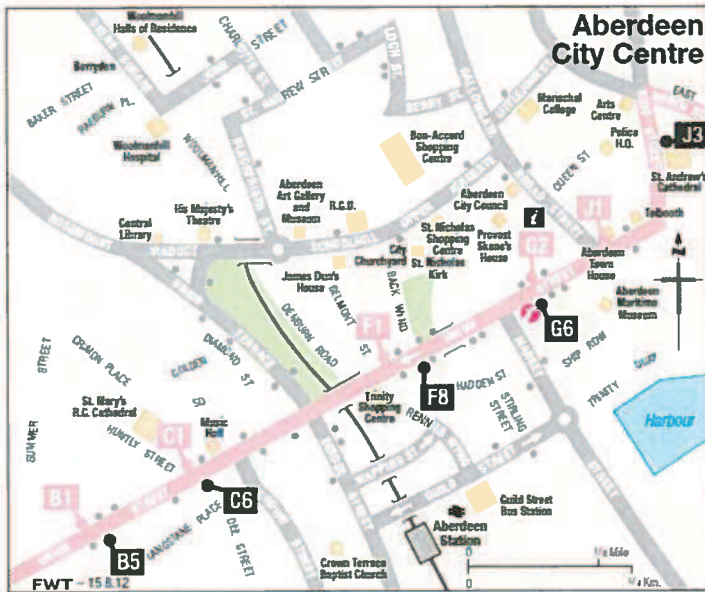


Route of Service 11	
Bus stops served by Service 11 to Northfield	
Bus stops served by Service 11 to Woodend and Kingswells	
Terminus Points	
Other bus stops	
Other bus served roads	
First information look	

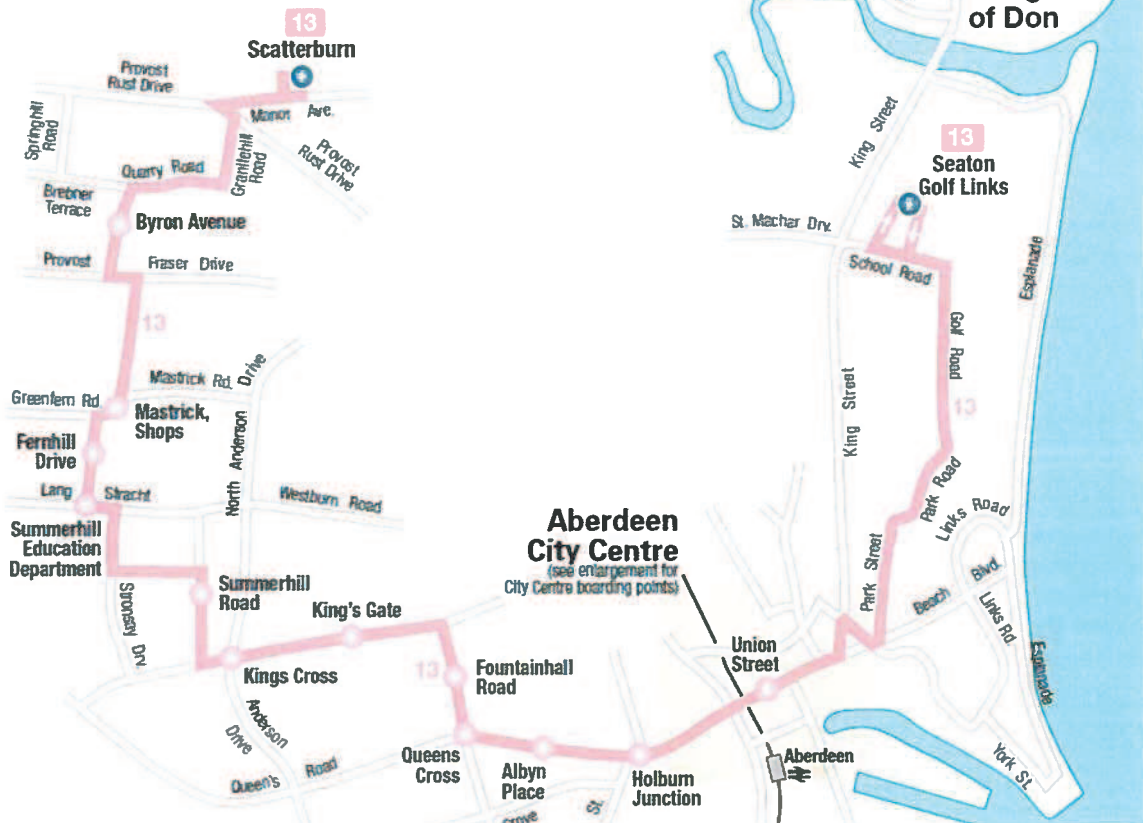


# 23



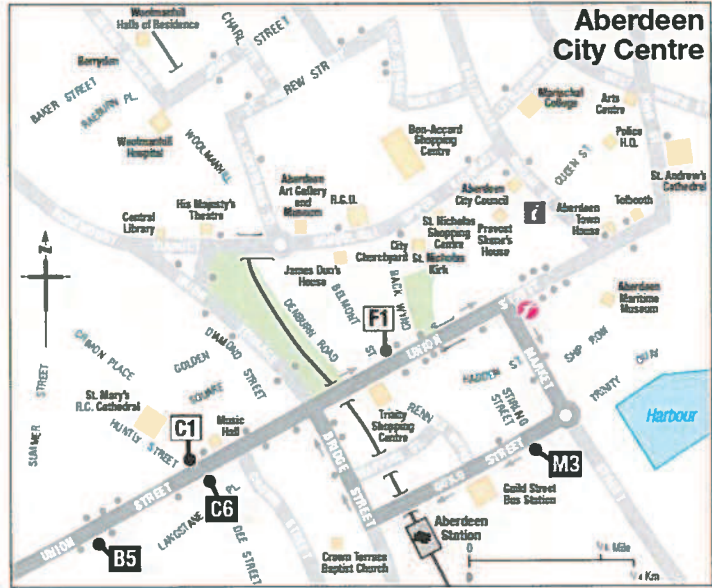
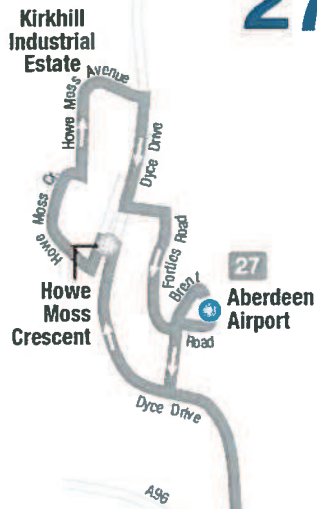


Route of Service 13	
Bus stops served by Service 13 to Golf Links	
Bus stops served by Service 13 to Scatterburn	
Terminus Points	
Other bus stops	
Other bus served roads	
First Information kiosk	



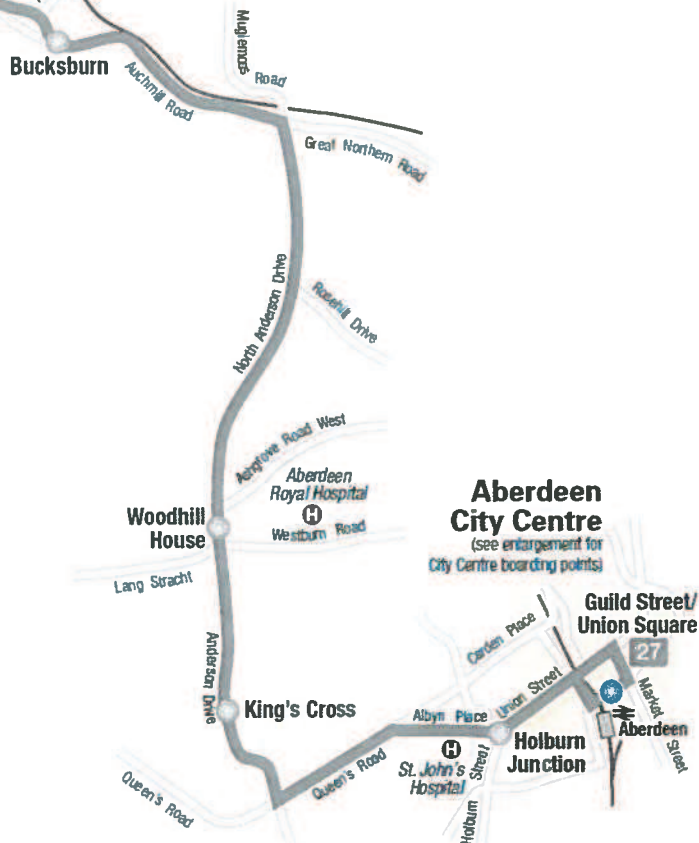


# 27



Route of 27	
Bus stops served by 27 to Airport	
Bus stops served by 27 to City Centre	
Terminus Points	
Other bus stops	
Other bus served roads	
First information kiosk	

FWT - 22.8.12



## Car Sharing Benefits:

### Economic Benefits

- Car sharers will be given **preferential car park spaces**.
- Travelling with others may **reduce your transport costs by up to £1000**.

### Other Benefits:

- Car sharing even one day a week will **reduced congestion and pollution by 10%**

### Useful website:

[www.carshareaberdeenshire.com](http://www.carshareaberdeenshire.com)

*Take part in the office car share day/week.*

## Aberdeen Car Club:

### What is it?

A Car Club is an organisation that owns a number of cars which are shared amongst its members. Members simply have to book a car, via the phone or the internet, when they need it and are charged on a pay-as-you-drive basis.

Members of the club benefit in that they do not have to own a car themselves, therefore saving them money and removing the need to find a parking space which can be difficult in Aberdeen city centre. The Car Club provides a cheap, green and convenient alternative to car ownership.

As well as individual membership, future occupiers of this development can benefit from the availability of corporate membership. As indicated below, a car club vehicle is permanently located for booking nearby the development on South Silver Street.

Co-wheels was appointed and the Car Club was launched in April 2012. Twelve cars are now located around Aberdeen at:

- Albyn Place
- Rosemount Viaduct
- Littlejohn Street
- Hollybank Place
- South Silver Street
- Queen Street
- East Craibstone Street
- Kittybrewster Depot

There are a variety of cars to choose from, most of which are under 100g/CO<sup>2</sup> so they are clean and green. There are also different sizes:

- Hyundai i10's and Kia Picanto's;
- Ford Fiesta's and Kia Rio's;
- Vauxhall Meriva; and
- Kia Sedona, for those requiring a 7 seater

Additional cars and car parking spaces are being looked at so if you think you could benefit from a Car Club car near you, please let us know at:

[transportstrategy@aberdeencity.gov.uk](mailto:transportstrategy@aberdeencity.gov.uk)

If you wish to join Co-wheels Car Club then it really is very simple. You can either log onto their website or phone **0845 602 8030**

Just book it, drive it and return it.

Further information is available on the Co-wheels website:

[www.co-wheels.org.uk](http://www.co-wheels.org.uk)

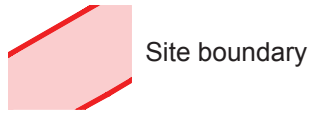
## Other Useful Information:

### Local Taxi Firms:

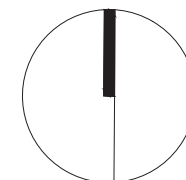
<b>Aberdeen Airport Taxis</b>	<b>01224 775555</b>
<b>Central Taxis</b>	<b>01224 890089</b>
<b>ComCab</b>	<b>01224 353535</b>
<b>Rainbow City Taxis</b>	<b>01224 878787</b>
<b>Spalding Taxis</b>	<b>01224 741640</b>

### Local Private Bus Firms:

<b>Central Coaches</b>	<b>01224 890089</b>
<b>Falcon Coach Hire</b>	<b>01224 697569</b>
<b>Mairs Thistle Executive Hire</b>	<b>01224 772772</b>
<b>Gordons Travel</b>	<b>01651 781919</b>
<b>Bains Coaches</b>	<b>01651 872825</b>
<b>First Aberdeen</b>	<b>01224 650065</b>



Site boundary

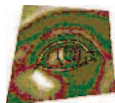


**Proposed Office Extension**  
6 Albert Street, ABERDEEN

**Location Plan**

Scale: 1:1250 @ A3  
Date: February 2014  
Dwg No: A5032 / P(--)-01

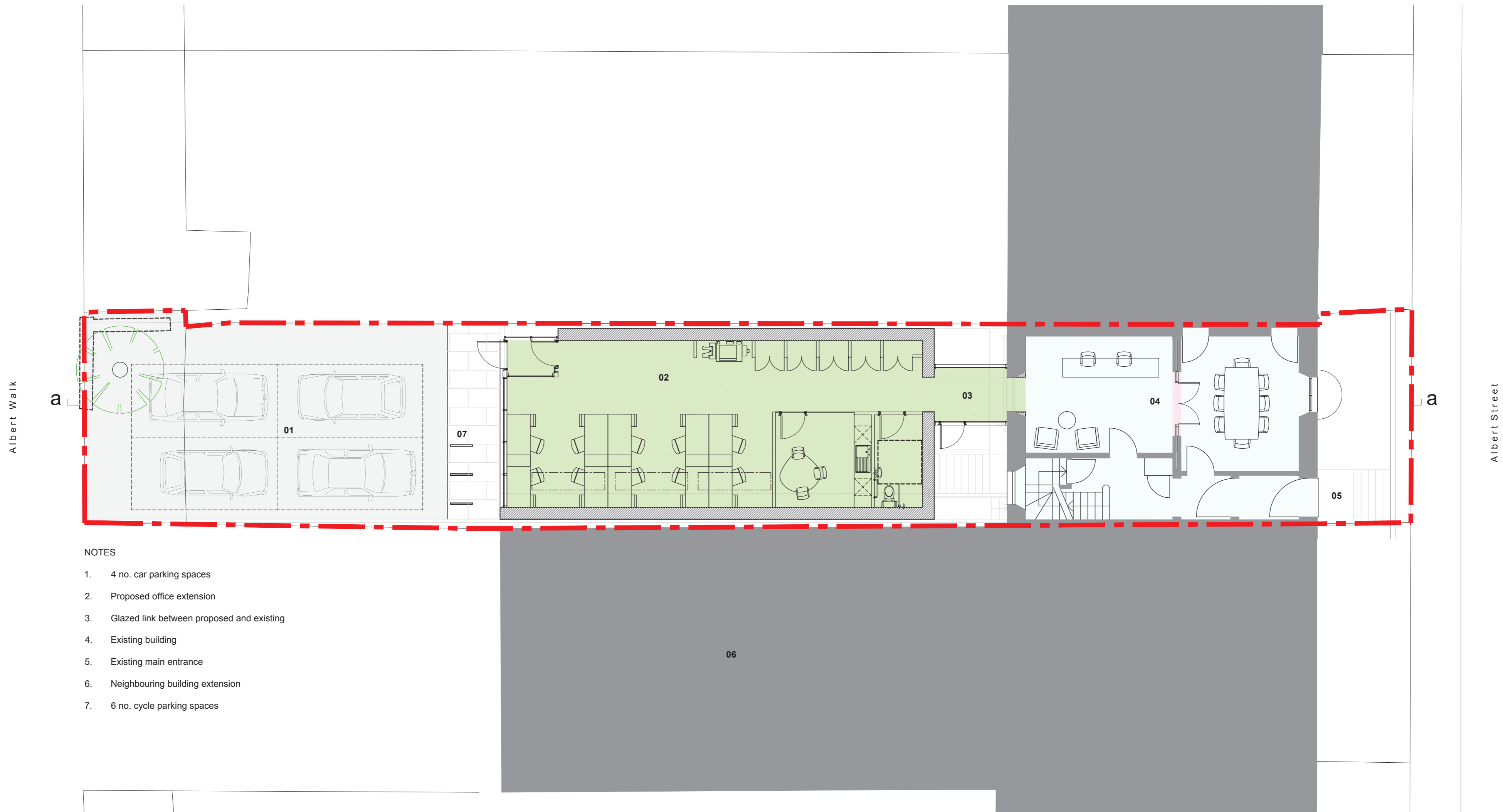
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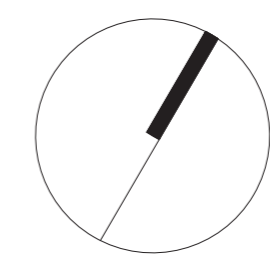
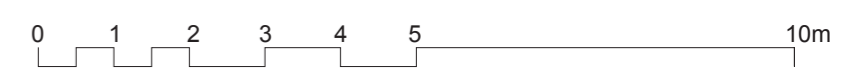


- NOTES
1. 4 no. car parking spaces
  2. Proposed office extension
  3. Glazed link between proposed and existing
  4. Existing building
  5. Existing main entrance
  6. Neighbouring building extension
  7. 6 no. cycle parking spaces

COLOUR KEY

- EXISTING BUILDING
- EXISTING BUILDING ALTERATIONS
- PROPOSED EXTENSION

Please note that a detailed building survey has not been undertaken. All dimensions should be checked and confirmed prior to construction.

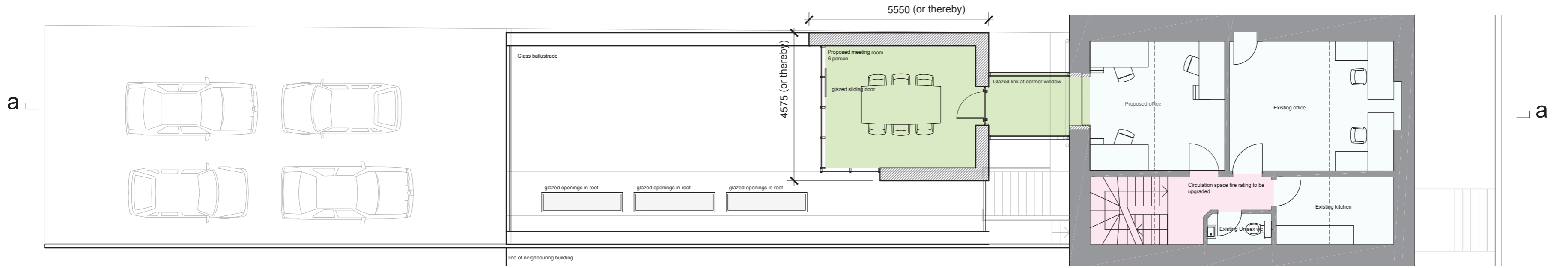


**Proposed Office Extension**  
6 Albert Street, ABERDEEN

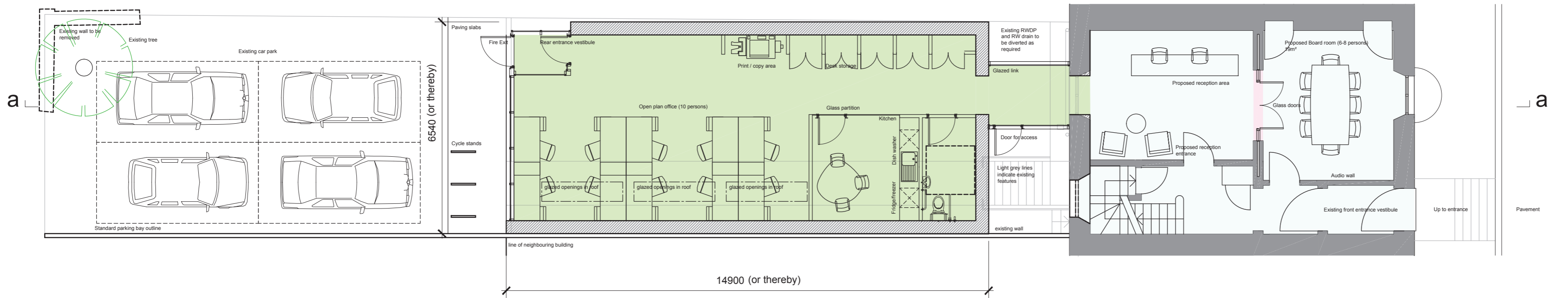
**Proposed Site Plan**

Scale: 1:100 @ A2  
Date: February 2014  
Dwg No: A5032 / P(--)-02

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FIRST FLOOR PLAN



GROUND FLOOR PLAN

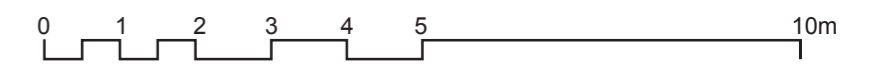


BASEMENT FLOOR PLAN

ACCOMMODATION SCHEDULE

All areas are as stated or thereby.  
All areas represent Gross Internal Areas.

<i>Existing</i>	
First Floor	59.1m <sup>2</sup>
Ground Floor	59.1m <sup>2</sup>
Basement Floor	59.1m <sup>2</sup>
<i>Proposed</i>	
First Floor	22.6 m <sup>2</sup>
Ground Floor	86.8 m <sup>2</sup>
Basement Floor	17.8 m <sup>2</sup>
Existing Car Parking	4 no. spaces
Proposed Car Parking	4 no. spaces
Proposed Cycle Parking	6 no. spaces (external)



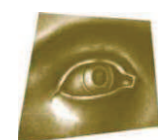
Please note that a detailed building survey has not been undertaken.  
All dimensions should be checked and confirmed prior to construction.

**Proposed Office Extension**  
6 Albert Street, ABERDEEN

**Proposed Floor Plans**

Scale: 1:100 @ A2  
Date: February 2014  
Dwg No: A5032 / P(--)/03

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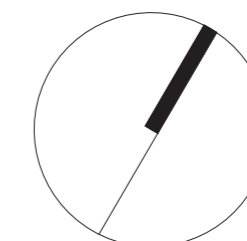
**HALLIDAY FRASER MUNRO**

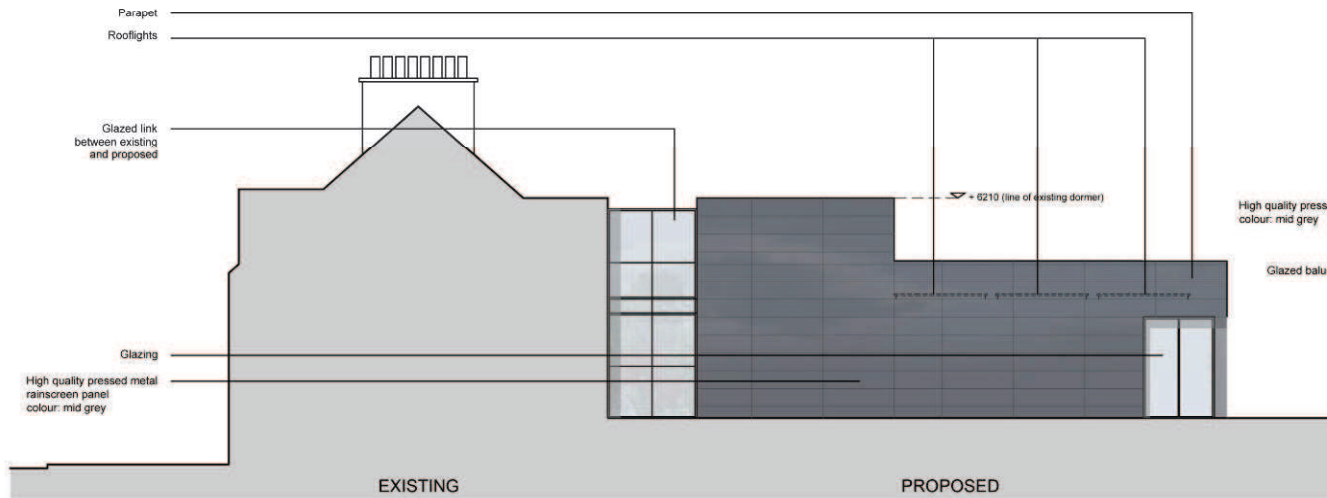
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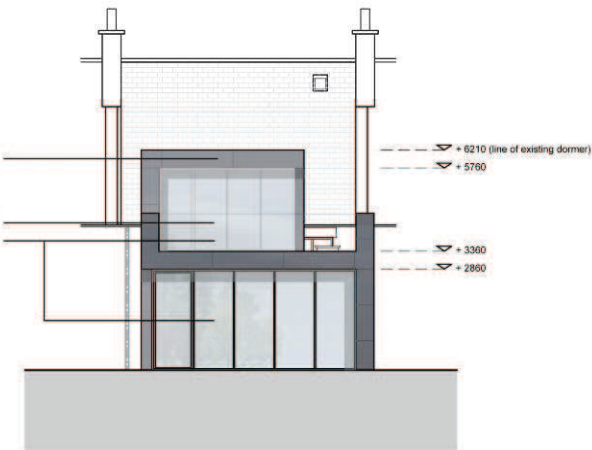
COLOUR KEY

- EXISTING BUILDING
- EXISTING BUILDING ALTERATIONS
- PROPOSED EXTENSION



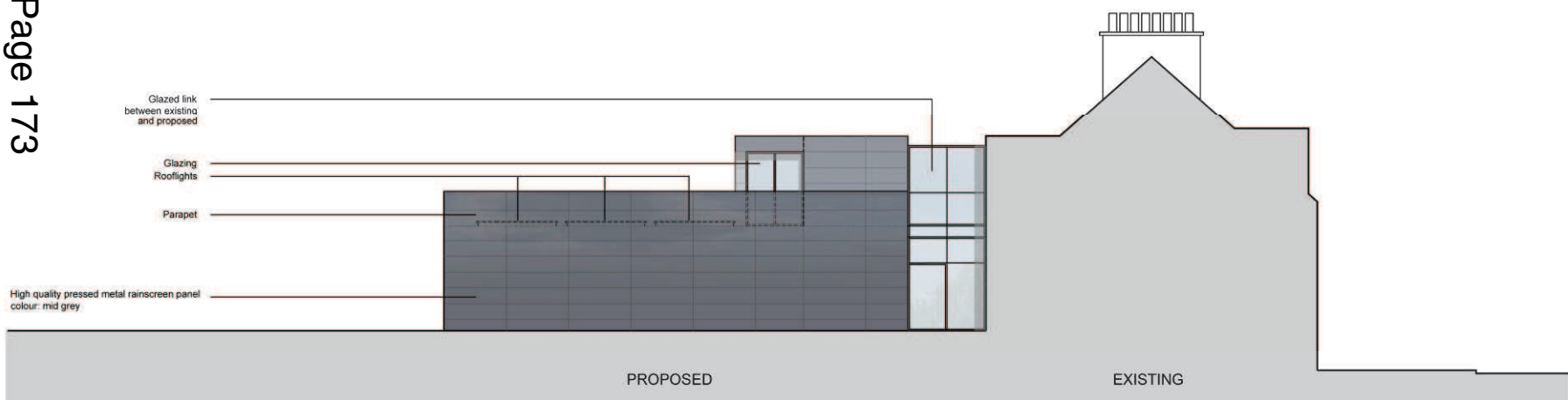


SOUTH ELEVATION



WEST ELEVATION

Page 173



NORTH ELEVATION

Please note that a detailed building survey has not been undertaken. All dimensions should be checked and confirmed prior to construction.



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**Proposed Office Extension**  
 6 Albert Street, ABERDEEN

**Proposed Elevations**  
 Scale: 1:100 @ A2  
 Date: February 2014  
 Dwg No: A5032 / P(-)04

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# Agenda Item 3.1

Signed (authorised Officer(s)):

BAADS FARM, PETERCULTER

REMOVAL OF CONDITION 1 (CONTROL OF OCCUPANCY) FROM PLANNING PERMISSION REF:P120873

For: Mrs Diane Cheyne

Application Type : Section 42 Variation  
Application Ref. : P141149  
Application Date : 07/08/2014  
Advert : Can't notify neighbour(s)  
Advertised on : 27/08/2014  
Officer : Gavin Clark  
Creation Date : 23 September 2014  
Ward: Lower Deeside (M Boulton/A Malone/M Malik)  
Community Council: Comments

**RECOMMENDATION: Refuse**

## DESCRIPTION

The site is located in the countryside some 3.5km to the north west of Peterculter, to the east of Baads and a group of houses known as Hillcrest Courtyard. The site comprises unused agricultural land, extends to 2.3 hectares and is located to the east of Hillcrest Courtyard. In general, the surrounding land to the north and south rises gently up to the site, which is located on the crest of the hill. To the north, east and south are fields, while to the west and across an access track are six houses. Access to the site is initially via a 350 metre long tarred, single track, private road that serves seven houses and an agricultural shed and then along an unsurfaced track for a further 80 metres.

## RELEVANT HISTORY

An application for planning permission (Ref: 140187) was refused under delegated powers in March 2014 for the removal of Condition 1 (Control of Occupancy) from Planning Permission Ref: 120873. The current application relates to the same proposal, but with further justification provided via the applicants solicitor and chartered surveyor.

Planning permission (Ref: P110648) was approved by Planning Committee, against officer recommendation on the 11th October 2011 for the erection of a

residential dwelling, garage and associated stud farm. Conditions were applied to the planning permission restricting the occupancy of the house to a person employed full time in the stud farm business and the dependants, widow or widower of such a person, the phasing the development to ensure that the stables and associated infrastructure are constructed and available for use prior to the commencement of the construction of the house and garage, restricting the hours of construction, requiring the submission of schemes of all external lighting and drainage/sewage facilities, the submission of samples of all external finishing materials and the provision of landscaping and tree planting on the site.

Planning permission (Ref: 120873) was approved under delegated powers on the 27th July 2012 for a variation to condition 7 to allow for the disposal of sewage effluent by means of a suitable primary and secondary treatment system as designed by a qualified engineer.

## **PROPOSAL**

This application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997, and seeks deletion of Condition 1 of planning permission P120873.

Condition 1 states: *“that the dwelling house hereby granted planning permission shall not be occupied by any person other than a person employed full-time in the stud farm hereby granted planning permission and the dependants, widow or widower of such a person in accordance with the planning authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation”*. The reason for the above condition was to preserve the amenity and integrity of the Green Belt and in accordance with Policy 28 of the Aberdeen Local Plan.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=141149>

On accepting the disclaimers enter the application reference quoted on the first page of this report.

- Letter from Solicitor (Gavin Bain & Company) – dated 25<sup>th</sup> July 2014
- Letter from Solicitor (Gavin Bain & Company) – dated 14<sup>th</sup> January 2014
- Letter from Chartered Surveyor (Shepherd's0 – dated 15<sup>th</sup> May 2014
- Supporting Statement – Suller and Clark Planning Consultants
- Supporting Statement – from Architects – dated 11<sup>th</sup> March 2014

## **CONSULTATIONS**

**Roads Projects Team** – no observations

**Environmental Health** – no observations

**Enterprise, Planning & Infrastructure (Flooding)** – no observations

**Community Council** – Culter Community Council have objected to the application for the following reasons:

1. The proposal would be contrary to the Green Belt policies within Scottish Planning Policy and also Policy NE2 (Green Belt) of the Aberdeen Local Development Plan;
2. Concerns about the use of sections of SPP which are aimed at rural areas outside of Green Belts and that the proposal is also reliant on advice from the Chief Planner, which was aimed primarily at developments located out with the Green Belt.

## **REPRESENTATIONS**

Four letters of objection have been received. The objections raised relate to the following matters –

1. Removal of the occupancy condition would permit the dwellinghouse to be occupied by persons not associated with the stud farm business;
2. That Condition 2 of the planning consent requires that the stud farm is brought into use before any construction of a dwellinghouse or garage, there appears to be no progress in this regard;
3. The proposal would set an undesirable precedent for future development, in that a further dwellinghouse may be required for the operation of the stud farm business;
4. Concerns in relation to increases in traffic as a result of development; as well as safety and noise;
5. The materials of the proposed dwellinghouse would be out of keeping with those in the surrounding area;
6. Concerns in relation to drainage;
7. The proposed development would have a negative impact on the surrounding landscape;

## **PLANNING POLICY**

### **National Policy and Guidance**

#### *Scottish Planning Policy*

Paragraph 49 of Scottish Planning Policy states that for most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

Paragraph 51 advises that the spatial form of the green belt should be appropriate to the location. It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. Local development plans should show the detailed boundary of any green belt, giving consideration to:

- excluding existing settlements and major educational and research uses, major businesses and industrial operations, airports and Ministry of Defence establishments;
- the need for development in smaller settlements within the green belt, where appropriate leaving room for expansion;
- redirecting development pressure to more suitable locations; and
- establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads<sup>30</sup>. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

#### **Aberdeen City and Shire Structure Plan**

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible.

#### **Aberdeen Local Development Plan**

*Policy NE2 – Green Belt:* No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry,

recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

There are a number of exceptions which apply. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- The development is within the boundary of the existing activity.
- The development is small-scale.
- The intensity of activity is not significantly increased.
- Any proposed built construction is ancillary to what exists.

### **Other Relevant Material Considerations**

Letter from Chief Planner– Occupancy Restrictions & Rural Housing, 04.11.2011

The letter clarified the Scottish Government's view on the use of conditions or planning obligations to restrict occupancy of new rural housing. It stated that a number of issues have arisen with the use of occupancy restrictions, some of which have been exacerbated with the current economic situation. Some people have found it difficult to obtain a mortgage, others to sell the house, or have the restriction lifted, when they are forced by necessity to move, noting that the use of occupancy restrictions introduces an additional level of complexity (a potential expense) in the process of gaining planning permission for a new house.

The letter states that the Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided. However, the letter continues to state that in areas, including Green Belts, where...there is a danger of suburbanisation of the countryside or an unsustainable growth in long distance car-based commuting, there is a sound case for a more restrictive approach.

### **EVALUATION**

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively the planning authority can refuse the application, which would result in the conditions on the original application remaining.

## Background

Planning permission was granted on the 11<sup>th</sup> October 2011 for the erection of a dwellinghouse at Baads Farm. Whilst the site was located within the Green Belt, where policies are generally restrictive, it was judged that a house was required to support the proposed stud farm business, which was to be relocated from another site out with the city boundary. The application was approved against officer recommendation on the basis “that the application was not contrary to Policy 28 of the Local Plan as the proposed buildings would not be higher than the others in the landscape and the proposed business was an agricultural activity within Policy 28”.

Conditions were applied to the planning permission restricting the occupancy of the house to a person employed full time in the stud farm business and the dependants, widow or widower of such a person, the phasing the development to ensure that the stables and associated infrastructure are constructed and available for use prior to the commencement of the construction of the house and garage, restricting the hours of construction, requiring the submission of schemes of all external lighting and drainage/sewage facilities, the submission of samples of all external finishing materials and the provision of landscaping and tree planting on the site.

An application to remove condition 1 was submitted and subsequently refused in March 2014, as the deletion of the policy would mean that the proposal would be contrary to Policy NE2 (Green Belt) of the ALDP as well as Scottish Planning Policy. The current application provides additional justification from the applicant’s solicitor and estate agent in order to justify the removal of Condition 1. The reasoning for this refusal was as follows:

*“The proposed deletion of Condition 1 of planning permission P120873, relating to occupancy, is contrary to Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, which seek to protect the integrity of Green Belts and, in particular, seek to avoid the granting of individual planning permissions to prevent the cumulative erosion of a green belt. If it were not for the specific individual requirements of the business the house would not have complied with planning policy and ultimately refused. The removal of this condition would undermine the policies which seek to protect the integrity of the Green Belt which seeks to safeguard against unsustainable development and suburbanisation of the area. It was judged necessary to impose Condition 1 to ensure that the development complied with planning policies. It is judged that Condition 1 meets the tests set out in Circular 4/1998. The advice in the letter from the Chief Planner (04.11.2011) has been considered. The proposal to delete Condition 1 is considered unacceptable in planning policy terms.”*

Supporting Documents/ Statement

The applicant has submitted a statement in support of their application for the removal of condition 1. The statement covered the following points:

Letter from Gavin Bain & Co – dated 25<sup>th</sup> July 2014 & 14<sup>th</sup> January 2014

- Advises that mortgage lenders are reluctant to lend on land/ property which is effectively “tied” – which is the case with the insertion of the occupancy condition, they also advised that that even if lenders were willing to lend, then potential purchasers are reluctant to proceed to buy such properties which are subject to such ties as when they come to sell, the market available to them is restricted. They indicated that the property had been marketed without success since the 29<sup>th</sup> April and whilst some interest was shown this was removed once they were made aware of the restrictive occupancy condition;

Letter from Shepherd – dated 15<sup>th</sup> May 2014

- Advises that the condition severely restricts the potential occupation of the property if it were to be constructed. Also confirmed that a number of mortgage lenders would be unwilling to lend due to restriction and as a result any future purchasers would be restricted to cash buying stud farmers, which would render the property virtually unsalable.

Supporting Statement: Suller and Clark;

- Advises that there has been a material alteration in the circumstances in that the applicants have found it impossible to achieve finance for the build with the occupancy restriction in place. This was confirmed in a supporting document from the applicant’s solicitor dated 14th January 2014;
- That given the current circumstances, the development of the stud farm falls within “a recreational use compatible with an agricultural or natural setting”;
- The statement makes reference to Scottish Planning Policy, PAN 73, the Aberdeen Local Development Plan, Circular 4/1998 and advice from the Chief Planner.

Comments with regards to the Supporting Statement:

The supporting statement gave a detailed account of the history and the reasoning behind the application for the removal of the condition. The supporting letter did not state that achieving finance would be impossible, but advised that mortgage lenders are reluctant to lend on land/ property which is effectively tied.

It is also unclear from the correspondence submitted from Gavin Bain & Co, as to the exact number and nature of financial institutions which were approached, and to what extent they were made aware that a Section 75 Agreement could include a clause which would allow for the discharge of any restriction of sale, were a lending bank or building society to be faced with the agricultural business going into bankruptcy. It is also unclear as to why the property was marketed, as the original proposal was specifically for the current applicant, who required the premises to relocate her business from a site near Drumoak.

The supporting statement from Suller and Clark appears to contradict that statement from Gavin Bain & Co, as this makes reference to the applicants finding it difficult to finance the project, whereas Gavin Bain appears to indicate that the applicants have found it difficult to sell the site.

In relation to the comments from Shepherds, they appear to refer to two mortgages lenders out of a multitude of potential lenders. They did not provide any written/ documented evidence of responses from the two lenders.

The specific reference to Scottish Planning Policy in the supporting statement is not considered to be of particular relevance in this instance. The site is not located within a rural community, and would not be classed as a "fragile or dispersed community". Planning Advice Note (PAN) 73: Rural Diversification is also considered to be of little relevance, which relates mostly to the "remote rural" areas of Scotland. The site itself is not in a remote location, and in addition, the surrounding area does not suffer from depopulation.

The proposal relates to the discharge of the condition, which would essentially allow an application for a dwellinghouse within the green belt with no restrictions. The proposal is not considered to accord with the terms of the policies of the Aberdeen Local Development Plan. For the reasons mentioned elsewhere in this report the proposal fails to accord with Policy NE2 (Green Belt).

The Chief Planners letter and the relevance of Circular 4/1998 are discussed elsewhere.

*Main Issues:*

Policy NE2 (Green Belt) permits only certain types of development within the Green Belt. In their determination of the original planning application, the Planning Development Management Committee accepted the principle of the dwellinghouse and associated stud farm business. Although granted in 2011 no works have yet begun on site. Condition 2 of this consent would ensure that the stud farm would be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse.



Although the guidance from the Chief Planner in November 2011 emphasised that occupancy restrictions in relation to houses in the countryside are rarely appropriate and therefore should generally be avoided, it nevertheless clearly stipulated that in Green Belt locations there is a sound case for a more restrictive approach. The letter from the Chief Planner therefore implies that a restrictive approach can be considered appropriate where significant pressure for housing development exist.

The applicants advise of the requirement to remove the condition due to difficulties in obtaining a mortgage on site due to the occupancy condition. The dwellinghouse was essentially granted planning permission in association with the stud farm business. If it were not for the associated business, then it is highly unlikely that planning permission would have been granted as the application would not have complied with the development plan. In effect, it is the associated stud farm business that allowed the dwellinghouse to be granted in this location.

The letter from the Chief Planner notes that the use of occupancy restrictions introduces an additional level complexity in the process of gaining planning permission for a new house. If the Planning Authority deleted the condition it would result in there being no tie of the dwelling to the stud farm. The house could be sold onto another party without the business and there would be no control over this. The site is considerably open in terms of the countryside, it is not within the existing settlement, and lies within the Green Belt. There is considerable pressure for housing within the Green Belt, and it is the development of individual sporadic houses which is seen to cause the suburbanisation and increase in car borne commuting which is judged unsustainable. Scottish Planning Policy states that the cumulative erosion of a green belt's integrity through the granting of individual planning permissions should be avoided.

#### *Whether Condition 1 meets the tests set out in Circular 4/1998*

Circular 4/1998 sets six tests which all planning conditions should meet. Conditions should only be imposed where they are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects.

It is considered that Condition 1 meets the test of necessity as it is required to ensure compliance with the Development Plan. Planning conditions which restrict the occupation of properties to business are commonly used by planning authorities where otherwise they could not be supported, and they are referred to in paragraph 99 of the Circular. Conditions tying the occupation of dwellings to that of separate buildings (e.g. requiring a house to be occupied only by a person employed by a nearby garage) should be avoided. However, exceptionally, such conditions may be appropriate where there are sound planning reasons to justify them, e.g. where a dwelling has been allowed on a site where permission would

not normally be granted. To grant an unconditional permission would mean that the dwelling could be sold off for general use which may be contrary to development plan policy for the locality.

Condition 1 is relevant to planning, given that it is required to control the use of the land, it is relevant to the development permitted, is enforceable, precise and is considered to be reasonable in all other respects. As a result the condition meets the six tests.

To ensure that the dwelling remains available to meet the identified need, it may therefore be acceptable to grant permission subject to a condition that ties the occupation of the new house to the existing business. It is therefore judged that the Condition meets the tests specified in the Circular.

#### Issues Raised in Letters of Representation/ Community Council

The issues raised by the Community Council, relating to accordance with Policy NE2 (Green Belt), Scottish Planning Policy, Circular 4/1998 and the Chief Planners Letter have been addressed elsewhere within this report.

In terms of issues raised in letters of representation, the removal of the occupancy condition has already been addressed. Granting of permission would result in an undesirable precedent for future development, and it is also noted that the stud farm would need to be in place prior to the dwellinghouse

The principle of development (particularly relating to design, traffic, drainage and materials) are not matters to be considered as part of this application, which relates to the variation of Condition 1 only.

#### Conclusion:

In conclusion, no new information/ justification has been submitted which would alter the previous decision by the Planning Authority to refuse permission for the removal of Condition 1. The reasons for that decision continue to be valid and relevant and thus the Council's position remains that given the advice from the Chief Planner, Scottish Planning Policy and Policy NE2 (Green Belt) it is considered that Condition 1 is necessary, and ties occupancy of the house to the proposed stud farm. Planning policies within the Green Belt seek to protect their integrity and in particular seek to avoid the granting of individual planning permissions to prevent the cumulative erosion of a green belt. If it were not for the specific individual requirements of the business the house would not have complied with planning policy. If the Condition is deleted, there would be no longer be a tie between the dwellinghouse and the stud business. The house could be sold off separately from the business.

## **RECOMMENDATION**

**Refuse**

### **REASONS FOR RECOMMENDATION**

The proposed deletion of Condition 1 of planning permission P120873, relating to occupancy, is contrary to Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, which seek to protect the integrity of Green Belts and, in particular, seek to avoid the granting of individual planning permissions to prevent the cumulative erosion of a green belt. If it were not for the specific individual requirements of the business the house would not have complied with planning policy and ultimately refused. The removal of this condition would undermine the policies which seek to protect the integrity of the Green Belt which seeks to safeguard against unsustainable development and suburbanisation of the area. It was judged necessary to impose Condition 1 to ensure that the development complied with planning policies. It is judged that Condition 1 meets the tests set out in Circular 4/1998. The advice in the letter from the Chief Planner (04.11.2011) has been considered. The proposal to delete Condition 1 is considered unacceptable in planning policy terms and no sufficient justification has been submitted from the previous refusal (Ref: 140187) in order to justify the removal of the Condition.

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Malcolm Road,  
Peterculter,  
92 Aberdeenshire,  
AB14 0XB.

28 August 2014.

Mr Gavin Clark,  
Enterprise, Planning and Infrastructure,  
Aberdeen City Council,  
Marischal College,  
Broad Street,  
Aberdeen,  
AB10 1AB

Dear Mr Clark,

**Planning Application P141149: Baads Farm, Peterculter. Aberdeen. AB14 0PP**  
**Removal of Condition1 (Control of Occupancy) from Planning Permission**  
**Ref: P120873**

The members of Culter Community Council (CCC) Planning Sub Group discussed this planning application at their August meeting and have asked me to raise objections as follows:

This application seeks to remove Condition No.1 of Planning Permission Ref: 12/0873, which states:

"(1) that the dwelling house hereby granted planning permission shall not be occupied by any person other than a person employed full-time in the stud farm hereby granted planning permission and the dependants, widow or widower of such a person in accordance with the planning authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation - in order to preserve the amenity and integrity of the Green Belt and in accordance with Policy 28 of the Aberdeen Local Plan."

Much of the applicant's discussion relies on the advice from the Chief Planner that the use of occupancy conditions is not promoted and where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.

The occupant also quotes PAN 73 relating to Rural Diversification and in particular the following paragraph:

"in relation to a business, new housing may be acceptable as a complementary part of a development. It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs."

We would contend that this PAN does not relate to the Green Belt around Aberdeen, where there is little need for “economic regeneration”, the application does not relate to “environmental renewal”, it is not a “remote area” and there is no need to “stem depopulation”. It is clearly meant to apply to areas such as the Western Highlands and Islands.

The letter from the Chief Planner, which is selectively quoted also states, “where ... there is a danger of suburbanisation of the country side or an unsustainable growth in long distance car based commuting, there is a sound case for a more restrictive approach.”

To us this would suggest that PAN 73 and the letter from The Chief Planner are to be read in conjunction with Green Belt Acts and Policies and they do not in any way replace or are to be considered legally superior to those Acts and Policies.

The applicant also states that because of the Occupancy Condition mortgage funding is “simply not available” and that the Condition is “unreasonably restrictive” and that such a condition should be avoided.

In support of this they quote a recent appeal decision ref POA-110-2002. However, this relates to a property in rural Aberdeenshire and the application was for removal of the Condition on a property which was already built. This is a completely different set of circumstances from the current application.

Whilst the applicant may be having difficulty in obtaining mortgage funding it is reasonable to expect that such matters were considered when a business plan was set out for the stud farm.

In summing up, we at Culter Community Council believe that the applicant’s submissions for removal of the condition are not entirely relevant to the particular circumstances and that the policies and advice notes which are distilled into Scottish Planning Policy 2010 in relation to maintenance and management of the Green Belt and in Aberdeen’s Local Development Plan, (ADLP) 2012 and Green Belt Policy NE2 should prevail.

Yours sincerely,

Brian W Yule,  
Planning Liaison,  
Culter Community Council.

**From:** [REDACTED]  
**Sent:** 02 September 2014 20:23  
**To:** PI  
**Subject:** Planning Comment for 141149

Comment for Planning Application 141149  
Name : David and Karen Hainsworth  
Address : 3 Hillcrest courtyard  
peterculter  
ab13 0pp

Telephone : [REDACTED]  
Email : [REDACTED]

type :  
Comment : Date: 1st September 2014

Dear Sir,  
We would like to object to the planning application no.141149 for the following reasons, 1. This is a development in the greenbelt and policy 28 states that development is only permitted for essential purposes. Removal of the occupancy clause would permit the residential property to be occupied by anyone, not someone with an essential rural occupation. 2. It is a very large residential building and garages, which will be extremely prominent in the landscape. From the historical maps it is clear there has been no buildings on this site in the past, 3. There has been no development at the site in respect of the infrastructure of the stud farm since the planning permission was granted, ie no paddocks, no fencing, no planting of grass or stabling .In fact the area has been completely untended. Condition 2 of the conditional planning permission is that all the infrastructure of the stud is completed and brought into use before any construction of the dwelling house or garage. Despite the great urgency of housing the stud farm when the original planning permission was sought, there appears to be no progress in placing the stud farm at Baads. 4. We are concerned that there could be future applications for an essential residential dwelling associated with the stud farm business on the same site. Alternatively the business could move to another green field site and apply for essential residential buildings there. This all leads to erosion of the green belt. 5. This is the second application to amend the planning permission for this site, a previous application was refused, I don't believe that the reasons stated in this second application materially change the conclusion from the previous planning application. Granting of this revision to the existing planning permission would set a precedent, which would lead to more building and more destruction of the greenbelt around Aberdeen.

David Hainsworth  
Karen Hainsworth

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**From:** [REDACTED]  
**Sent:** 02 September 2014 18:52  
**To:** PI  
**Subject:** Fwd: Slater Objection to Planning Application 141149

Dear Sir / Madam,

We are writing to object to the recent planning application amendment 141149 from the original planning application 110648.

We are aware that the applicant is applying to remove a clause to the original planning application which will decouple the livery business and residential property. It is apparent that the applicant is struggling to finance the project with this clause in place as they cannot secure a loan for the property. We fail to see why this is a planning consideration and believe it is a transparent attempt to remove the clause and allow the property to be developed and then sold on, i.e. for commercial purposes. The Council has well established planning regulations which in our understanding do not encompass financial considerations.

It is understood that the applicant states the objections made previously by several parties are invalid due to the application already being granted. However these points are still very much valid and should be considered when reviewing this most recent amendment. When considering the points below we remain mystified as to how planning permission was ever granted.

Having moved in to the area in December 2013, we did know about the previous application but did not appreciate the effect such a development would have on the surrounding area.

One issue we have noticed is the public road leading to Baads Farm is in bad condition and could not cope with additional traffic (let alone lorries and horse boxes) going to and from the livery.

The private road leading up to Baads Farm would also struggle to cope with extra traffic and as it has no passing places this would create major issues for vehicles with trailers having to reverse, potentially resulting in trailers ending up in the ditch. By inspecting the private road it should be clear to see this.

The livery itself and paddock would be too small to support a successful business and it appears that the business is a guise for building the proposed house and potentially more once the livery is built.

It is stated that there used to be a dwelling on the proposed site. This is untrue and by inspecting the site it is clear to see that the said dwelling is obviously just piled up building waste left over from the Hillcrest development. This can be proved by reviewing old ordinance survey maps of the area.

We are concerned that the proximity of the livery to our dwelling and the increased traffic entering and exiting the livery, will be a danger to our small family (x3 children - 0 yrs, 1.5 years & 3 years) and several other local children as they move between our dwellings and the children's play area (field) to the north of Hillcrest. This is predominantly why we moved out of town so the children could grow up in a safer environment.

We were also keen for our children to grow up in a greenbelt area and are concerned that by granting planning permission for this development (on a greenbelt site) a precedent will be set and more planning applications will follow. After the refusal of planning permission for the Kennels & Accommodation in 2008 in

the field to the south side of this site, which I believe went up to the Scottish Executive, we are surprised this planning application is being considered at all.

On reviewing the plans for the development it is clear that style and proposed materials will not be in keeping with the surrounding properties which are all very traditional and rustic. Synthetic granite blocks, light grey render and plastic double glazing will contrast greatly with the traditional features of the surrounding buildings. The height of the proposed building would be greater than that of the surrounding buildings and the proposed building will be elevated and in a prominent position which will be clearly visible from the main road and beyond. The large roof terrace in the proposed design is not in keeping with the surrounding buildings.

There are concerns over the drainage and sewage on the proposed site and this issue will be further compounded by the excessive amount of land used for roads and hard standings.

Finally I believe it was stated in the original planning application that the livery was urgently needed to re home horses. With 3 years since the original application, one would question the legitimacy of this claim.

The points raised above warrant the planning department carefully assessment of this planning application and its review of why the original planning application was ever passed.

Thanks and best regards,

Paul and Marion Slater

(+Angus, Hamish & Lachlan)

P&SD Letters of Representation		
Application Number: 141149		
RECEIVED 03 SEP 2014		
Nor	Sou ✓	MAp
Case Officer Initials: OC		
Date Acknowledged: 3/9/14		

PI

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**From:** Nigel Kenrick [REDACTED]  
**Sent:** 31 August 2014 21:00  
**To:** PI  
**Subject:** Application Number 141149  
**Attachments:** Planning Objection ref Stables & House.pdf

Dear Sir

Please find attached our objection letter.

Regards

Nigel Kenrick

Planning Dept  
Aberdeen City Council  
Aberdeen  
AB10 1AB

The Elms, Hillcrest Courtyard  
Peterculter  
Aberdeenshire  
AB14 0PP

30<sup>th</sup> August 2014

Dear Sir

**Re: Removal of Condition 1 (Control of Occupancy) from Planning Permission**

**Ref:P120873**

**Proposed Development at: Baads Farm, Peterculter**

I would like to object to the above application on the following grounds:-

- Increase in traffic to the single track road
- Safety
- Noise

We wish to reject the above application on the grounds that nothing has changed since the previous rejected application.

The reference to mortgage refusal does not alter the fact that this is green belt land. The previously approved application was based on establishing a viable stud farm business (how this changes the Green Belt status I do know!), should remain applicable.

Within the planning submission by Suller & Clark there is the statement, "**..... the single house and garage in association with the proposed stud farm was not considered to have an adverse impact on the surrounding landscape.**" As the site of the proposed buildings is in a raised prominent location the buildings would be clearly visible standing above the height of the hill behind it and would be seen from the main Deeside Road and Malcolm Road. Clearly then, this **would have** an adverse effect on the surrounding landscape! The proposed building will be higher than the existing adjacent properties.

The Culter Community Council have well established, detailed knowledge of the needs and aspirations of Peterculter and the surrounding area. With this in mind, it becomes clear that when the planning officer from Culter Community Council recommended rejection of the application in their report to Aberdeen Council for the reasons stated above, then their view should be given full consideration.

There has never been a building on the site as far as any Ordnance Survey and local knowledge can determine.

The Aberdeen City planning department and the Scottish Executive, with good reason, have rejected a previous application in the adjacent field. This is a quiet rural area and of late we have had a number of planning applications approved, (recently including the relocation of Oldfold Stables into the area) all of which has resulted in increased the traffic on the single track access road which is struggling to cope.

There are some very young children here at Baads / Hillcrest Courtyard who frequently play on the private roadway. The neighbours are all fully aware and take due care. However, we have real safety concerns, as customers, deliveries and trader visitors to the stables would be unaware of the children.

The increased traffic would, of course, have a noise impact in itself and also put a further burden on the single track road through Anguston which is already in a poor condition and is struggling to cope.

For the above reasons we request that the planning application is rejected.

Yours faithfully

Mr & Mrs Kenrick

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**From:** [REDACTED]  
**Sent:** 31 August 2014 21:28  
**To:** PI  
**Subject:** Planning Comment for 141149

Comment for Planning Application 141149  
Name : mr h. siggins  
Address : 2 hillcrest, peterculter ,ab14 Opp

Telephone : [REDACTED]  
Email : [REDACTED]

type :  
Comment : I made an objection to an almost identical planning application a few months ago and I still have the same objections, as I have again noted as follows. I also did not receive a neighbour notification letter on this occasion although I did receive one in the previous instance. I was made aware of this current planning application by word of mouth from another neighbour.

I object to this planning application to remove condition 1 from existing planning permission ref p120873 (and now 141149) for the following reasons.

The site is located in the green belt and no case has ever been made for why the greenbelt should be breached. Approval of the proposal would set a precedent for further housing in the green belt.

The private road leading to The Baads is single track, has no passing places, no turning points and has a hazardous blind corner. It is unsuitable for additional traffic especially horse boxes and horse transporters on a commercial scale.

The existing planning permission was granted on conditions that a viable stud farming business was to be established. The house was supposed to be tied to the business for accommodation of the business applicants and their employees. Removal of this condition would allow the tie of the accommodation to the business to be broken and this would set a detrimental precedent for all future planning applications in the green belt area.

The original application from 2011 states that the applicant was intending to relocate their stud farm and living accommodation on site due to problems with extending their lease at that time. Due to the time period of almost 4 years that has elapsed since this original application the planning board should establish if this situation still exists as valid grounds for the application.

The original application from 2011 further states that there is evidence of an existing dwelling on the land and so the applicant desired to build a 'replacement' dwelling on the land. There is no evidence of any existing dwelling on this land so the original statement was incorrect.

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## Policy NE2 – Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
  - a) the development is within the boundary of the existing activity.
  - b) the development is small-scale.
  - c) the intensity of activity is not significantly increased.
  - d) any proposed built construction is ancillary to what exists.
2. Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals identified in the Local Development Plan, such as the Aberdeen Western Peripheral Route, as well as roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the green belt.
3. Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the green belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed. (See Supplementary Guidance on The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside).
4. Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided:
  - a) the original building remains visually dominant;
  - b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and
  - c) the siting of the extension relates well to the setting of the original building.

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# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

### Applicant(s)

Name **MRS DIANE CHEYNE**

Address **BAADS FARM  
ANFUSTON  
PETERCULTER**

Postcode **AB14 0PP**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### Agent (if any)

Name **LESLEY TIERNEY**

Address **WILLIAM LIPPE ARCHITECTS  
4 ST JAMES PLACE  
INVERURIE**

Postcode **AB51 3UB**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative:  Yes  No

\* Do you agree to correspondence regarding your review being sent by e-mail?  Yes  No

Planning authority **ABERDEEN CITY COUNCIL**

Planning authority's application reference number **P141149**

Site address **BAADS FARM, PETERCULTER**

Description of proposed development **REMOVAL OF CONDITION 1 (CONTROL OF OCCUPANCY FROM PLANNING PERMISSION REF: P12087)**

Date of application **07/08/2014**

Date of decision (if any) **25/09/2014**

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED PLANNING STATEMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- ① OCCUPANCY RESTRICTIONS AND REAL HOLDINGS - LETTER FROM CHIEF PLANNER DATED 4 NOVEMBER 2011
- ② SUPPORTING STATEMENT FROM PLANNING APPLICATION TO REMOVE CONDITION 01 - SULLIVAN AND CLARK CONSULTANTS
- ③ LETTER FROM GAVIN SAIN AND COMPANY DATED 25 JULY 2014
- ④ LETTER FROM GAVIN SAIN AND COMPANY DATED 14 JANUARY 2014
- ⑤ LETTER FROM SHEPHERD SUTCLIFFES DATED 15 MAY 2014
- ⑥ LETTER FROM WILLIAM LIPPE ARCHITECTS DATED 11 MARCH 2014 (SUBMITTED WITH ORIGINAL APPLICATION TO REMOVE CONDITION)
- ⑦ SCOTISH GOVERNMENT APPEAL DECISION DATED 12 APRIL 2013 GRANTING REMOVAL OF PLANNING OBLIGATION

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

07/11/14

**Planning Statement for Notice of Review for:**

**Removal of Condition 1 (Control of Occupancy) from Planning Permission Reference P120873**

**Baads Farm, Anguston, Peterculter for Mrs Diane Cheyne**

The original planning permission for the dwellinghouse and stud farm at Baads Farm reference P110648 was granted on 11 October 2011. Although the application was recommended for refusal by officers, Members decided to approve the application and in accordance with general advice at that time a condition was attached to the permission limiting the occupancy of the dwellinghouse to "a person employed full-time in the stud farm hereby granted planning permission and the dependents, widow or widower of such a person in accordance with the planning authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation....". Clearly the need for the dwellinghouse at that time was accepted due to reasons of security and animal welfare.

When a further application P120873 was made to vary one of the conditions attached to that permission related to foul drainage the application was approved on 27 July 2012 carrying forward the occupancy condition applied to the original permission. It is Condition 1 of this latter permission that the appellant wishes to have removed in line with current Government advice.

The Director and Chief Planner for the Directorate for the Built Environment of the Scottish Government issued a letter to all Heads of Planning in Scotland on 4 November 2011 with regard to occupancy conditions and rural housing. While this recognised that there had once upon a time been a requirement to limit the occupancy of new houses in the countryside, a number of issues had since arisen with this approach, the main issues being difficulty in getting a mortgage, difficulties in selling the property and being forced to move. A further concern was that such restrictions on occupancy of dwellinghouses introduced an additional level of complexity to the planning process and that they could be intrusive, resource-intensive and difficult to monitor and enforce.

The overarching consideration in assessing the acceptability or otherwise of removing the condition is that Scottish Planning Policy promotes a positive approach to rural housing and does not promote the use of occupancy conditions. The letter from the Chief Planner is absolutely clear that "**occupancy conditions are rarely appropriate and so should be generally avoided**" and demonstrated a pragmatic and realistic understanding of the economic climate and the impact of this on the availability of funding.



Although work on site has now commenced for the stud building, the appellant has found it impossible to achieve finance for building the dwellinghouse. This is confirmed in two letters from the appellant's solicitors Gavin Bain and Company most recently dated 25 July 2014 and this letter also refers to marketing of the site since 29 April 2014 and that potential purchasers have not taken their interest any further once they became aware of the restrictive planning condition. Another letter from Shepherd Chartered Surveyors further verifies that the site is unmarketable with mortgage lenders refusing to provide finance due to Condition 1.

Aberdeen City Council policy provides a welcoming approach to rural development and allows for limited development in the countryside. There is not a policy in the Aberdeen City Local Development Plan which requires any kind of occupancy condition if permission for a house in the Green Belt or Countryside is approved. It is also worth noting that in the immediate neighbouring Authority Aberdeenshire Council, a recent appeal was upheld which sought to discharge a planning obligation which restricted the occupancy of a house at Ardlair House, Inverurie (Appeal Reference POA-110-2002). The Reporter allowed the removal of the obligation as the use of the occupancy condition failed the test of reasonableness as "there is a general presumption in up to date Scottish Government Policy against imposing such conditions". Paragraph 25 of Circular 4/1998 states that "even where a condition would not be so unreasonably restrictive as to be ultra vires it may still be so onerous that as a matter of policy it should be avoided. For example, a condition which would put a severe limitation on the freedom of an owner to dispose of his property, or which would obviously make it difficult to finance the erection of the permitted building by borrowing on mortgage, should be avoided on these grounds". As conditions must meet all six tests of the Circular, Condition 1 of permission P120873 fails to meet this requirement in failing to meet the test of reasonableness.

The application to vary the condition related to the drainage was approved on 27 July 2012 when the advice from the Chief Planner has been in use for nearly 9 months and should have been removed from the permission at that time. Indeed the original application was approved only a matter of weeks before the Chief Planner's letter was issued. Moreover now with this continued stance being in place for nearly three years, any applications for removal of conditions should be favourably looked upon especially when there are no policies requiring their use or retention.

As such, it is respectfully requested that the Local Review Body uphold the appeal and grant the removal of Condition 1.



Directorate for the Built Environment  
 Jim Mackinnon, Director and Chief Planner



Heads of Planning

DELIVERING  
 A GAMES LEGACY FOR SCOTLAND

4 November 2011

Dear Sir/Madam

## OCCUPANCY RESTRICTIONS AND RURAL HOUSING

I am writing to clarify the Scottish Government's views on the use of conditions or planning obligations to restrict the occupancy of new rural housing.

Occupancy restrictions are typically used in Scotland to limit the occupancy of new houses in the countryside either to people whose main employment is with a farming or other rural business that requires on-site residency, or to people with a local connection. Sometimes new houses are tied to particular land holdings, preventing them being sold separately. Such restrictions have been applied either through planning conditions or Section 75 planning obligations.

A number of issues have arisen with the use of occupancy restrictions, some of which have been exacerbated by the current economic situation. Some people have found it difficult to get a mortgage to buy a house with an occupancy restriction. Others have found it difficult to sell the house, or have the restriction lifted, when they are forced by necessity to move. While it may be possible to include provisions in the condition or obligation that attempt to address these issues, any use of occupancy restrictions introduces an additional level of complexity (and potentially expense) into the process of gaining consent for a new house. Occupancy restrictions can also be intrusive, resource-intensive and difficult to monitor and enforce.

Scottish Planning Policy promotes a positive approach to rural housing. It states that development plans should support more opportunities for small scale housing development in all rural areas, including housing which is linked to rural businesses. It does not promote the use of occupancy restrictions.

**The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.**

B5142669  
 Victoria Quay, Edinburgh EH6 6QQ  
 www.scotland.gov.uk





**Planning Permission to Remove Condition No. 1 (Occupancy condition)**

**For Planning Reference: P12/0873 - To vary Condition 7 for the disposal of sewage effluent by means of a suitable primary and secondary treatment system as designed by a qualified engineer**

**At: Baads Farm, Anguston, Peterculter**

**For: Mrs Diane Cheyne**

---

■ **Karine Suller B.Sc, M.Sc, MRTPI**  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

● **Karen Clark B.Sc (Hons), MRTPI**  
Mayriggs, 69 Brechin Road  
Kirriemuir DD8 4DE

## Legislation

Section 42 of the Town & Country Planning (Scotland) Act 1997 allows for the consideration and determination of applications to develop land without compliance with conditions previously attached.

It advises, that on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and

*"a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant permission accordingly."*

## Background

A detailed planning application was first lodged on 10th May 2011 (Ref: P11/0648) for one residential dwelling, garage and stud farm, which was granted permission on 11th October 2011. The application presented a 2.3 hectare site, directly to the east of Hillcrest Courtyard, Peterculter.

The report to Committee dated 29th October 2011, advised that planning permission was being sought for a 5 bed house, garage and stable block for a stud farm business. At that time the application was presented as housing for an essential worker for the stud farm business. The applicant had been breeding horses for many years and had set up the business in 2004. The applicant had a number of brood mares and breeding stallions, the total number at any time being 6 to 9 horses. In addition to servicing client's mares, the applicant had sold foals from her stock of offspring. The house was required at the site for animal welfare and security reasons.

After a site visit Members approved the application subject to the condition subject of the current application and confirmed that in their opinion the proposal complied with Policy 28 of the then adopted Aberdeen City Local Plan as the proposed buildings were not higher than others in the landscape and the proposed business was an agricultural activity as defined by Policy 28.

One of the conditions (Condition 7) of this permission required the submission of a detailed scheme for the disposal of sewage effluent by means of a septic tank and suitable secondary treatment system.

A second application (Ref: P12/0873) was submitted to vary Condition 7 to allow the disposal of sewage effluent by means of a suitable primary and secondary treatment. This application was approved on 27th July 2012 with the same occupancy condition. Given that this is the most recent application on the site, it is appropriate to

seek to vary the condition of this permission. No development has commenced on the site.

#### Condition to be varied

This application seeks to remove Condition No.1 of Planning Permission Ref: 12/0873, which states:

*"(1) that the dwelling house hereby granted planning permission shall not be occupied by any person other than a person employed full-time in the stud farm hereby granted planning permission and the dependants, widow or widower of such a person in accordance with the planning authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation - in order to preserve the amenity and integrity of the Green Belt and in accordance with Policy 28 of the Aberdeen Local Plan."*

There has been a material alteration in the circumstances in that the applicants have found it impossible to achieve finance for the build with the occupancy restriction in place. This has been confirmed by the applicants solicitors Gavin Bain and Company in a letter dated the 14<sup>th</sup> January 2014, copy attached. This letter confirms that mortgage lenders will not lend on properties with occupancy restrictions as they have concerns that this will hinder any possible opportunity for resale should a purchaser default.

#### Scottish Planning Policy and Advice

SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations.

In terms of rural areas the SPP recognises

*"Authorities should also set out the circumstances in which new housing out with settlements may be appropriate, particularly in rural areas. **Development plans should promote the development of rural communities and aim to support and sustain fragile and dispersed communities through appropriate housing development.**"*

In terms of the Green belt designation, the SPP confirms in Paragraph 159 that

*"Green belt designation should be used to direct development to suitable locations, not to prevent development from happening."*

*Paragraph 163 goes on to confirm that*

*"Certain types and scales of development may be appropriate within a green belt, particularly where it will support diversification of the rural economy. These may include:*

- *development associated with agriculture, including the re-use of historic agricultural buildings,*
- *woodland and forestry, including community woodlands,*
- *horticulture, including market gardening and directly connected retailing,*
- *recreational uses that are compatible with an agricultural or natural setting,"*

In the current circumstances it is submitted that the development of a stud farm falls within a *"recreational use compatible within an agricultural or natural setting."*

### **PAN 73 Rural Diversification**

The Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy.

The PAN recognises that a one size does not fit all and a flexible approach is often required to help businesses realise their opportunities. The advice confirms that it is important to take into account the particular needs or special circumstances of a business and be realistic about the resources available to them.

The advice provided goes on in relation to confirm that while house-building, in itself, is not diversification but there are circumstances where,

*"in relation to a business, new housing may be acceptable as a complementary part of a development. It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs."*

### **Aberdeen City Local Development Plan 2012**

The site lies within the identified Green belt and as such Policy NE2 – Green Belt is of relevance. In general terms the green belt seeks to maintain the identity of Aberdeen and the rural communities while avoiding coalescence and urban sprawl, maintaining the landscape setting and providing access to open space. The policy restricts development in the green belt for purposes other than those

*"Essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal."*

## Chief Planner's Advice

Of particular relevance to the current application is the very recent advice from the Chief Planner related to occupancy conditions which was issued on the 4<sup>th</sup> November 2011 and confirmed that

*"Scottish Planning Policy promotes a positive approach to rural housing. It states that Development plans should support more opportunities for small scale housing development in all rural areas, including housing which is linked to rural businesses. It does not promote the use of occupancy restrictions."*

The letter goes on

*"In determining an application for a new house in the countryside, it may be appropriate for the planning authority to consider the need for a house in that location, especially where there is the potential for adverse impacts. In these circumstances, it is reasonable for decision-makers to weigh the justification for the house against its impact, for example on road safety, landscape quality or natural heritage, and in such circumstances it may be appropriate for applicants to be asked to make a land management or other business case. **Where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.**"*

In the current circumstances it is clear from the decision of the elected members that the single house and garage in association with the proposed stud farm was not considered to have an adverse impact on the surrounding landscape. Further the Councillors confirmed that the stud farm business to be an appropriate use within this area as such there was sufficient justification to approve the application. In these circumstances the advice of the Chief Planner does not support occupancy conditions.

## Circular 4/1998

In considering the appropriateness or otherwise of a condition it is also relevant to consider Circular 4/1998 Use of Conditions in Planning Permissions. This provides six test which **all** conditions must adhere to, these being

- necessary,
- relevant to planning,
- relevant to the development to be permitted,
- enforceable,
- precise, and
- reasonable in all other respects.

Of particular relevance to the current condition are whether condition 1 is **reasonable in all other respects** this test will be considered in the discussion below.

### **Discussion**

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Over recent years **Scottish Planning Policy** has evolved and provides a welcoming approach to small scale, appropriately located development in the countryside and allows greater flexibility in the development of small rural businesses. The SPP confirms that green belt designation should not be used to prevent development from happening. The SPP provides instances where development within the green belt is appropriate, one of these being a recreational use compatible within an agricultural or natural setting. In the current circumstances it is submitted that the development of a stud farm falls within this exception and therefore is an acceptable use within the green belt.

**PAN 73 Rural Diversification** confirms that in relation to a business, new housing may be acceptable as a complimentary part of the development. It is submitted that this application accords with his advice.

The policies of the **Aberdeen City Local Development Plan 2012** provide similar advice within greenbelt areas. Policy NE2 – Green Belt restricts development in the green belt however provides some exceptions, one of these being recreational uses., it is therefore submitted that the proposal accords with this policy.

As discussed of particular relevance to the current application is the very recent advice from the Chief Planner related to occupancy conditions was issued on the 4<sup>th</sup> November 2011 and confirmed that it does not promote the use of occupancy restrictions, further advising that where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.

In the current circumstances it is clear from the decision of elected members that they considered that the proposed stud farm and associated house are acceptable within this rural area. Further, the elected members confirmed that the proposed house would not have an adverse impact on the surrounding area. In these circumstances, where the development has been fully justified in terms of the adopted policy the advice of the Chief Planner does not support occupancy conditions.

In relation to Circular 4/1998 Use of Planning Conditions, of particular relevance to the current condition is whether condition 1 is reasonable in all other respects. As confirmed the need for the house in association with the stud business for reasons of security and animal husbandry has been established. However, as demonstrated by the attached letter from Gavin Bain the applicant's solicitor, the required mortgage finance cannot be achieved as a result of this restrictive occupancy condition. This puts the whole business in doubt and places an unreasonable burden on the applicant. Similar cases have been upheld on appeal, where the recent Scottish Governments advice is against the imposition of such restrictive occupancy conditions. As such it is submitted that the condition fails to comply with the six tests as provide by Circular 4/1998.

Therefore in conclusion the application site has an extant planning permission for a residential dwelling, garage and stud farm, the planning documentation referred to the construction of 1 ½ storey 3 bed house. As such the principle of the erection of a single dwelling and associated stud farm business has been established on the application site. The need for the house to be developed as part of the stud farm business remains unchanged, that is the owner of the stud farm requires to be on site to ensure security of the stock and for reasons of good animal husbandry.

At the time that application was granted the elected members confirmed that the house and associated stud farm would not have a detrimental impact on the landscape setting and that the use as a stud farm adhered with the policies of the then adopted Aberdeen City Local Plan. Again, nothing has changed, the house and associated stud farm will be developed in conjunction with each other, the detailed design has the approval of Aberdeen City Council and as confirmed will not have an impact on the landscape setting of the surrounding area.

However, there has been a material change in that the applicants cannot achieve the required finance due to the restrictive occupancy condition. All Scottish Government and Aberdeen City Council policy provide a welcoming approach to rural diversification and allows for limited development in the countryside. The very recent advice of the Chief Planner confirms that where the policy supports the proposed development, as in the current instance, then occupancy conditions are not supported. Further, all conditions must comply with the six tests of conditions provided by Circular 4/1998, one of these being "reasonable in all other aspects". In the current circumstances, as demonstrated by the letter lodged in support of the application by the applicant's solicitor, the applicant has failed to achieve mortgage finance of the property. Therefore this occupancy condition puts the entire project in doubt and places an unreasonable burden on the applicant, as such Condition 1 of Planning Permission Ref: 12/0873 fails the tests and as a result is not legitimate.

In light of the above we submit that there is sufficient justification to support the removal of Condition 1 of Planning Permission Ref: 12/0873.





**GAVIN BAIN  
& COMPANY**

Solicitors and Estate Agents

Date: 25<sup>th</sup> July, 2014  
Our ref: GB/LMS  
Your ref:

Aberdeen City Council  
Department of Planning  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

**TO WHOM IT MAY CONCERN**

Dear Sirs,

**Land at Baads Steading, Anguston, Peterculter, Aberdeen  
Matthew Kevin McDonald/Diane Cheyne**

We act on behalf of the above named who have received from your Council, Conditional Planning Permission (Reference Number P120873) in connection with the erection of a dwellinghouse on the Land at Baads. The grant of Conditional Planning Permission by your Council is subject to *inter alia* the following provision namely:- "that the dwellinghouse hereby granted planning permission shall not be occupied by any person other than a person employed full time in the Stud Farm .....

As a result of this condition being imposed on the development, it effectively means that the land (and any dwellinghouse to be erected thereon) would be rendered unmarketable. The reason for this is that mortgage lenders are extremely reluctant to lend on land/property which is effectively "tied". Their concerns are that if the owner/borrower of the property defaults on their mortgage payments and the lender requires to re-possess the property then the market would be extremely limited, i.e. the only individuals likely to be able to buy it would be people who were cash purchasers - not mortgage dependent. Even if lenders were willing to lend, then potential purchasers are reluctant to proceed to buy such properties which are subject to such ties as when they come to sell, the market available to them is extremely restricted.

We have been marketing the property without success since the 29<sup>th</sup> April. Whilst some interest has been shown when potential purchasers have been made aware of the restrictive planning condition then there interest has been discontinued.

We would ask your Council to therefore consider uplifting this restrictive condition. The existing condition effectively renders the property un-marketable.

Yours faithfully,



432 Union Street  
Aberdeen AB10 1TR

[www.gavin-bain.co.uk](http://www.gavin-bain.co.uk)  
DX: AB 40

**GAVIN BAIN  
& COMPANY**

Solicitors and Estate Agents

Date: 14<sup>th</sup> January, 2014

Our ref: GB/LMS

Your ref:

Aberdeen City Council  
Department of Planning  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

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Yours faithfully,



432 Union Street  
Aberdeen AB10 1TR

[www.gavin-bain.co.uk](http://www.gavin-bain.co.uk)  
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J & E Shepherd • Chartered Surveyors • 35 Queens Road • Aberdeen • AB15 4ZN

Legal Post LPI Aberdeen 2 •

Regulated by RICS

Ms Diane Cheyne  
Baads Farm  
Anguston  
Peterculter  
AB14 0PP

JWB/JW

15 May 2014

Dear Ms Cheyne

**Development Site, Baads Farm, Anguston, Peterculter AB14 0PP**

We refer to our inspection of the above subjects on 2 May 2014 for valuation purposes.

We note that the site which extends to 5 acres or thereby received planning consent on 11 October 2011 for the erection of one residential dwelling, garage and associated stud farm.

This consent was subject to a number of conditions the most relevant condition being that "the dwellinghouse hereby granted planning permission shall not be occupied by any person other than a person employed full time in the stud farm hereby granted planning permission and the dependents, widow or widower of such a person in accordance with the planning authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation - in order to preserve the amenity and integrity of the green belt and in accordance with Policy 28 of the Aberdeen Local Plan".

This condition will therefore severely restrict the potential occupation of the property if it were ever to be constructed. We have sought further advice from the two main mortgage lenders in the country mainly the Halifax and Nationwide both of whom have confirmed to us that due to this condition they would not accept the property as being suitable for mortgage purposes. Although we have not confirmed this, it is most likely that the other lenders in the country will adopt a similar stance.

Due to the inability of any future purchaser to be able to secure mortgage finance, future purchasers would be restricted to cash buying stud farmers which would render the property virtually unsaleable. At the current time it would appear to make no economic sense to develop the site.

**Partners**

George P Brewster FRICS  
Ian J Fergusson BSc FRICS  
Ian W Cameron MRICS  
Christopher J Grinyar BSc MRICS  
Murray Smith MRICS  
David B Ferguson MRICS  
Gerry McCluskey Dip Prop Inv MRICS  
Malcolm Hunter MRICS  
Kevin I Angus MRICS  
James M McIntyre BSc MRICS  
Paul Taylor MRICS  
Ian Hannon BSc (Hons) MLE MRICS  
James Stewart MRICS IARV  
Jason Begg MRICS  
Craig Brown BSc MRICS

**Michael Horne BSc MRICS**

Darren Lewis BSc (Hons) MRICS  
Ewen Sparks BSc MRICS  
Graeme Stewart DipSurv MRICS  
Alan Edgar BSc MRICS  
Steven Barnett BLE MRICS  
D'Neill Gunn BSc MRICS  
Neil Thomson BSc MRICS  
Martin Waite MRICS  
Adrian Stott MRICS  
Lachlan G R Macfarlane BSc MRICS  
Jonathan Reid BLE (Hons) MRICS  
Donal Henretty, BLE MRICS  
Alexander Rennie, BLE MRICS  
James U Richardson MA (Hons) MRICS

**Associates**

Alan V Kennedy MRICS  
Andrew D Sykes BLE MRICS  
Christopher J Petrie MRICS  
John T Mackle BSc (Hons) MRICS  
Stuart M Dunne, BSc (Hons) MRICS  
Mark McQueen, BLE MRICS

**Consultants**

Stephen P Buchanan BSc FRICS  
John I Dougan BSc MRICS  
David I Tait FRICS  
Alan E Smith FRICS

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GLASHIELS 01896 750150  
GLASGOW 0141 353 2090  
GREENOCK 01475 750717

COMMERCIAL PROPERTY MANAGEMENT 01382 200454



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INVERNESS 01463 712239  
KILMARNOCK 01563 528318  
KIRKCALDY 01592 265442  
LIVINGSTON 01506 416777  
MONTROSE 01674 676768

MUSSELBURGH 0131 653 3466  
PAISLEY 0141 889 8334  
PERTH 01738 638188  
PETERHEAD 01779 470766  
ST ANDREWS 01334 477775  
SALTCOATS 01794 266710



We trust that this clarifies the present situation, however if you require any further assistance in this matter please do not hesitate to contact us.

Yours faithfully



J & E Shepherd /  
Chartered Surveyors



Our Ref: EA/4647/S&A(P)  
Your Ref: 140187

11<sup>th</sup> March 2014

FAO: Gavin Clark  
Planner (Development Management South)  
Planning and Sustainable Development  
Enterprise Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Dear Sirs

**Removal of Condition 1, Baads Farm, Anguston**

Thank you for your comments on the current application which have proved very helpful in understanding your current thoughts on the application. In response we would remind you of the background to this application and to the original decision on planning application ref 11/0648 made by the elected members which supported the application. In coming to their decision to grant the original application the elected members confirmed that in their opinion the proposed stud farm and house associated with this established business complied with the policies of the Aberdeen City Local Plan, the Minutes of the meeting confirm

*" the application be approved as it was not contrary to Policy 28 of the Local Plan as the proposed buildings would not be higher than others in the landscape and the proposed business was an agricultural activity within Policy 28"*

As such in granting consent the elected members were of the opinion that an adequate case had been made to justify approval of the development in policy terms. With this background the Chief Planner confirms in his letter to the Heads of Planning that it should not be necessary to use formal mechanisms to restrict occupancy, see attached letter for reference. In issuing this recent advice relating to the use of occupancy conditions the Chief Planner demonstrated a pragmatic and realistic understanding of the economic climate and the impact of this on the availability of funding. It was accepted that occupancy restrictions, such as that subject of the current application, made approved developments difficult, if not impossible, as mortgage funding was simply not available.

It is submitted that this is exactly the situation in the relation to the current proposal. The applicant has an established business and is fully committed to the stud farm and requires the house for accepted reasons related to security and animal welfare. However the whole project is now in jeopardy as a direct result of the occupancy condition which, as confirmed by the letter lodged in support of the application from Gavin Bain, applicant's solicitor, has limited any possibility of mortgage funding. In this case we submit that as a result of these accepted difficulties condition 1 fails to satisfy all six tests provided by Circular 4/1998, specifically the test which requires conditions to be "reasonable in all other respects". Paragraph 35 of Circular 4/1998 states

*"Even where a condition would not be so unreasonably restrictive as to be ultra vires, it may still be so onerous that as a matter of policy it should be avoided. For example, a condition which would put a severe limitation on the freedom of an owner to dispose of his property, or which would obviously make it difficult to finance the erection of the permitted building by borrowing on mortgage, should be avoided on these grounds. An unduly restrictive condition can never be made acceptable by offering the prospect of informal relaxation of its effect"*

This view is confirmed in a recent appeal decision ref POA-110-2002 copy attached. The appeal sought the discharge of a planning obligation which restricted the occupancy of a house. The Reporter confirmed that the occupancy restriction failed the test of reasonableness as

*"There is a general presumption in up to date Scottish Government policy against imposing such restrictions".*

As a result the Reporter recommended the removal of the occupancy restriction.

In the current circumstances Condition 1 effectively negates the benefit of consent as mortgage funding is not available as a result development is not possible therefore condition fails the test of reasonableness. Circular 4/1998 requires condition to meet all six tests; in this instance condition 1 fails the test of reasonableness and is therefore not legitimate.

In these circumstances we would respectfully request that you reconsider your recommendation. We would be obliged if you could circulate this response and its enclosures to the committee members.

Yours Faithfully

ELEANOR ALEXANDER  
WILLIAM LIPPE ARCHITECTS LTD

Enc

Cc: client

Directorate for Planning and Environmental Appeals  
 Planning Obligation Appeal Notice of Determination



Determination by Katrina Rice, a Reporter appointed by the Scottish Ministers  
 Appeal under S75B of the Town and Country Planning (Scotland) Act 1997

- Planning obligation appeal reference: POA-110-2002
- Site address: Ardlair House, Inverurie, Aberdeenshire AB51 0HQ
- Appeal by Donald MacLellan against the decision by Aberdeenshire Council
- Application to modify or discharge the planning obligation APP/2012/2546 dated 26 July 2012 refused by notice dated 22 October 2012
- Modification sought: discharge of the restrictions on the occupancy of Ardlair House
- Planning obligation details: Section 75 agreement registered in the Land Register of Scotland - ABN40949
- Date of registration of the planning obligation: 29 May 2000
- Date of site visit by Reporter: 24 January 2013

Date of appeal decision: 12 April 2013

### Determination

I allow the appeal and determine that the planning obligation comprising Clauses Two and Three of the agreement referred to above is removed and discharged.

Clause Two reads as follows:

"The Applicants and the Proprietors for themselves and their successors in title to the application site hereby undertake that the garage and dwellinghouse to be erected thereon shall only be occupied as residential accommodation by persons employed at Lethenty Farm and shall not be used for any other purpose whatsoever. The Applicants and the Proprietors are specifically prohibited from disposing title to or leasing the said garage and dwellinghouse to anyone who is not employed at Lethenty Farm."

Clause Three reads as follows:

"The undertaking stated in Clause (TWO) hereof is created a real and preferable burden upon and affecting the application site and as such is appointed to be recorded at length or otherwise to be validly referred to in terms of law in all future conveyances, Dispositions and other such deeds relating to the application site and the said garage and dwellinghouse to be erected thereon."



I have dealt with the claim for expenses against the council in a separate decision notice, also issued today.

### Background

1. On 2 May 2000 outline planning permission was granted for the erection of a dwelling house and garage at this site. Prior to the permission being issued the applicant had entered into a section 75 agreement with the council. Clauses Two and Three of this agreement were as detailed above and, in short, restrict the occupancy of the house to someone employed at Lethenty Farm.
2. The appellant is now seeking the removal of the above-mentioned Clauses from the agreement (now referred to as a planning obligation).

### Reasoning

3. I consider the determining issue in this appeal to be whether Clauses Two and Three comply with the five tests in paragraphs 14-25 of Circular 3/2012 - Planning obligations and good neighbour agreements: necessity, planning purpose, relationship to the development, scale and kind, and reasonableness.
4. The original outline planning application was approved as a departure from the Grampian Structure Plan (1997) and the Gordon District Local Plan (1989). The council considered that subject to the completion of a legal agreement, (from now on called "the planning obligation"), restricting the occupancy of the house to persons associated with the agricultural use of the farm, a departure was justified for the following reasons:
  - The special circumstances of the application were not catered for.
  - The agricultural need case had been justified.
  - There were no alternative existing buildings within the unit suitable for occupancy or alternative locations that were less conspicuous.
  - The site was not considered to be conspicuous in the landscape.
  - All the agricultural holding consisted of grade 3 classification land.
  - There was no alternative site available.
5. I accept that the planning obligation was necessary, at that time, to make the proposed development acceptable in planning terms. Without it, the planning application would have been refused.
6. The adopted Aberdeenshire Local Development Plan (June 2012) contains the up-to-date council policies. Policy 3 – Development in the countryside and SG Rural Development1 - Housing and business development in the countryside would permit housing development in the countryside where the accommodation is required for a worker in a primary industry which is appropriate to the countryside and where the presence of the worker is essential to the operation of the enterprise. There must be no suitable alternative residential accommodation available and the new house must be located within the immediate vicinity of the place of employment. There is no requirement in policy 3 for any



type of occupancy restriction. The supporting text of SG Rural Development<sup>1</sup> states that to ensure housing for an essential worker is not sold on, in exceptional cases developers may be required to enter into a section 75 agreement with the council. A report to the council's Infrastructure Services Committee on 31 May 2012 stated that the only exceptional circumstances where an occupancy restriction might be deemed necessary would be in the instance of farming succession.

7. Circular 3/2012 was published after the adoption of the local development plan. Paragraphs 50 and 51 state that imposing restrictions on use are rarely appropriate and so should generally be avoided. Where the authority is satisfied that an adequate case has been made, it should not be necessary to use a planning obligation as a formal mechanism to restrict occupancy or use. As set out in the reasons for departing from the development plan when the original planning application was approved, the council was satisfied at that time that an adequate case had been made under agricultural need.

8. The council contends that a similar application made today would not receive permission as there is no longer an agricultural justification. In my opinion, whether or not the council would approve the development today is not a determining factor in this appeal. I must determine this appeal in the context of planning permission having been granted and the house built. In the event that the planning application had been determined under current policy I am satisfied that it would not have been necessary to add a planning obligation to make the proposed development acceptable in planning terms. The council concedes that were the application to be permitted today, no occupancy restrictions would be attached.

9. I acknowledge the arguments of the current occupier of the house and the owners of Lethenty Farm, that an agricultural dwelling is still necessary on the site for an agricultural worker and to provide a presence on the farm, particularly given the advancing age of the current farm owners. However, the removal of the planning obligation would not prevent the use of the house by an agricultural worker. I am aware that the appellant, who is part-owner of the property, no longer lives there. In order to release his equity in the house it may have to be sold. Nevertheless, the current owners of the farm have confirmed that they have first option to buy the property in the event that it is sold.

10. The appellant maintains that he worked full-time elsewhere when he lived in the house. Despite the terms of the planning obligation, on the basis of the evidence provided, it would appear that the occupants of the house have never been permanently employed on the farm. The farm has therefore operated satisfactorily without more than occasional assistance from the occupants at busy periods, from 2001. This non-compliance with the terms of the planning obligation compounds my view that there is no need for the planning obligation and no exceptional reasons why one is required. Taking into account all of the above, I find that the planning obligation fails the necessity test set out in circular 3/2012. The current occupation of the property by a family member who can provide a monitoring and security presence does not alter my opinion.

11. I have noted the council's concern that there is a danger in removing occupancy restrictions where there is no ongoing agricultural or other justification for a dwelling which

was only granted permission on the basis of such a justification. However, Scottish Government policy has clearly changed and planning obligations should no longer be necessary to restrict occupancy. In addition paragraph 74 of circular 3/2012 states that any change in circumstances should be taken into account. In this case, for the reasons given above, I no longer consider the planning obligation to be necessary and am satisfied that a modification is appropriate.

12. The planning obligation has a planning purpose as it is related to the use and development of land. In addition it has a direct relationship with the development proposed which is for a house in the countryside. I consider, therefore, that it satisfies the second and third tests of circular 3/2012. The fourth test, related in scale and kind, deals mainly with infrastructure contributions and is not directly relevant to this case.

13. The final test is one of reasonableness. I do not consider it reasonable to retain a restriction on the occupancy of this house in circumstances where there is a general presumption in up-to-date Scottish Government policy against imposing such restrictions. Furthermore I am not convinced that it is reasonable to retain a planning obligation which I consider to be unnecessary.

14. I have taken into account all other matters raised, including the issue of precedent and the fact that only one of the four parties who signed the planning obligation has applied to have it modified, but find none to alter my conclusion below. Finally, I am aware of the personal circumstances of the parties involved but these cannot form part of my consideration of this case, which must be based on the planning merits of the proposal.

### Conclusion

15. Circular 3/2012 requires that planning obligations must meet all five tests in paragraph 14. I consider that Clauses Two and Three fail the tests of necessity and reasonableness. I therefore conclude that the planning obligation should be modified to remove Clauses Two and Three.

**Katrina Rice**  
Reporter

### Advisory note

In accordance with Section 75B of the Town and Country Planning (Scotland) Act 1997 (as amended) this determination does not take effect until the date on which this notice is registered in the Land Register of Scotland. When submitting this deed for registration it should be identified as a 'Planning notice of determination' on the relevant application form. Further information on the General Register of Sasines and the Land Register of Scotland is available from the Registers of Scotland, [www.ros.gov.uk](http://www.ros.gov.uk).

4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR  
DX557005 Falkirk [www.scotland.gov.uk/Topics/Planning/Appeals](http://www.scotland.gov.uk/Topics/Planning/Appeals)



# Agenda Item 3.4

Dear Madam/Sir,

Thanks for the notification. We have only 3 points to add to our last two letters, these are:

The original planning permission was granted on the understanding that horses were in desperate need of rehousing. This application was filed over 3 years ago, so what has happened to these horses since. Should the original planning permission be reevaluated with this in mind.

There is a strong feeling that decoupling the house from the livery is a ploy to eventually apply for additional residences to be erected on the site. Therefore there will not just be a stables and 1 house but many houses built instead.

The Farmer (Keith Mitchell) owning the immediate surrounding fields has never been informed of this planning permission. I cannot understand how this has been allowed to happen, surely the planning committee have a duty to inform and allow ALL stakeholders and landowners who will be affected.

Thanks and regards,  
Paul and Marion Slater

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