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To: Councillor Milne, Convener; and Councillors Boulton, Donnelly, Jaffrey and Stuart

Town House,
ABERDEEN, 27 January 2015

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 5 - Town House on **WEDNESDAY, 4 FEBRUARY 2015 at 10.00 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 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 TO REFUSE THE FOLLOWING APPLICATIONS

- 2 42 Albyn Place, Aberdeen - Alterations and extension to form new office accommodation - 140365

PLANNING ADVISER - GAVIN EVANS

- 3 Delegated Report (Pages 3 - 12)
- 4 Planning policies referred to in documents submitted (Pages 13 - 14)

- 5 Notice of Review with supporting information submitted by applicant / agent
(Pages 15 - 146)
- 6 Determination - Reasons for decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 7 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer
- 8 73 Charlotte Street, Aberdeen - Reinstatement of basement flats (2 No) to habitable studio apartments - 141535

PLANNING ADVISER - PAUL WILLIAMSON

- 9 Delegated Report (Pages 147 - 152)
- 10 Planning policies referred to in documents submitted (Pages 153 - 154)
- 11 Notice of Review with supporting information submitted by applicant / agent
(Pages 155 - 170)
- 12 Determination - reasons for decision
- 13 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Stephanie Dunsmuir on 01224 522503 or email 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 3

Signed (authorised Officer(s)):

42 ALBYN PLACE, ABERDEEN

ALTERATIONS AND EXTENSION TO
FORM NEW OFFICE ACCOMMODATION

For: Quantum Claims

Application Type : Detailed Planning
Permission

Application Ref. : P140365

Application Date : 14/03/2014

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

Advertised on : 02/04/2014

Officer : Garfield Prentice

Creation Date : 14 November 2014

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

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The site located on the south side of Albyn Place, close to its junction with Queen's Cross and comprises a detached 1½ storey, plus basement, granite building. The front elevation is quite ornate with granite portico and granite faced dormers. The premises ground floor and basement level are currently used for offices, occupied by a company known as Broad Cairn, while the first floor is a residential flat. The rear garden contains four significant trees (Sycamore, Cherry, Copper Beech and Western Hemlock), three of which are located approximately midway between the building and the rear double garage (which abuts St. Swithin Row), the other being adjacent to the garage. The garage has a mansard roof with rooflights on the elevation facing the lane. There is a large tree at the front of the property, close to the front boundary. Informal car parking is available at the front of the property.

The site located within the Albyn Place and Rubislaw Conservation Area. To the west of the site is a rather ornate 2½ storey listed building currently occupied by Clydesdale Bank, while to the east is a 1½ storey office building occupied by Scottish Enterprise. Both properties have been extended, by 2 storey and single

storey extensions respectively. Adjacent to the garage at the rear is a residential property fronting on to St. Swithin Row.

RELEVANT HISTORY

None that is relevant to the consideration of this proposal.

PROPOSAL

Detailed planning permission is sought for the construction of a 3 storey extension to the rear of the building and the conversion of the first floor residential flat to provide additional office accommodation. The proposed extension would measure approximately 21.5 metres long by 12.5 metres and would attain a height of 9.5 metres. It would be of contemporary design and finished mostly in glass curtain walling on the side and rear elevations. Some areas of timber effect cladding and Chinese granite are also proposed. Grey K-Rend render and grey cladding panels are proposed on the north elevation. The link section between to the existing building and the new office accommodation would also be 3 storeys high (plus basement level) and would include toilet facilities and stairs to all floors.

It is proposed to provide a car parking area comprising 8 parking spaces within the rear part of the site, with motorcycle and cycle parking being within an existing garage located close to the rear lane. That garage would also be altered to permit access through it to the parking area. It is also proposed to alter the parking area at the front of the building. A semi-circular driveway and 5 parking spaces would be formed. No details of surface materials for the two parking areas and driveway have been provided.

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=140365>

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

Tree Reports by Astell Associates and Enviro Centre
Design and Access Statement

CONSULTATIONS

Roads ProjectsTeam – In accordance with the current parking standards, the applicant should provide 1 parking space per 50sqm gross floor area (GFA). The proposed site could provide up to 28 parking spaces. It is noted that the applicant proposes to provide 18 parking spaces, a shortfall of 10 spaces. The

development is located with a controlled parking zone with pay and display parking facilities. Although the parking would be below the allowable level, given the site's good accessibility to public transport and proximity to the city centre, the shortfall in parking is acceptable. However, to mitigate the potential for additional parking pressure in the area it is requested that planning approval is conditional on the provision of measures to promote sustainable access to the development. As a minimum these should include the promotion of public transport and the city car club.

The applicant should provide 1 cycle parking space per 300sqm and 1 motorcycle parking space per 1,000sqm of GFA. Accordingly, at least 5 cycle spaces and 1 motorcycle space should be provided. The parking should be secure and shower and changing facilities should be provided for use by staff.

The disabled parking bay should be relocated to the front of the premises.

As the proposal is below the thresholds, no contribution will be required to the Strategic Transport Fund.

One point of access with restricted width would not be suitable at this location and thus the western access should be retained and additional parking at this location should be relocated.

The applicant should provide information about deliveries and refuse vehicles arrangements to the proposed site.

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

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) – No observations

Community Council – No response received

REPRESENTATIONS

No letters of representation/objection/support have been received.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is the statement of Scottish Government policy on land use planning and includes the Scottish Government's core principles for the operation of the planning system and concise subject planning policies. The subject planning policy relating to the historic environment is a relevant material consideration.

Scottish Historic Environment Policy (SHEP) is a relevant material consideration.

Aberdeen Local Development Plan

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.

Policy D5- Built Heritage

Proposals affecting conservation areas or 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.

Policy NE5 - Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local plan as summarised above:

Policy D1 – Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Policy D4 – Historic Environment

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.

Policy NE5 – Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

The policy below has been changed significantly from Policy BI3 of the adopted local development plan in that it introduces new consideration relating to the size, scale and design of development proposals and how such proposals would affect the special historic and architectural character of the area.

Policy B3 - West End Office Area

In the West End Office Area (as shown on the Proposals Map) proposals for change of use to office use or the expansion of existing office use will only be acceptable provided;

- a) the size, scale and design of development proposals respect the special historic and architectural character of the area and;
- b) the design meets all of the relevant criteria set out in the Historic Environment TAN, with regards to relationship to the existing building, context and modifications to existing extensions (see also the Design Policies).

Other Relevant Material Considerations

The Albyn Place/Rubislaw Conservation Area Appraisal is a relevant material consideration.

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

Policy BI3 – West End Offices

Policy BI3 supports changes of use to office use. The majority of the property is currently used for that purpose. The conversion of the residential flats to office use is supported by the policy. However, the policy relates to changes of use and is not directly relevant to the consideration of extensions to buildings.

Design and Scale of the Proposed Extension

Whilst the property at 42 Albyn Place is not listed, there are a significant proportion of listed buildings in the surrounding area, including the adjacent building at 1 Queen's Cross. The property remains mostly unaltered having not been extended. As such, the front and rear elevations have not changed from their original design and form. The buildings to either side of the site have been extended, 1 Queen's Cross by a 2 storey extension and 41 Albyn Place by a single storey pitched roof extension. It is acknowledged, as highlighted in the applicant's Design and Access Statement, that there is precedent for large rear extensions to properties in the surrounding area, these ranging from single storey to 3 storeys high. However, each planning application must be assessed and determined on its own merits, but with particular regard being paid to the specific

characteristics, scale and form of the original building and those immediately adjacent to it.

Policy D1 of the local development plan seeks to ensure all development is designed with due consideration for its context and make a positive contribution to its setting. In this case, the original building is 1½ storey high on its Albyn Place frontage and 2 storeys on its rear elevation. The applicant acknowledges in the Design and Access Statement the importance of the building and the need to give careful consideration to the design of the proposal, stating *"Whilst the existing property is not listed, it is still a fine example of a detached granite villa, set back from the street with a dominant front façade, typical of Albyn Place. As such the site is of both historical and architectural merit, therefore careful consideration has been input into the design process"*. Notwithstanding this statement, for the reasons explained below, insufficient analysis and consideration of the context and the impact on the historic environment has been given to the formulation of the proposal.

The proposed extension, at 3 storeys high, would be out of keeping with the existing building in terms of its scale and massing and would have a very uneasy and incongruous relationship with the existing building. Although mostly hidden from view from Albyn Place, it would be partially visible from St. Swithin Street across the car parking of the adjacent property and thus its scale and massing would be clearly discernible from a public place. The extension would dominate and overwhelm the existing building, being of substantially larger massing and footprint than the existing property. Contrary to the applicant's assertion in the Design and Access Statement, the proposal cannot reasonably or legitimately be described as being subservient to the existing building. The height, massing and detailing of the 'link' section and how it would connect to the existing building (i.e. above wallhead level) is wholly inappropriate and would have a detrimental impact on the appearance of the original building. Most of the extensions in the locality are linked to the existing buildings below wallhead level, this being a more satisfactory design solution. Where 3 storey extensions have been permitted on Albyn Place, they relate to considerably larger original buildings, generally substantial 2 or 2½ storey properties and where rear ground levels permit such an extension.

Whilst the principle of contemporary design for extensions to properties in the conservation area is acceptable, in this case the failing of the proposal in terms of scale, massing and form are such that the proposal does not respect its context, nor would it make a positive contribution to character of the area. Rather, the proposal would have a negative impact, contrary to the terms of Policy D1 of the local development plan. Further, the scale and massing of the extension and its proximity to the adjacent property at 41 Albyn Place would be somewhat dominating and overwhelming for the occupants of that building.

Impact on the Character of the Conservation

The site is located within the Albyn Place and Rubislaw Conservation Area. Albyn Place was originally built on the lands of Rubislaw, owned by James Skene who commissioned Archibald Elliot to prepare a scheme for Aberdeen based on the New Town in Edinburgh. Albyn Place is characterised as a wide tree lined avenue with large and distinguished detached granite villas set back from the road in their own substantial grounds. Many of the buildings are relatively plain with little ornate detail. The properties on the application site and the adjacent site (1 Queen's Cross) are notable exceptions having quite ornate frontages. A large number of the buildings have been converted to office use with a substantial number being extended to the rear. Albyn Place and the eastern part of Queen's Road, in particular, are characterised by this pattern of the development.

SPP and SHEP seek to ensure that the character and appearance of conservations areas are preserved or enhanced. Indeed, there is statutory duty on planning authorities under section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the desirability to preserve or enhance the character of conservation areas. The property remains mostly unaltered having not been extended. As such, the front and rear elevations have not changed from their original design and form. It is acknowledged that the existing character of the Albyn Place and Rubislaw Conservation Area is one of a substantial number of commercial premises, many of which have been altered and extended over time. For that reason, it is considered that, in principle, the property can be extended, provided such an extension would be of appropriate scale, massing, form, design and relationship to the existing and adjacent buildings. As noted above, the proposed extension, at 3 storeys high, would be out of keeping with the existing building in terms of its scale and massing and would have a very uneasy and incongruous relationship with the existing building. The proposal would not preserve the character or appearance of the conservation area and thus is contrary to SPP, SHEP and Policy D5 of the local development plan.

The proposal would result in the loss of the majority of the rear garden and the loss of at least two of the four trees. The trees are protected by virtue of being within a conservation area. A 19 metre high Western Hemlock tree and a 9 metre high Cherry tree would be directly affected by the proposal. The Tree Report submitted by the applicant also indicates that a 13 metre high Sycamore tree next to the boundary should be felled. The loss of the trees would have localised impact on the character of the area, but would not significantly affect the overall character of the conservation area. Whilst, the loss of garden ground would have an adverse impact, the prevailing character of the surrounding area is one of significant areas of car parking to the rear of the majority of buildings. In that regard, the provision of car parking would not significantly impact on the character of the conservation area.

The alterations to the front parking area would have a small positive impact on the appearance and setting of the building. The current appearance of that area is less than ideal and detracts from the appearance of this part of the conservation area. Whilst, the new arrangements would improve the frontage, it would be at the cost of a significant area of hardstanding.

Impact on the setting of the Adjacent Listed Building

The property to the west of the application site is a Category B listed building, dating from 1865. It was listed in 1984. Currently in use by Clydesdale Bank, it was designed for George Washington Wilson, who was the first Photographer Royal. A 2 storey flat-roofed extension was added in the mid 1990s. The proposed extension at No. 42 would be located in close proximity to 1 Queen's Cross and would be seen to sit behind that property when viewed from St. Swithin Street. It would be seen mostly in the context of the extension to 1 Queen's Cross, rather than the original building. It is considered the proposal would have only a limited impact on the setting of the listed building.

Car parking, Access and Accessibility

The proposal was revised to retain the two accesses off Albyn Place, as requested by the Roads Projects Team. A consequence of that revision is the number of car parking spaces has been reduced to 13 parking spaces. That level of car parking would be less than 50% of the maximum number of spaces allowable by the Council's car parking standards. However, the site is located within a controlled parking zone with pay and display parking. This would discourage parking in the surrounding streets by occupants of the development. The site is close to the city centre and is accessible by public transport. For these reasons the proposed level of car parking would be acceptable.

Impact on Residential Amenity

The site backs on to St. Swithin Row beyond which are the residential properties fronting St. Swithin Street. Whilst the proposed extension would result in the building being closer to those properties the separation distance would be sufficient to ensure there would be no significant impact on the amenity of the residents. There would be no loss of privacy for residents and no impact on sunlight and daylight reaching the properties. The provision of car parking would have some impact on the residence immediately adjacent to the site due to the increase activity and disturbance arising from manoeuvring vehicles. However, the impact would be limited due to the presence of a boundary wall.

Impact on Trees

The proposal would result in the loss of two trees, a 19 metre high Western Hemlock tree and a 9 metre high Cherry tree would be directly affected by the proposal. The Tree Report submitted by the applicant also indicates that a 13 metre high Sycamore tree next to the boundary should be felled. The stage of maturity and the height of the trees are such that they contribute to the character and amenity of the local area. The removal of the Western Hemlock has already

been approved under an application for tree work (ref. P130749). The loss of the other two trees would have a negative impact on the area, contrary to Policy NE5 of the local development plan.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration.

In relation to this particular application the following policies are of relevance. Of these Policies D1, D4 and NE5 substantively reiterate policies in the adopted local plan. Policy B3 introduces new consideration relating to the size, scale and design of development proposals and how such proposals would affect the special historic and architectural character of the area.

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy B3 - West End Office Area

Policy NE5 – Trees and Woodlands

The same reasons as set out above in relation to the relevant policies of the adopted local development plan, the proposed development would be contrary to Policies D1, D4 and NE5 of the Proposed Local Development Plan. The proposal would also be contrary to Policy B3 because the inappropriate and excessive scale, massing and form of the proposed extension would not respect the special historic and architectural character of the area.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

(1) That the proposal, if approved, would be detrimental to and thus not preserve or enhance the character of Conservation Area 4 (Albyn Place/ Rubislaw) due to

the inappropriate and excessive scale, massing and form of the proposed extension, contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan and Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and NE5 (Trees and Woodlands) of the Proposed Aberdeen Local Development Plan.

(2) That the proposal, if approved, would result in the loss of two additional trees, not previously granted for removal, which would be to the detriment of the character, amenity and appearance of the local area, contrary to Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

(3) That the proposal, if approved, would be contrary to Policy B3 West End Office Area of the Proposed Aberdeen Local Development Plan due to its adverse impact on the character of the conservation area arising from the inappropriate and excessive scale, massing and form of the proposed extension.

(4) That the proposal, if approved, would set an undesirable precedent for similar developments in Conservation Area 4 (Albyn Place/ Rubislaw) that would significantly adversely affect and undermine the special character of the area.

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 NE5 – Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Native trees and woodlands should be planted in new developments.

Where trees are affected by a development proposal the City Council may make Tree Preservation Orders.

A tree protection plan for the long term retention of trees should be submitted and agreed with the Council before development commences on site.

See Supplementary Guidance on both protecting trees and woodlands and the trees and woodland strategy for Aberdeen for more information.

Policy BI3 - West End Office Area

In this area (shown on the Proposals Map), 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.



Business Hub 4, Ground Floor North Marischal College, Broad Street ABERDEEN AB10 1AB

Tel: 01224 523 470

Fax: 01224 523 180

Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000098986-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	RYDEN LLP
Ref. Number:	
First Name: *	Michael
Last Name: *	Lorimer
Telephone Number: *	01224 588866
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	michael.lorimer@ryden.co.uk

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	25
Address 1 (Street): *	Albyn Place
Address 2:	
Town/City: *	Aberdeen
Country: *	UK
Postcode: *	AB10 1YL

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>
Other Title:	<input type="text"/>
First Name:	<input type="text"/>
Last Name:	<input type="text"/>
Company/Organisation: *	<input type="text" value="Quantum Claims"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="70"/>
Address 1 (Street): *	<input type="text" value="Carden Place"/>
Address 2:	<input type="text" value="Queens Cross"/>
Town/City: *	<input type="text" value="Aberdeen"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="AB10 1UP"/>

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="42 ALBYN PLACE"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="AB10 1YN"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="805770"/>	Easting	<input type="text" value="392481"/>
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Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

PLEASE REFER TO ATTACHED GROUNDS OF APPEAL 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

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. You can attach these documents electronically later in the process: * (Max 500 characters)

PLEASE REFER TO ATTACHED GROUNDS OF APPEAL STATEMENT AND APPENDED DOCUMENT

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P140365

What date was the application submitted to the planning authority? *

03/03/14

What date was the decision issued by the planning authority? *

21/11/14

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

In order to fully appreciate the site in the context of neighbouring buildings and allow for a better understanding of the level of existing extensions and building within the rear garden grounds of properties on Albyn Place.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

It may be necessary for an accompanied site visit as the rear garden area is only accessible via a locked gate or through the office building. Given existing buildings, boundary treatments etc, the site is not completely visible from surrounding roads/public areas.

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review * Yes No

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 (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Michael Lorimer

Declaration Date: 17/12/2014

Submission Date: 17/12/2014

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Proposal Details

Proposal Name	42 Albyn Place LRB Review Submission
Proposal Description	Review of ACC Decision on Planning Application ref P140365
Address	42 ALBYN PLACE, ABERDEEN, AB10 1YN
Local Authority	Aberdeen City Council
Application Online Reference	000098986-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete
Payment Method	incomplete

Attachment Details

Appendix 1	Attached	A4
Appendix 10	Attached	A4
Appendix 2	Attached	A4
Appendix 3	Attached	A4
Appendix 4 (a)	Attached	A3
Appendix 4 (b)	Attached	A3
Appendix 4 (c)	Attached	A3
Appendix 4 (d)	Attached	A3
Appendix 4 (e)	Attached	A3
Appendix 4 (f)	Attached	A3
Appendix 4 (g)	Attached	A3
Appendix 4 (h)	Attached	A3
Appendix 4 (i)	Attached	A3
Appendix 4 (j)	Attached	A3
Appendix 5 (a)	Attached	A4
Appendix 5 (b)	Attached	A4
Appendix 6	Attached	A4
Appendix 7	Attached	A4
Appendix 8	Attached	A4
Appendix 9	Attached	A4
Grounds of Appeal Statement	Attached	A4
Notice of Review	System	A4
Notice of Review	System	A4
scotapp	System	A4

QUANTUM CLAIMS LTD

REQUEST FOR REVIEW OF REFUSAL
OF PLANNING APPLICATION
REFERENCE: P140365 FOR THE
ALTERATIONS AND EXTENSION TO
FORM NEW (CLASS 4) OFFICE
ACCOMODATION AT 42 ALBYN
PLACE, ABERDEEN

GROUNDS OF APPEAL STATEMENT

DECEMBER 2014

Ryden LLP
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Aberdeen
AB10 1YL
Tel; 01224 588866
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1.0 INTRODUCTION

- 1.1 This Notice of Review has been prepared by Ryden Property Consultants on behalf of Quantum Claims Ltd under the terms of section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, against the refusal by Aberdeen City Council to grant detailed planning permission for the alterations and extension to form new Class 4 office accommodation at no. 42 Albyn Place Aberdeen .
- 1.2 The application (Appendix 1: Application Form) falls under the class of 'local development' and was submitted by Fitzgerald Associates on 3rd March 2014 and subsequently registered as valid on 14th March 2014 under planning application ref no: P140365. The application was refused under delegated powers by the appointed officer on 21st November 2014 (Appendix 2: Report of Handling and Appendix 3: Decision Notice). The reasons provided for refusal are detailed extensively under paragraph 5 below.

2.0 SITE DESCRIPTION AND PROPOSALS

- 2.1 The site is located to the western end of Albyn Place directly adjacent to the Clydesdale Bank forming one of a row of plots extending from Albyn Place southwards toward Albyn Lane and St Swithin Row. The existing 1 ½ storey (attic dormer) detached villa occupies the northern part of the plot fronting onto Albyn Place, with a substantial area of garden ground remaining undeveloped at the rear of the property. A small traditional granite outhouse is situated to the south western boundary which backs onto a narrow lane at St Swithin Row.
- 2.2 The line of 17 plots stretching along Albyn Place lie within the heart of Aberdeen's West End Office Area. As such, they are predominantly utilised for commercial purposes, having been wholly or partially converted to class 4 office use. Typically the office space has been maximised through large rear extensions or sub-division of plots and erection of new build accommodation formed to the rear of the existing villas, with new access and parking arrangements provided from the south directly off Albyn Lane. No. 42 Albyn Place remains one of the few remaining properties in the area which has not been extended or sub-divided to the rear in such a way.
- 2.3 The site is also situated within the Albyn Place and Rubislaw Conservation Area. Dating back to the 19th Century, the area was built by Victorians to showcase the wealth of the city and to this day the area's prestige is still very evident. The existing property at no.42 is typical of the substantial detached granite villas which are prevalent throughout the area. Whilst it is not specifically listed, there are a high concentration of listed buildings in the immediate locale. To the north, virtually every building situated along Albyn Terrace is listed, including the A-Listed Victorian Gothic Queens Cross Church. Two B-listed properties lie immediately to the west at 1 Queens Cross, which is currently occupied by Clydesdale Bank and also to the east at no.40, occupied by Royal Bank of Scotland.

- 2.4 The plot lies sandwiched between two generously sized rear extensions associated with the neighbouring Category B-Listed Clydesdale Bank to the west and no.41 to the east. The existing premises provides office accommodation at basement and ground floor levels, with a self-contained residential unit on the first floor. Internal alterations would convert the 1st floor to class 4 use, with a new modern extension proposed to the rear of the building, which would provide additional office accommodation over three storeys.
- 2.5 The proposed extension will link with the rear of the existing building via a glazed link, to distinguish between the original granite building and the new modern addition. The three storey extension utilises a flat roof design, which sits subserviently below the ridgeline of the existing building. The contemporary theme is evident throughout, with a flat roof design incorporating a high quality, modern palette of materials such as glazing, aluminium, timber effect cladding and smooth render incorporated into the external finish.
- 2.6 The total site measures approximately 1365 m² and the proposed extension will incorporate a net lettable area of approximately 892m². As a result the overall plot ratio after development would be very similar to that of No.41 Albyn place, as can be seen in the submitted drawing no 3787_104c (Appendix 4: Submitted Application Plans and Drawings).

3.0 PLANNING HISTORY

- 3.1 The ground floor and basement of the existing premises at no 42 have been operating under Class 4 (Office) for a considerable period of time. A planning application was lodged with Aberdeen City Council on 8th August 1995 under planning authority reference 95/1726, seeking permission for the change of use of the basement and ground floor from residential to form storage and office accommodation respectively. The application was refused by the Council's Planning Committee (decision date 17th January 1996) but subsequently allowed on appeal by Scottish Ministers

under case reference PPA-GA-619 (appeal decision date 17th June 1996).

- 3.2 A further application was lodged with Aberdeen City Council on 14th September 2001 under planning authority reference A1/1599, seeking permission for a variation to condition no 7 (Ref P/PPA/GA/619 dated 17th June 1996 to allow office use to basement & formation of fire escape door). This application was also refused by the City Council's Planning Committee (decision date 31st January 2002) and subsequently allowed on appeal by Scottish Ministers under case reference PPA-100-206 (appeal decision date 2nd September 2002).

4.0 PLANNING APPLICATION CORRESPONDENCE (P140365)

- 4.1 During the course of determining the planning application, correspondence took place between the Case Officer and The Client's appointed agent, Fitzgerald Associates via exchange of a number of emails and formal written communication. Copies of this correspondence is attached in (Appendix 5: Application Correspondence). The relevant points are provided in summary below;
- 4.2 Following submission of the planning application, the Agent met with the Case Officer to discuss the proposals. During the course of this meeting some concerns were raised over the scale of the extension and it was suggested by the case officer that a reduction in scale would be more acceptable to the Planning Service. A consultation response from the Council's Roads Service was also passed to the agent which raised a number of concerns over parking/access arrangements to the front of the building.
- 4.3 Further to the abovementioned meeting, the Agent undertook to respond to the comments of the Case Officer, incorporating a revised design to reduce the height and scale of the proposed extension. Revisions were also made to provide a dedicated entrance/exit with a reduction in car parking. Prior to formal submission the revised scheme was emailed to the Case Officer in draft form on 1st July 2014 for feedback.

- 4.4 A response was received from the Case Officer on 11th August 2014, acknowledging the reduction in scale of the proposed extension. However the Officer reiterated concerns that the revised proposal would *“still dominate the original building to an unacceptable degree and would not preserve or enhance the conservation area”*. Concern was also raised that the proposals would likely impact on the setting of the adjacent listed building (Clydesdale Bank). It was suggested that a two storey extension may be more acceptable, however this would require further assessment.
- 4.5 A response was sent to the Case Officer on 28th August, providing further justification for the proposals. It was argued that Albyn Place is part of the West End Office Area where commercial development is encouraged and supported and as a result the area is dominated by large scale office extensions, with the proposals effectively nestled between two existing modern extensions. It was also stated that the proposals would not impact the adjacent listed Clydesdale Bank, given it has a substantial modern extension to the rear. It was argued that the proposals were of a high quality, contemporary design which sought to enhance, not detract from the Conservation Area. A recent appeal decision (PPA-100-2053) for no.29 Albyn Place was also put forward as a material consideration given the similarity in the issues presented in the Reporter’s conclusions (Appendix 6: No. 29 Albyn Place Appeal Decision). Significant revisions to reduce to a 2 storey extension were cited to render the proposals economically unviable to the Client.
- 4.6 A formal letter was received from the Case Officer dated 16th September 2014 in response to the Agent’s email of 28th August. Concerns were reiterated over the height of the proposals, in that a 3 storey extension would be *“incongruous”* to the existing building. The appeal decision was deemed to have *“little weight”* as the appeal site was larger than that of application site.

5.0 REASONS FOR REFUSAL

5.1 The reasons provided by Aberdeen City Council on which they have based their decision are as follows:

- a) That the proposal, if approved, would be detrimental to and thus not preserve or enhance the character of Conservation Area 4 (Albyn Place/ Rubislaw) due to the inappropriate and excessive scale, massing and form of the proposed extension, contrary to Scottish Planning policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan and Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and NE5 (Trees and Woodlands) of the Proposed Aberdeen Local Development Plan.
- b) That the proposal, if approved, would result in the loss of two additional trees, not previously granted for removal, which would be to the detriment of the character, amenity and appearance of the local area, contrary to Policy NE5 (Trees and Woodlands) of the Aberdeen local Development Plan.
- c) That the proposal, if approved, would be contrary to Policy B3 West End Office Area of the Proposed Aberdeen Local development Plan due to its adverse impact on the character of the conservation area arising from the inappropriate and excessive scale, massing and form of the proposed extension.
- d) That the proposal, if approved, would set an undesirable precedent for similar developments in conservation Area 4 (Albyn Place/ Rubislaw) that would significantly adversely affect and undermine the special character of the area.

6.0 DEVELOPMENT PLAN CONTEXT

- 6.1 The development plan for the area comprises the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 and the Aberdeen Local Development Plan (LDP) 2012.

Aberdeen City and Shire Strategic Development Plan (2014)

<http://www.aberdeencityandshire->

[sdpa.gov.uk/nmsruntime/saveasdialog.asp?IID=1111&sID=946](http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.asp?IID=1111&sID=946)

- 6.2 The vision of the Strategic Development Plan (SDP) is to make Aberdeen City and Shire “an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business. In order to help realise this vision, the SDP sets out a number of aims. These aims plan to:

- *Provide a strong framework for investment decisions which help grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and*
- *Take on urgent challenges of sustainable development and climate change;*
- *make sure the area has enough people, homes and jobs to support the level of services and facilities needed to maintain and improve the quality of life;*
- *protect and improve our valued assets and resources, including the built and natural environment and our cultural heritage;*
- *help create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population; and*
- *make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.*

- 6.3 A number of objectives geared towards helping achieve the above aims are also set out within the SDP. These include a requirement to *'provide opportunities which encourage economic development and create new employment'* (Economic Development, page 24); to ensure *'that new development meets the needs of the whole community, both now and in the future, and makes the area a more attractive place for residents and businesses to move to'* (Sustainable Mixed Communities, page 36); and that all developments contribute *'towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices'* (Accessibility, page 38).
- 6.4 In meeting the accessibility objective, the SDP emphasis the *'link between land use and transport to make sure that all new development is conveniently located and designed in such a way as to encourage walking, cycling and the use of public transport'* (para. 4.43)

Aberdeen Local Development Plan (2012)

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=42278&sID=9484>

- 6.5 The Local Development Plan (LDP), adopted by Aberdeen City Council in February 2012 in conformity with the previous Aberdeen City and Shire Structure Plan 2009. The LDP identifies the site as falling within the West End Office Area, where development proposals are assessed against principle Policy 'B13'.

Policy B13 - West End Office Area

- 6.6 The LDP recognises this designated area as a *"prestigious, high quality office location on the edge of the city centre, readily accessible by public transport"*. The continual development of this area should be encouraged, with applications for change of use to office accommodation being given *"favourable consideration"*.
- 6.7 The policy goes on to discuss opportunities to provide access into properties within this area from rear lanes, which would only be considered satisfactory if *"satisfactory traffic management measures are in place, or can be provided by the developer, along*

the rear lanes.” In their absence any such proposals will be expected to make a contribution to future such management measures.

Policy D1 – Architecture and Placemaking

- 6.8 The policy seeks to ensure that new development adopts high standards of design which should be *“designed with due consideration for its context and make a positive contribution to its setting”*.

Policy D5 – Built Heritage

- 6.9 The policy states that proposals that affect Conservation Areas or Listed Buildings will *“only be permitted if they comply with Scottish Planning Policy”*.

Policy NE5- Trees and Woodlands

- 6.10 The policy establishes a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity. Tree protection plans for the long term retention of trees should be submitted to the Council prior to the commencement of development on site.

Proposed Aberdeen Local Development Plan

- 6.11 The Proposed Local Development Plan was approved and authorised to be published subject to minor drafting changes at the Aberdeen City Council Communities, Housing and Infrastructure Committee on 28th October 2014 and it is accepted that this constitutes the Council’s settled view as to what should be the content of the final adopted ALDP. The Proposed Plan is scheduled to be published in early February 2015 for a 10 week consultation period, where representations can be made. The materiality of the policies contained therein will vary depending on the level of objection received, with the proposed Plan still requiring examination by Scottish Ministers.

- 6.12 As set out within paragraph 5 above, a number of policies within the Proposed Local Development have been utilised in the Case Officer's assessment and determination of the application. These are as follows;

Policy D1 – Quality Placemaking by Design

- 6.13 Similar to existing Policy D1 of the adopted LDP, this policy seeks to ensure high standards of design and have a “*strong distinctive sense of place*” as a result of good planning, architecture, materials and craftsmanship.

Policy NE5 – Trees and Woodlands

- 6.14 Similar to existing Policy NE5 of the adopted LDP stating a presumption against all activities and development that will result in the loss of or damage to trees that contribute to nature conservation, landscape character, local amenity or climate change adaption and mitigation. For works that could impact on trees, a tree protection plan is required.

Policy B3 – West End Office Area

- 6.15 Similar to existing Policy B13 of the adopted LDP there is a presumption in favour of proposals for change of use or expansions to form office accommodation. It does however consolidate elements from other design policies currently contained within the adopted LDP and applicable in any case to the consideration of the proposals, in that attention will be given to the design and scale of proposals in relation to the existing building and surrounding historic context. It should be noted that the proposed changes to the West End Office Area Policy were not published within the Council's Main Issues Report, therefore it is questioned whether they have been subject to sufficient public consultation?

7.0 MATERIAL CONSIDERATIONS

Scottish Planning Policy

(<http://www.scotland.gov.uk/Resource/0045/00453827.pdf>)

- 7.1 Scottish Planning Policy (SPP) is a statement of Scottish Government Policy on how nationally important land use planning matters should be addressed across the country.
- 7.2 The central purpose of SPP is to help create a more successful country through increasing sustainable economic growth. In that regard it introduces the policy principle of *“a presumption in favour of development that contributes to sustainable development”*, stating the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the long term costs and benefits of a proposal, aiming to achieve *“the right development in the right place”*

Supporting Business and Employment

- 7.3 Echoing NPF 3, SPP supports a range of opportunities for planning to support business and employment. This recognises our cities as key drivers to the economy. Paragraph 92 states that *“planning should address the development requirements of businesses and enable key opportunities for investment to be realised”*.
- 7.4 Paragraph 93 further highlights that the planning system should *“promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets “*. It goes on to stress that sites should *“meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities”*. Material weight should also be attributed to the net economic benefit of proposed development.

Valuing the Historic Environment

- 7.5 SPP highlights the importance and contribution made by our cultural heritage and the associated positive impacts this has on the economy, cultural identity and quality of life. The historic environment is seen as being integral to creating successful places. It is recognised that positive intervention can often enhance the historic environment and secure new uses for existing buildings. Paragraph 137 states that the planning system should *“enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use”*. It goes on to highlight that *“Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced”*.
- 7.6 Paragraph 143 highlights the importance of sympathetic development within conservation areas and that proposed works within these areas should *“preserve or enhance the character or appearance of the conservation area”*.

Promoting Sustainable Transport and Active Travel

- 7.7 The Scottish Government are focused on the promotion of more sustainable forms of transport and travel in order to help deliver a more low carbon environment. As such the planning system should help facilitate the reduction in the need to travel and *“provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport”* (paragraph 270).

Scottish Historic Environment Policy (SHEP)

<http://www.historic-scotland.gov.uk/shep-dec2011.pdf>

- 7.8 The Scottish Historic Environment Policy (SHEP) in addition to SPP and supporting Managing Change in the Historic Environment Guidance Notes, sets out Scottish Ministers’ policies, providing direction for Historic Scotland and a policy framework that informs

the work of a wide range of public sector organisations. documents to which planning authorities are directed in their consideration of applications for conservation area consent, listed building consent and their consideration of planning applications affecting the historic environment and the setting of individual elements of the historic environment.

Aberdeen City Conservation Area Character Appraisals and Management Plan: Albyn Place and Rubislaw

- 7.9 The above Conservation Area Appraisal as highlighted in the Case Officer's Delegated Report, is a material consideration in the assessment of the proposed development. The Appraisal identifies the conservation area as one of the first to be designated in the city, built to showcase wealth and prosperity. Albyn place is characterised as a *"wide tree lined avenue with large and distinguished detached granite villas set back from the road in their own substantial grounds"*. It also appreciates there is a concentration of business and commercial premises which occupy the granite buildings situated along Albyn Place, Carden Place and Queen's Road.
- 7.10 The appraisal also recognises that the majority of the Queens Road and south side of Albyn Place area is zoned within the West End Office Area which promotes commercial enterprise and has *"lead to change in many of the forecourts and back garden areas, which have been turned into parking spaces or now accommodate large rear extensions."*

Planning Appeal Reference: PPA-100-2053 – No29 Albyn Place

- 7.11 The property at no.29 Albyn place, which is located approximately 245 m to the east of the appeal site, is in commercial use as Class 4 office accommodation. The building incorporates a substantial 3 storey extension to the rear and planning permission was sought for a further 2 storey extension onto this under planning ref (P131464). The application was refused on similar grounds to that of the appeal site, those being inappropriate design to the character of the Albyn/ Rubislaw Conservation Area, which could

set an “*undesirable precedent*” for similar development within this area (Appendix 7 No.29 Albyn Place Decision Notice).

- 7.12 The decision was appealed to Scottish Ministers under the above reference and the appointed Reporter sustained the appeal and granted planning permission (Appendix 6). There were a number of determining factors contained within the appeal decision, particularly in relation to perceived impact on the conservation area that can be directly related to the appeal case for no.42 Albyn Place, which should therefore be considered material to this Local Review.
- 7.13 In determining the siting and design of the extension at 29 Albyn Place, the Reporter concluded that the historic setting of the site would be “*essentially related to the frontage of the building within the impressive streetscape of Albyn Place*” from which the extension would have “*limited visibility*”. Assessing the proposals from the rear the Reporter concluded that given the roof height did not encroach the height of the existing building and the structures were separated by a glazed link, this would “*reduce the bulk and provide a distinction between the original building...and the proposed extension*”. As such the conclusion deemed the proposals did not “*dominate visually or physically*”.
- 7.14 In considering the impact on the character of the conservation area, the Reporter paid significant weight to the conservation area appraisal, which recognises that many of the buildings in this area are in commercial use and a number of which have “*substantial rear extensions*”. It was also noted that the site was designated within the West End Office Area, “*where commercial enterprise is promoted*”. Given the substantial number of commercial buildings to the rear of Albyn Place the Reporter could not accept that the “*proposal would set an undesirable precedent*” within that part of the conservation area. Furthermore, in the context of the West End Office Area, the Reporter deemed that that standard of design proposed “*might well be regarded as enhancing the character or appearance of the conservation area.*”

8.0 GROUNDS OF APPEAL

- 8.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The extant Aberdeen Local Development Plan (ALDP) was adopted in February 2012 and is the primary consideration for site specific decision making.
- 8.2 The application subject to this Notice of Review seeks permission for alterations and extension to the existing premises at 42 Albyn Place, for a change of use of 1st floor residential accommodation at 42 Albyn Place to Class 4 (Office) and the erection of an extension to the rear of the building to provide new office accommodation over three storeys, with a new access and parking area formed at the rear off St Swithin Row.
- 8.3 Until recently the applicant (Quantum Claims) had ownership over the ground floor and basement of the existing property, with the first floor under separate ownership as a residential unit. The latter has been recently purchased by the applicant, with a view to maximising the site's commercial viability through the internal refurbishment of the entire existing building in addition to a rear extension that would provide new Grade-A office accommodation throughout. The applicant recognises Aberdeen's West End is an attractive area to invest and do business and wishes to play an active role in helping contribute to the continued economic growth and prosperity of the city, by actively seeking to draw new business to the site, who would benefit greatly from a prestigious West End location within close proximity to the city centre and related services.
- 8.4 Having been assessed against the relative policies, as denoted under paragraphs 6.5 -6.10 above and also highlighted within the Case Officer's Report of Handling (Appendix 2), the proposals were refused under delegated powers for the reasoning as set out in paragraph 5 above. Taking account of the Case Officer's evaluation of the proposals, it cites a number of areas of concern which can be attributed to the reasons for the decision, pertaining

to design and scale, loss of trees and the overall impact posed to the conservation area. It should be noted that in regard to Policy BI3- West End Offices, the Case Officer accepts the principle of the internal alterations to convert the upper floor accommodation are satisfactory. So too is the proposed access and parking arrangements.

Design and Scale of Proposals

- 8.5 No. 42 Albyn Place occupies a relatively central position within the heart of the Albyn Place/ Rubislaw Conservation Area and given the proximity of a number of listed buildings and the historic character of the immediate surrounding area, significant consideration has been given to the design of the proposals. It was also recognised that the existing premises remains one of the last remaining large detached villas, situated on Albyn Place which has not been significantly altered and extended. In that regard, the site offered a prime opportunity to showcase fresh and contemporary architecture for the proposed extension which would serve to enhance the conservation area, not detract from its built heritage. As highlighted in the Design and Access Statement submitted in support of the application (Appendix 8), *“any attempt to replicate the design and finish of the existing property would create an undesirable pastiche”*. This is also echoed in the Case Officer’s evaluation within the Report of Handling, which highlights that *“the principle of contemporary design for extensions to properties in the conservation area is acceptable”*.
- 8.6 The existing property is detached, incorporating 1 ½ storey dormer proportions, with additional accommodation at basement level. The property is typical to those in the immediate locale, offering a dominant frontage onto Albyn Place which forms the principle elevation. As mentioned above, the rear the property remains unaltered, therefore the proposed extension is able to link seamlessly with the existing building.
- 8.7 The Report of Handling cites the proposed extension *“would be out of keeping with the existing building in terms of scale and massing”*, however this is refuted. Whilst it is accepted that the

existing building is a raised 1 ½ storey Victorian design, which requires access to the ground floor front entrance by a flight of steps. The 3 storey extension would link with the existing building via a glazed entrance/staircase arrangement and would be set approximately 1.2 m below the ridge height of the existing building. Furthermore, the ground levels form a gradual slope from Albyn Place through the rear garden ground, which would further act to reduce the overall height of the extension. Given the proportion of high quality materials such as glazing, which have been incorporated into the design, the extension will have a much lighter composition, serving as a contrast to the solid granite of the existing building. As such, the new elements will be viewed subserviently to the main building.

- 8.8 Albyn Place's position within Aberdeen's West End Office Area has meant that over time the buildings have evolved to accommodate commercial use. This is evidentially clear when moving along Albyn Lane, where it can be witnessed clearly that there is a strong precedent for large scale extensions within the rear garden grounds of existing properties. As highlighted previously, both properties on either side of the appeal site, unlike no.42 are listed buildings, yet they have been extended substantially to the rear. In that regard the proposals will in effect be "tucked-in" between these two existing modern additions. Whilst the adjacent Clydesdale Bank extension may be 2-storey, it sits at an elevated position from that of the appeal site.
- 8.8 The Report of Handling states that the proposed extension would be partially visible from the car parking area of the adjacent property and therefore "*its scale and massing would be clearly discernible from a public place*". However, as highlighted above, the principle views of the site and neighbouring properties is from Albyn Place, where the extension would "*be mostly hidden from view*", and as stated by the Case Officer, neither would it be clearly visible from the rear from Albyn Lane. The only glimpses of the extension would be across a car parking area associated with the adjacent bank, and would therefore be read in the context of a commercial car park, surrounding commercial uses and the existing extension associated with 1 Queens Cross. The Case Officer actually alludes to this in his evaluation of the impact on

this listed building, indicating that the extension would “*be seen mostly in the context of the extension to 1 queens cross, rather than the original building*”. As such, the Officer concludes that the proposals would have a “*limited impact on the setting of the listed building*”.

- 8.9 In relation to numerous other properties along Albyn Place, where large rear extensions can be seen to clearly dominate the rear of buildings (Appendix 9: Photographs of Site and Surrounding Area), by comparison the proposals for No. 42 will be relatively concealed within the confines of the site, tucked between two existing extensions and will not encroach the existing ridgeline of the main building. It is therefore difficult to comprehend how the Officer’s conclusions have been reached, as it is clear that the extension would not be clearly visible within the context of the immediate surrounding area nor dominate the existing building by way of its scale.
- 8.10 It should also be noted that the proposals have been revised since the original submission in direct response to initial concerns raised by the Planning Service over the scale of the proposals. This has incorporated a reduction in the overall scale of the extension, by compromising some of the internal floorspace. This has been achieved through a reduction in the 1st and 2nd storey cantilevers, pulling the rear building line back approximately 3 metres, to tie in directly with the adjacent extension at No.41. The overall width of the extension has also been decreased and pulled back from the respective east and western boundaries. Overall this has seen a reduction in the proposed net lettable floorspace from 950m² to 892m². This has further aided in facilitating a reduction in the overall scale and massing of the extension.
- 8.11 Contrary to the conclusion of the Planning Service, it is deemed that the proposals demonstrate a high standard of contemporary architecture and design. Through the use of quality modern construction materials such as glazing and timber effect cladding, the 3 storey extension will incorporate a lightweight composition, offering a distinct contrast between old and new built fabric. The extension has therefore been designed with due consideration to

its setting and context, acting subserviently to the main building in accordance with Policy D1 of the ALDP.

Impact on Conservation Area

- 8.12 Aberdeen City Council has acknowledged and accepted that Albyn Place is commercial in character and there is an established precedent for conversions of buildings to office space and large scale extensions to existing buildings. This is evidenced in the Albyn Place and Rubislaw Conservation Area Character Appraisal which is highly material to this request for a review. It recognises that this particular part of the conservation area is predominantly in commercial use, zoned within the West End Office Area which promotes commercial enterprise and has *“lead to change in many of the forecourts and back garden areas, which have been turned into parking spaces or now accommodate large rear extensions.”* Significant weight was also given to the commercial character of Albyn Place by the Scottish Government Reporter in paragraphs 14-16 of the recent appeal decision for No 29 Albyn Place (Appendix 6).
- 8.13 As can be seen from the policy section (paragraph 6) above, the overarching aims of the development plan seek to encourage and promote economic development and the creation of new jobs. This filters through to Policy BI3-West End Office Area, where change of use of office accommodation will be given favourable consideration. The supporting text highlights the prestigious nature of this office area, located on the edge of the city centre. It also recognises that it is *“readily accessible by public transport and which also provides off-street car parking and space for expansion”*. The principle of development is therefore firmly supported by the ALDP.
- 8.14 Policy D5- Built Heritage requires proposals within conservation areas or listed buildings to conform to SPP. SPP values the historic environment and in addition to Scottish Historic Environment Policy (SHEP), seeks to promote development that would *“preserve or enhance the character or appearance”* of conservation areas. As set out in detail above, it is maintained that the proposed extension

is of a high standard and contemporary design which will complement and link subserviently with the existing building. In addition and taking into consideration the range of extensions to the rear of buildings along Albyn Place and the various designs (Appendix 9) which already contribute to the character and built fabric of the area, the proposed extension will make a positive contribution to the wider conservation area. As such the proposals would conform with Policy D5 of the ALDP in that the extension will undoubtedly “*preserve and enhance*” the character and integrity of the conservation area as advocated within SPP.

- 8.15 It is therefore also difficult to accept the Case Officer’s conclusions provided in the fourth reason for refusal, that the “*proposal would set an undesirable precedent for similar developments in Conservation Area 4 (Albyn Place/ Rubislaw)*”. As explained above, the proposals will have little visual impact within the wider conservation area, particularly from principle views along Albyn Place, which has been acknowledged by the case officer. Any views would be in the context of the numerous commercial buildings which are prevalent in the area. Together with the high quality design being proposed, the extension would, contrary to the case officer’s assessment, set a high standard for similar commercial developments within this conservation area.

Impact on Trees

- 8.16 The removal of two trees from the site has also been considered by the Case Officer to warrant further reasoning for refusal. This came as somewhat of a surprise, given that at no point during the course of the determination of the application was impact on existing trees intimated to the Agent as a cause for concern, despite the application being accompanied by a supporting arboricultural assessment provided in the submitted “EnviroCentre” Tree Survey (Appendix 10).
- 8.17 Notwithstanding the lack of communication on this matter, it is acknowledged that two trees will require to be removed from the site to accommodate the proposed extension. This includes a relatively unremarkable Category-C cherry tree to the southern boundary which will require to be removed to allow access and

parking arrangements at the proposed rear entrance. A further Category-B Sycamore has been recommended to be removed as it is located directly adjacent to the eastern common boundary and has the potential to cause future damage to the boundary wall. As such mitigation measures should be taken sooner rather than later as retention of the tree will result in inevitable future removal on health and safety grounds. A Western Hemlock tree has previously been granted permission by the City Council to be felled under Planning Ref P130749. The decision notice is attached as (Appendix 11).

- 8.18 The Tree Report clearly identifies the long term management proposals for trees located within the site in accordance with ALDP Policy NE5- Trees and Woodlands. Whilst this includes the removal of two trees, it will also facilitate the establishment of an existing Category A- Copper Beech, which will serve to replace the Western Hemlock (which was recently granted permission to be removed) as the dominant feature tree within the site. During construction of the proposed extension, this tree will be subject to strict tree protection measures as identified within the Tree Report. Opportunities for replacement planting could also be explored within the site.
- 8.19 It is therefore contested that the proposals will have an overriding detrimental impact on trees. As highlighted above, permission has already been granted for the removal of a tree from the site and sufficient tree management and compensatory measures have been put forward which would demonstrate removal of a further two trees, is in conformity with Policy NE5 of the Local Development Plan. Furthermore, considering the overall economic benefit that would be attributable to the proposed new office in line with SPP, this would outweigh the loss of the two trees from the site.

Proposed Local Development Plan Policy

- 8.20 A number of policies contained within the Proposed Local Development Plan have been utilised in the assessment of the proposals and are contained within the reasons for refusal. However as highlighted by the Case Officer in the Report of

Handling Policy D1, D4 and NE5 “*substantively reiterate policies in the adopted local plan*”. The preceding sections set out above have adequately demonstrated that the proposals are in compliance with the aforementioned policies, intended for inclusion within the next Local Development Plan.

- 8.21 Policy B3 – West End Office Area of the proposed plan, elaborates slightly from the current Policy BI3 of the adopted ALDP, in that it includes stipulations to ensure high quality design in the size and scale of new development proposals. Essentially the proposed policy changes incorporate an amalgamation of existing policies on design, contained within the adopted Plan. Given the arguments set out above, which demonstrate that the proposed extension incorporates a high quality design that would contribute to the character and integrity of the conservation area, the proposals therefore conform to the policy B3 of the Proposed Plan.

9.0 CONCLUSIONS

- 9.1 The proposed development fully conforms to the extant Development Plan. The preceding arguments demonstrate that the proposals to convert and extend the existing property at 42 Albyn Place to form new office accommodation will be in keeping with the established commercial character and historic built fabric evident within the prestigious West End Office Area and the site’s position within the Albyn Place and Rubislaw Conservation Area. The proposals will facilitate the existing office to expand to meet its full potential, attracting new business and continued economic vitality to this important commercial zone on the edge of the city centre. The proposals therefore accord with Policy BI3 of the adopted ALDP and also Policy B3 of the Proposed Plan.
- 9.2 The proposals incorporate a high standard of contemporary design, which will fit in well with the two existing modern extensions located on either side of the plot, providing a valuable contribution to the character of the conservation area. The proposals will not present a detrimental impact to neighbouring listed buildings and be virtually unseen from principle views along Albyn Place. The

proposals therefore accord to Policies D1 and D5 of the adopted ALDP and also Policies D1 and D4 of the Proposed Plan.

9.3 In addition, supporting arboricultural information has been independently produced and submitted with the application which details appropriate mitigation measures and a tree management plan in accordance with Policy NE5 of both the adopted ALDP and Proposed Plan.

9.4 In view of the foregoing, contrary to the reasons for refusal, the proposals are fully compliant with relative policy and there are no outstanding objections from consultees, nor has any public representation been received in opposition to the development. It is hereby respectfully requested that the appeal is sustained and planning permission granted to allow this development to progress.

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QUANTUM CLAIMS LTD

No.42 Albyn Place Appeal to LRB Appendices

Supporting Appendices List

Appendix 1: Planning Application Form

Appendix 2: Report of Handling

Appendix 3: Decision Notice

Appendix 4 (a-j): Submitted Plans and Drawings

Appendix 5 (a&b): Planning Application Correspondence

Appendix 6: No.29 Albyn Place Appeal Decision

Appendix 7: No.29 Albyn Place Decision Notice

Appendix 8: Design and Access Statement

Appendix 9: Photographs of Site and Surrounding Area

Appendix 10: Tree Survey

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APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text"/>	Ref No.	<input type="text"/>
Forename	<input type="text"/>	Forename	<input type="text"/>
Surname	<input type="text"/>	Surname	<input type="text"/>
Company Name	Quantum Claims	Company Name	Fitzgerald + Associates Ltd
Building No./Name	<input type="text"/>	Building No./Name	<input type="text"/>
Address Line 1	70 Carden Place	Address Line 1	53 Albert Street
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	Aberdeen	Town/City	Aberdeen
Postcode	AB10 1UP	Postcode	AB25 1XT
Telephone	<input type="text"/>	Telephone	01224 633 375
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	info@fitzgeraldassociates.co.uk
3. Postal Address or Location of Proposed Development (<i>please include postcode</i>)			
42 Albyn Place Aberdeen AB10 1YN			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission	<input checked="" type="checkbox"/>		
Planning Permission in Principle	<input type="checkbox"/>		
Further Application*	<input type="checkbox"/>		
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>		
Application for Mineral Works**	<input type="checkbox"/>		
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	<input type="text"/>	Date:	<input type="text"/>

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

Alterations and Extension to Form New Office Accommodation.

Is this a temporary permission? Yes No

If yes, please state how long permission is required for and why:

Have the works already been started or completed? Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

Office + Residential.

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network
No, proposing to make private drainage arrangements
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway
Discharge to watercourse(s) (including partial soakaway)
Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? Yes No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes No Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

Refer to plans

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes No

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace? Yes No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have _____ been unable to serve notice on **every** person other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates.

or

(2) I have _____ been unable to serve notice on **any** person other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates.

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ been unable to serve notice on any person other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant.

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

(6) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have _____ been unable to do so.

Steps taken:

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

(1) No person other than myself _____ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

or

(2) I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant.

(5) Notice of the application as set out below has been published and displayed by public notice

Signed:

On behalf of:

Date:

CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that -

(1) No person other than myself _____ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants.

or

(1) No person other than myself _____ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are:

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so.

Steps taken:

--

Signed:

On behalf of:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013

Name [Note 1]	
Address	

Proposed development at [Note 2]	

Notice is hereby given that an application is being made to

[Note 3]		Council by	
----------	--	------------	--

For planning permission to [Note 4]

--

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

--

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	
Date	

*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.

NOTICE TO OWNERS AND AGRICULTURAL TENANTS

The Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013 (Regulation 15)

NOTES FOR GUIDANCE

Before applying for planning permission or planning permission in principle under regulations 9 to 11, applicants should notify all persons who (other than themselves), were the owners of any of the land to which the application relates, or were agricultural tenants at the beginning of the prescribed period (in effect 21 days ending with the date on which the application was submitted).

Notices to owners and agricultural tenants should be in the form set out in schedule 1 of the regulations and must include:

1. The name of the applicant
2. The address or location of the proposed development
3. A description of the proposed development and
4. The name and address of the planning authority who will determine the application.

The grant of planning permission will not affect the rights of an owner, or tenant under a lease which has at least 7 years to run, to dispose of the consented property unless there is express provision in the lease/Agreement.

Applications for the working and winning of underground minerals

The notification of site owners and agricultural tenants regarding applications for the working and winning of underground minerals may be both onerous and complex. In addition to those owners and agricultural tenants with rights in relation to the relevant surface land, there may be other people with ownership rights to minerals, other than those vested in the Crown (oil, gas, coal, gold and silver), who may be difficult to identify and notify.

For the purposes of these applications, regulation 15(4) amends the requirement to notify owners to relate to those who "to the applicant's knowledge" are owners

Any personal data that you may be asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Signed (authorised Officer(s)):

42 Albyn Place, Aberdeen

Alterations and extension to form new office accommodation

For: Quantum Claims

Application Type : Detailed Planning Permission

Application Ref. : P140365

Application Date : 14/03/2014

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

Advertised on : 02/04/2014

Officer : Garfield Prentice

Creation Date : 14 November 2014

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

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The site located on the south side of Albyn Place, close to its junction with Queen's Cross and comprises a detached 1½ storey, plus basement, granite building. The front elevation is quite ornate with granite portico and granite faced dormers. The premises ground floor and basement level are currently used for offices, occupied by a company known as Broad Cairn, while the first floor is a residential flat. The rear garden contains four significant trees (Sycamore, Cherry, Copper Beech and Western Hemlock), three of which are located approximately midway between the building and the rear double garage (which abuts St. Swithin Row), the other being adjacent to the garage. The garage has a mansard roof with rooflights on the elevation facing the lane. There is a large tree at the front of the property, close to the front boundary. Informal car parking is available at the front of the property.

The site located within the Albyn Place and Rubislaw Conservation Area. To the west of the site is a rather ornate 2½ storey listed building currently occupied by Clydesdale Bank, while to the east is a 1½ storey office building occupied by Scottish Enterprise. Both properties have been extended, by 2 storey and single

storey extensions respectively. Adjacent to the garage at the rear is a residential property fronting on to St. Swithin Row.

RELEVANT HISTORY

None that is relevant to the consideration of this proposal.

PROPOSAL

Detailed planning permission is sought for the construction of a 3 storey extension to the rear of the building and the conversion of the first floor residential flat to provide additional office accommodation. The proposed extension would measure approximately 21.5 metres long by 12.5 metres and would attain a height of 9.5 metres. It would be of contemporary design and finished mostly in glass curtain walling on the side and rear elevations. Some areas of timber effect cladding and Chinese granite are also proposed. Grey K-Rend render and grey cladding panels are proposed on the north elevation. The link section between to the existing building and the new office accommodation would also be 3 storeys high (plus basement level) and would include toilet facilities and stairs to all floors.

It is proposed to provide a car parking area comprising 8 parking spaces within the rear part of the site, with motorcycle and cycle parking being within an existing garage located close to the rear lane. That garage would also be altered to permit access through it to the parking area. It is also proposed to alter the parking area at the front of the building. A semi-circular driveway and 5 parking spaces would be formed. No details of surface materials for the two parking areas and driveway have been provided.

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.=140365>

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

Tree Reports by Astell Associates and Enviro Centre
Design and Access Statement

CONSULTATIONS

Roads ProjectsTeam – In accordance with the current parking standards, the applicant should provide 1 parking space per 50sqm gross floor area (GFA). The proposed site could provide up to 28 parking spaces. It is noted that the

applicant proposes to provide 18 parking spaces, a shortfall of 10 spaces. The development is located with a controlled parking zone with pay and display parking facilities. Although the parking would be below the allowable level, given the site's good accessibility to public transport and proximity to the city centre, the shortfall in parking is acceptable. However, to mitigate the potential for additional parking pressure in the area it is requested that planning approval is conditional on the provision of measures to promote sustainable access to the development. As a minimum these should include the promotion of public transport and the city car club.

The applicant should provide 1 cycle parking space per 300sqm and 1 motorcycle parking space per 1,000sqm of GFA. Accordingly, at least 5 cycle spaces and 1 motorcycle space should be provided. The parking should be secure and shower and changing facilities should be provided for use by staff.

The disabled parking bay should be relocated to the front of the premises.

As the proposal is below the thresholds, no contribution will be required to the Strategic Transport Fund.

One point of access with restricted width would not be suitable at this location and thus the western access should be retained and additional parking at this location should be relocated.

The applicant should provide information about deliveries and refuse vehicles arrangements to the proposed site.

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

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) – No observations

Community Council – No response received

REPRESENTATIONS

No letters of representation/objection/support have been received.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is the statement of Scottish Government policy on land use planning and includes the Scottish Government's core principles for the operation of the planning system and concise subject planning policies. The subject planning policy relating to the historic environment is a relevant material consideration.

Scottish Historic Environment Policy (SHEP) is a relevant material consideration.

Aberdeen Local Development Plan

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.

Policy D5- Built Heritage

Proposals affecting conservation areas or 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.

Policy NE5 - Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local plan as summarised above:

Policy D1 – Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Policy D4 – Historic Environment

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.

Policy NE5 – Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

The policy below has been changed significantly from Policy BI3 of the adopted local development plan in that it introduces new consideration relating to the size, scale and design of development proposals and how such proposals would

affect the special historic and architectural character of the area.

Policy B3 - West End Office Area

In the West End Office Area (as shown on the Proposals Map) proposals for change of use to office use or the expansion of existing office use will only be acceptable provided;

- a) the size, scale and design of development proposals respect the special historic and architectural character of the area and;
- b) the design meets all of the relevant criteria set out in the Historic Environment TAN, with regards to relationship to the existing building, context and modifications to existing extensions (see also the Design Policies).

Other Relevant Material Considerations

The Albyn Place/Rubislaw Conservation Area Appraisal is a relevant material consideration.

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

Policy BI3 – West End Offices

Policy BI3 supports changes of use to office use. The majority of the property is currently used for that purpose. The conversion of the residential flats to office use is supported by the policy. However, the policy relates to changes of use and is not directly relevant to the consideration of extensions to buildings.

Design and Scale of the Proposed Extension

Whilst the property at 42 Albyn Place is not listed, there are a significant proportion of listed buildings in the surrounding area, including the adjacent building at 1 Queen's Cross. The property remains mostly unaltered having not been extended. As such, the front and rear elevations have not changed from their original design and form. The buildings to either side of the site have been extended, 1 Queen's Cross by a 2 storey extension and 41 Albyn Place by a single storey pitched roof extension. It is acknowledged, as highlighted in the

applicant's Design and Access Statement, that there is precedent for large rear extensions to properties in the surrounding area, these ranging from single storey to 3 storeys high. However, each planning application must be assessed and determined on its own merits, but with particular regard being paid to the specific characteristics, scale and form of the original building and those immediately adjacent to it.

Policy D1 of the local development plan seeks to ensure all development is designed with due consideration for its context and make a positive contribution to its setting. In this case, the original building is 1½ storey high on its Albyn Place frontage and 2 storeys on its rear elevation. The applicant acknowledges in the Design and Access Statement the importance of the building and the need to give careful consideration to the design of the proposal, stating *"Whilst the existing property is not listed, it is still a fine example of a detached granite villa, set back from the street with a dominant front façade, typical of Albyn Place. As such the site is of both historical and architectural merit, therefore careful consideration has been input into the design process"*. Notwithstanding this statement, for the reasons explained below, insufficient analysis and consideration of the context and the impact on the historic environment has been given to the formulation of the proposal.

The proposed extension, at 3 storeys high, would be out of keeping with the existing building in terms of its scale and massing and would have a very uneasy and incongruous relationship with the existing building. Although mostly hidden from view from Albyn Place, it would be partially visible from St. Swithin Street across the car parking of the adjacent property and thus its scale and massing would be clearly discernible from a public place. The extension would dominate and overwhelm the existing building, being of substantially larger massing and footprint than the existing property. Contrary to the applicant's assertion in the Design and Access Statement, the proposal cannot reasonably or legitimately be described as being subservient to the existing building. The height, massing and detailing of the 'link' section and how it would connect to the existing building (i.e. above wallhead level) is wholly inappropriate and would have a detrimental impact on the appearance of the original building. Most of the extensions in the locality are linked to the existing buildings below wallhead level, this being a more satisfactory design solution. Where 3 storey extensions have been permitted on Albyn Place, they relate to considerably larger original buildings, generally substantial 2 or 2½ storey properties and where rear ground levels permit such an extension.

Whilst the principle of contemporary design for extensions to properties in the conservation area is acceptable, in this case the failing of the proposal in terms of scale, massing and form are such that the proposal does not respect its context, nor would it make a positive contribution to character of the area. Rather, the proposal would have a negative impact, contrary to the terms of

Policy D1 of the local development plan. Further, the scale and massing of the extension and its proximity to the adjacent property at 41 Albyn Place would be somewhat dominating and overwhelming for the occupants of that building.

Impact on the Character of the Conservation

The site is located within the Albyn Place and Rubislaw Conservation Area. Albyn Place was originally built on the lands of Rubislaw, owned by James Skene who commissioned Archibald Elliot to prepare a scheme for Aberdeen based on the New Town in Edinburgh. Albyn Place is characterised as a wide tree lined avenue with large and distinguished detached granite villas set back from the road in their own substantial grounds. Many of the buildings are relatively plain with little ornate detail. The properties on the application site and the adjacent site (1 Queen's Cross) are notable exceptions having quite ornate frontages. A large number of the buildings have been converted to office use with a substantial number being extended to the rear. Albyn Place and the eastern part of Queen's Road, in particular, are characterised by this pattern of the development.

SPP and SHEP seek to ensure that the character and appearance of conservations areas are preserved or enhanced. Indeed, there is statutory duty on planning authorities under section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the desirability to preserve or enhance the character of conservation areas. The property remains mostly unaltered having not been extended. As such, the front and rear elevations have not changed from their original design and form. It is acknowledged that the existing character of the Albyn Place and Rubislaw Conservation Area is one of a substantial number of commercial premises, many of which have been altered and extended over time. For that reason, it is considered that, in principle, the property can be extended, provided such an extension would be of appropriate scale, massing, form, design and relationship to the existing and adjacent buildings. As noted above, the proposed extension, at 3 storeys high, would be out of keeping with the existing building in terms of its scale and massing and would have a very uneasy and incongruous relationship with the existing building. The proposal would not preserve the character or appearance of the conservation area and thus is contrary to SPP, SHEP and Policy D5 of the local development plan.

The proposal would result in the loss of the majority of the rear garden and the loss of at least two of the four trees. The trees are protected by virtue of being within a conservation area. A 19 metre high Western Hemlock tree and a 9 metre high Cherry tree would be directly affected by the proposal. The Tree Report submitted by the applicant also indicates that a 13 metre high Sycamore tree next to the boundary should be felled. The loss of the trees would have localised impact on the character of the area, but would not significantly affect

the overall character of the conservation area. Whilst, the loss of garden ground would have an adverse impact, the prevailing character of the surrounding area is one of significant areas of car parking to the rear of the majority of buildings. In that regard, the provision of car parking would not significantly impact on the character of the conservation area.

The alterations to the front parking area would have a small positive impact on the appearance and setting of the building. The current appearance of that area is less than ideal and detracts from the appearance of this part of the conservation area. Whilst, the new arrangements would improve the frontage, it would be at the cost of a significant area of hardstanding.

Impact on the setting of the Adjacent Listed Building

The property to the west of the application site is a Category B listed building, dating from 1865. It was listed in 1984. Currently in use by Clydesdale Bank, it was designed for George Washington Wilson, who was the first Photographer Royal. A 2 storey flat-roofed extension was added in the mid 1990s. The proposed extension at No. 42 would be located in close proximity to 1 Queen's Cross and would be seen to sit behind that property when viewed from St. Swithin Street. It would be seen mostly in the context of the extension to 1 Queen's Cross, rather than the original building. It is considered the proposal would have only a limited impact on the setting of the listed building.

Car parking, Access and Accessibility

The proposal was revised to retain the two accesses off Albyn Place, as requested by the Roads Projects Team. A consequence of that revision is the number of car parking spaces has been reduced to 13 parking spaces. That level of car parking would be less than 50% of the maximum number of spaces allowable by the Council's car parking standards. However, the site is located within a controlled parking zone with pay and display parking. This would discourage parking in the surrounding streets by occupants of the development. The site is close to the city centre and is accessible by public transport. For these reasons the proposed level of car parking would be acceptable.

Impact on Residential Amenity

The site backs on to St. Swithin Row beyond which are the residential properties fronting St. Swithin Street. Whilst the proposed extension would result in the building being closer to those properties the separation distance would be sufficient to ensure there would be no significant impact on the amenity of the residents. There would be no loss of privacy for residents and no impact on sunlight and daylight reaching the properties. The provision of car parking would have some impact on the residence immediately adjacent to the site due to the increase activity and disturbance arising from manoeuvring vehicles. However, the impact would be limited due to the presence of a boundary wall.

Impact on Trees

The proposal would result in the loss of two trees, a 19 metre high Western Hemlock tree and a 9 metre high Cherry tree would be directly affected by the proposal. The Tree Report submitted by the applicant also indicates that a 13 metre high Sycamore tree next to the boundary should be felled. The stage of maturity and the height of the trees are such that they contribute to the character and amenity of the local area. The removal of the Western Hemlock has already been approved under an application for tree work (ref. P130749). The loss of the other two trees would have a negative impact on the area, contrary to Policy NE5 of the local development plan.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration.

In relation to this particular application the following policies are of relevance. Of these Policies D1, D4 and NE5 substantively reiterate policies in the adopted local plan. Policy B3 introduces new consideration relating to the size, scale and design of development proposals and how such proposals would affect the special historic and architectural character of the area.

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy B3 - West End Office Area

Policy NE5 – Trees and Woodlands

The same reasons as set out above in relation to the relevant policies of the adopted local development plan, the proposed development would be contrary to Policies D1, D4 and NE5 of the Proposed Local Development Plan. The proposal would also be contrary to Policy B3 because the inappropriate and excessive scale, massing and form of the proposed extension would not respect the special historic and architectural character of the area.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

(1) That the proposal, if approved, would be detrimental to and thus not preserve or enhance the character of Conservation Area 4 (Albyn Place/ Rubislaw) due to the inappropriate and excessive scale, massing and form of the proposed extension, contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan and Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and NE5 (Trees and Woodlands) of the Proposed Aberdeen Local Development Plan.

(2) That the proposal, if approved, would result in the loss of two additional trees, not previously granted for removal, which would be to the detriment of the character, amenity and appearance of the local area, contrary to Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

(3) That the proposal, if approved, would be contrary to Policy B3 West End Office Area of the Proposed Aberdeen Local Development Plan due to its adverse impact on the character of the conservation area arising from the inappropriate and excessive scale, massing and form of the proposed extension.

(4) That the proposal, if approved, would set an undesirable precedent for similar developments in Conservation Area 4 (Albyn Place/ Rubislaw) that would significantly adversely affect and undermine the special character of the area.



PLANNING & SUSTAINABLE DEVELOPMENT
Communities, Housing and Infrastructure
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

The Town And Country Planning (Scotland) Act 1997

Refusal of Planning Permission

Fitzgerald + Associates Ltd
53 Albert Street
Aberdeen
Aberdeen City
AB25 1XT

on behalf of **Quantum Claims**

With reference to your application validly received on 14 March 2014 for Planning Permission under the above mentioned Act for the following development, viz:-

**Alterations and extension to form new office accommodation
at 42 Albyn Place, 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:-

3787_100b, 3787_101b, 3787_102b, 3787_103c, 3787_104c, 3787_105b,
3787_106b, 3787_107b 3787_108a

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

(1) That the proposal, if approved, would be detrimental to and thus not preserve or enhance the character of Conservation Area 4 (Albyn Place/ Rubislaw) due to the inappropriate and excessive scale, massing and form of the proposed extension, contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan and Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and NE5 (Trees and Woodlands) of the Proposed Aberdeen Local Development Plan.

PETE LEONARD
DIRECTOR

Continuation

(2) That the proposal, if approved, would result in the loss of two additional trees, not previously granted for removal, which would be to the detriment of the character, amenity and appearance of the local area, contrary to Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

(3) That the proposal, if approved, would be contrary to Policy B3 West End Office Area of the Proposed Aberdeen Local Development Plan due to its adverse impact on the character of the conservation area arising from the inappropriate and excessive scale, massing and form of the proposed extension.

(4) That the proposal, if approved, would set an undesirable precedent for similar developments in Conservation Area 4 (Albyn Place/ Rubislaw) that would significantly adversely affect and undermine the special character of the area.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- 3787_100b, 3787_101b, 3787_102b, 3787_103c, 3787_104c, 3787_105b, 3787_106b, 3787_107b 3787_108a

Date of Signing 21 November 2014



Dr Margaret Bochel
Head of Planning and Sustainable Development
Enc.

PETE LEONARD
DIRECTOR

**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 –

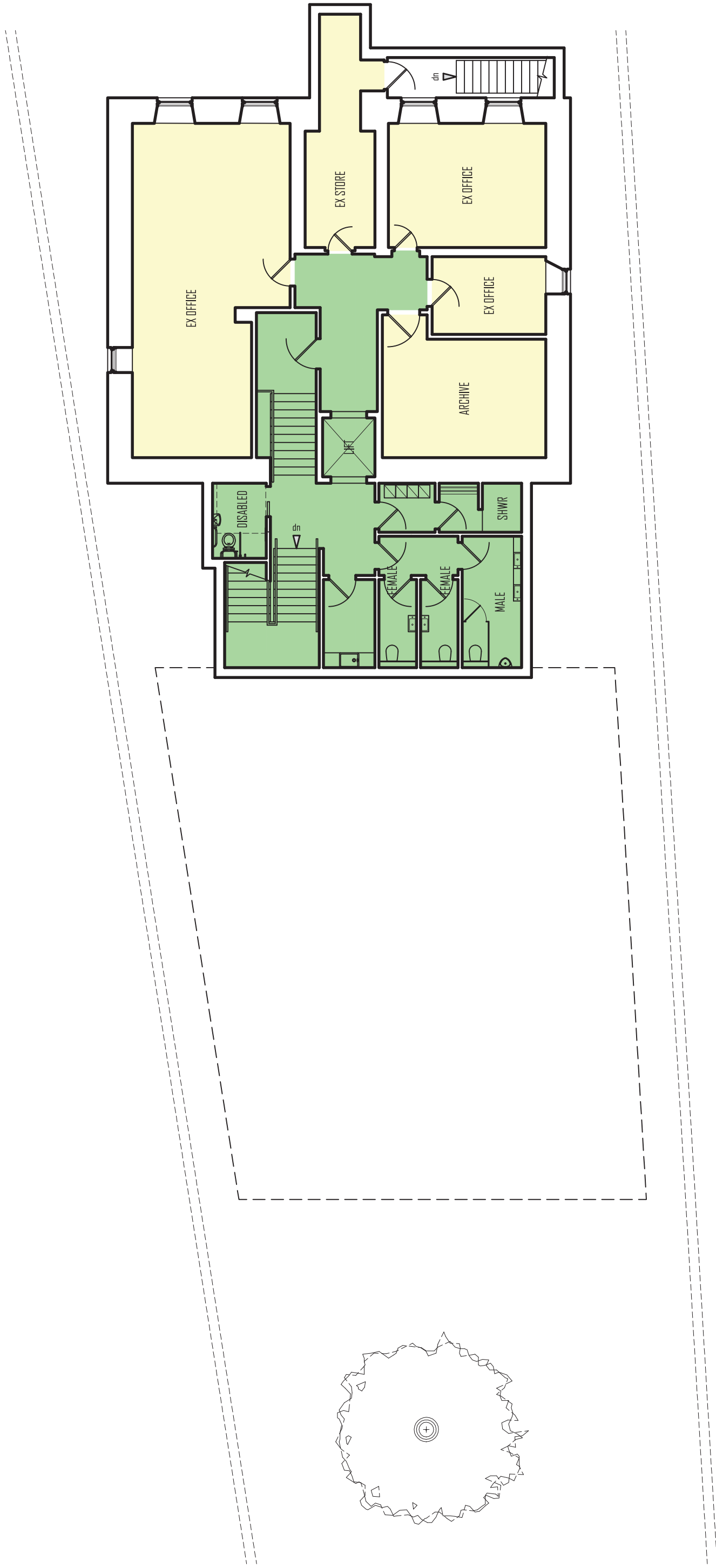
Planning and Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

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

PETE LEONARD
DIRECTOR

Country Planning (Scotland) Act 1997.

PETE LEONARD
DIRECTOR

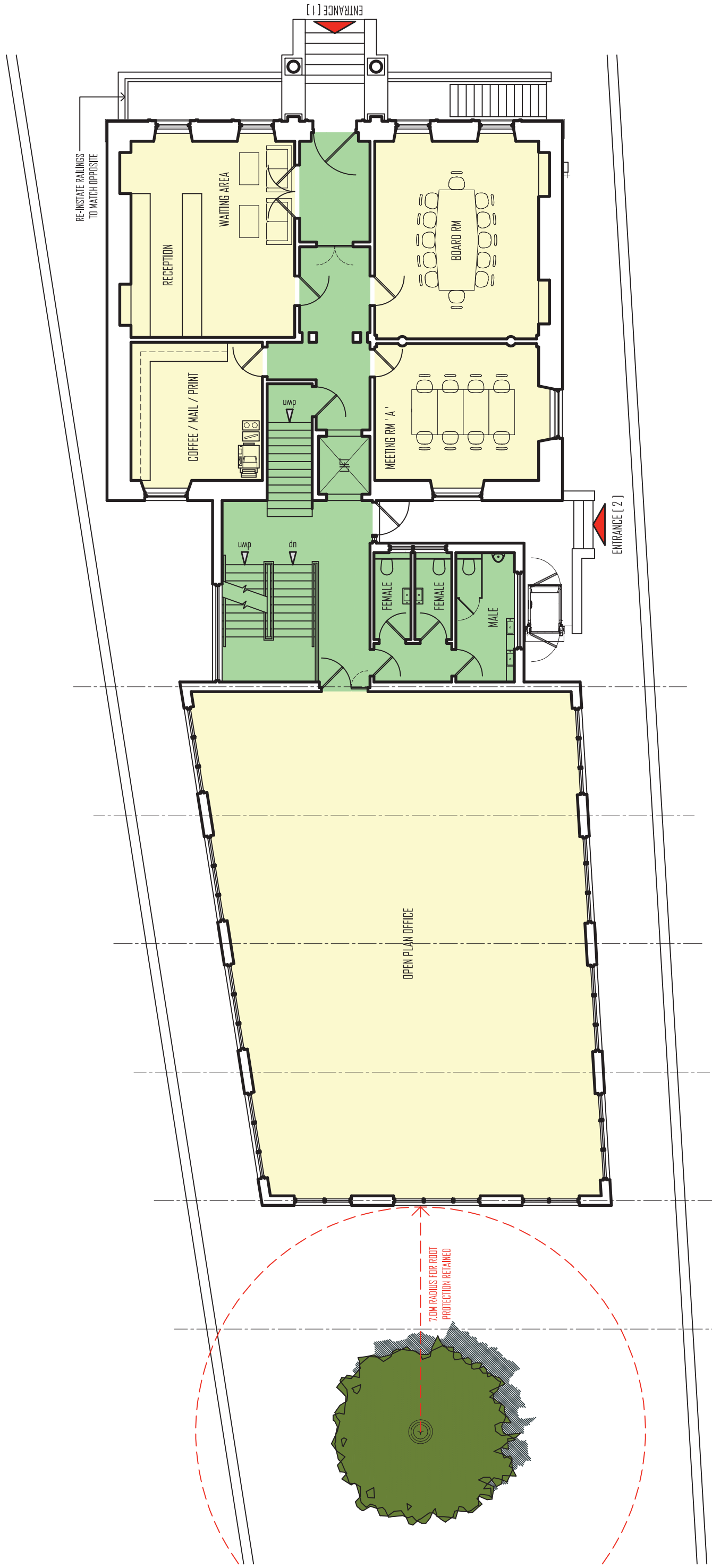


BASEMENT PLAN

■ NET LETTABLE AREA - 103 m² [1109 ft²]
 TOTAL - 892 m² [8923 ft²]

drawing no 3787_100b [A3=I-125]

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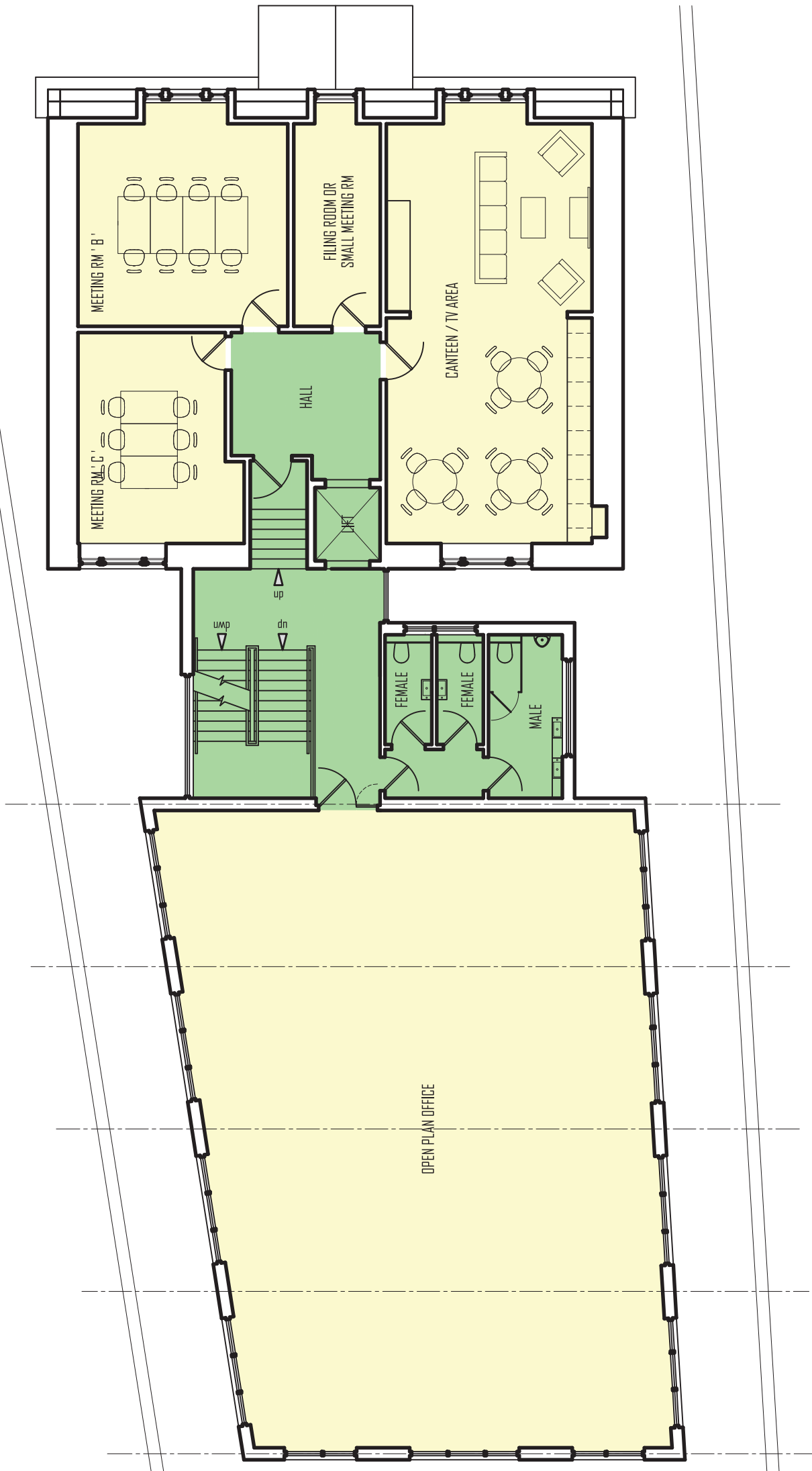


GROUND FLOOR PLAN

- NET LETTABLE AREA - 203 m² [3046 ft²]
- TOTAL - 892 m² [8923 ft²]

drawing no 3787_101b [A3=I-125]

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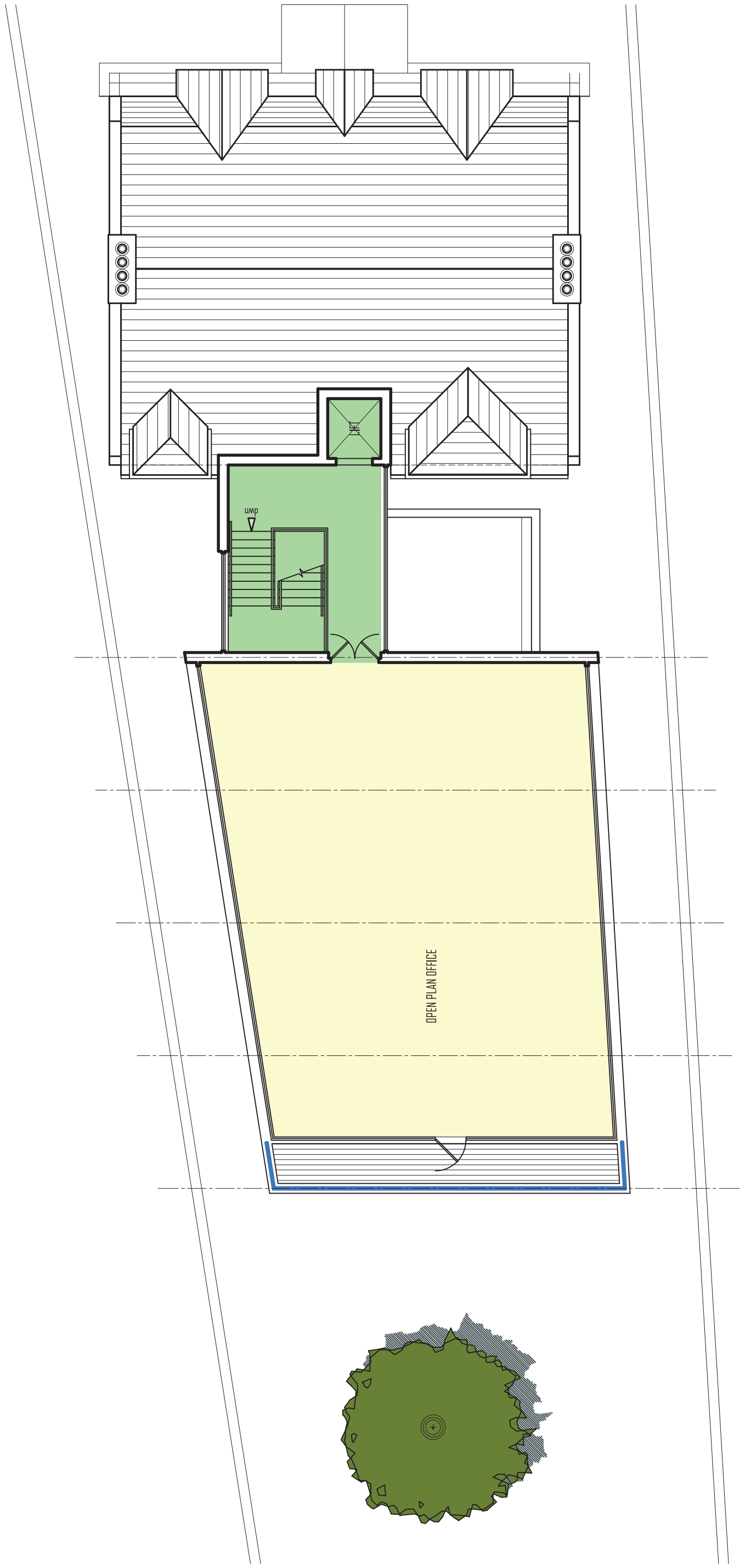


FIRST FLOOR PLAN

■ NET LETTABLE AREA - 287m² [3089 ft²]
 TOTAL - 892m² [8923 ft²]

drawing no 3787_102b [A3=I-125]

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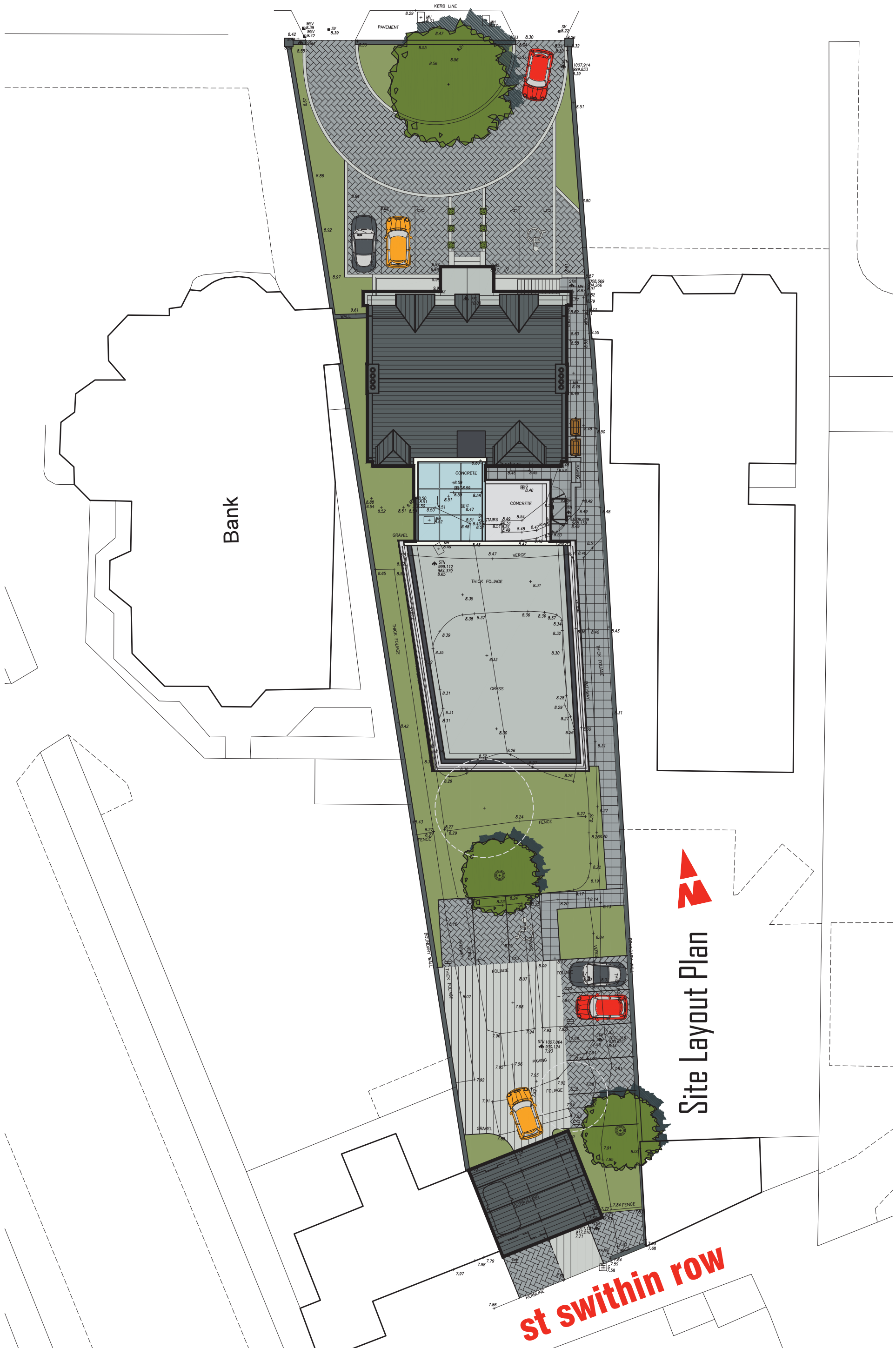
SECOND FLOOR PLAN

■ NET LETTABLE AREA - 156 m² [1679 ft²]
 TOTAL - 892 m² [8923 ft²]

drawing no 3787_103c [A3=1-125]

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albyn place



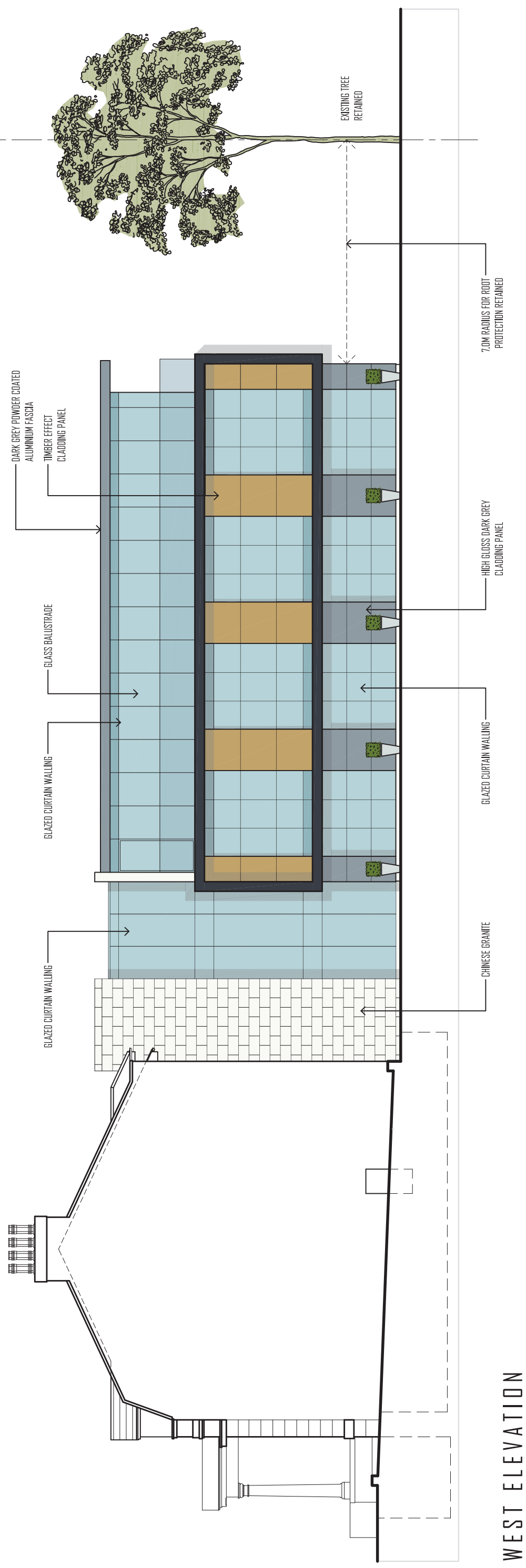
Bank



Site Layout Plan

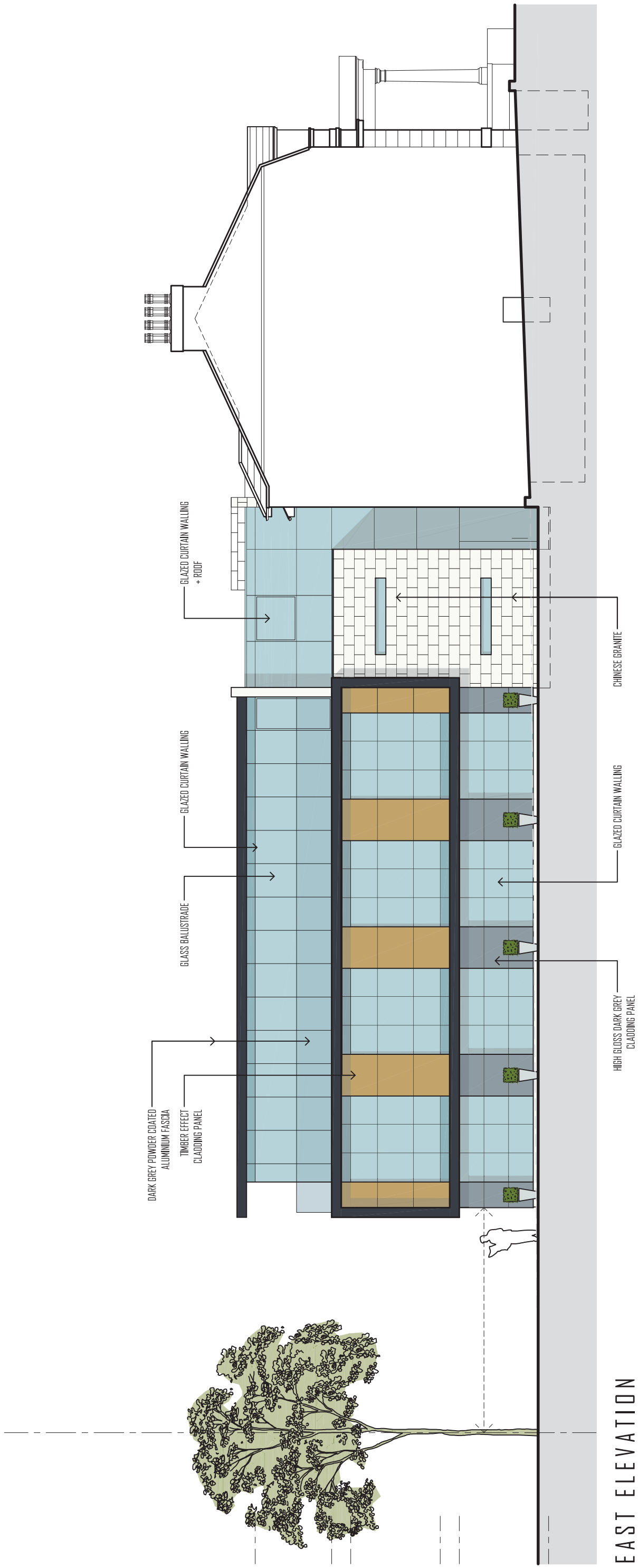
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WEST ELEVATION

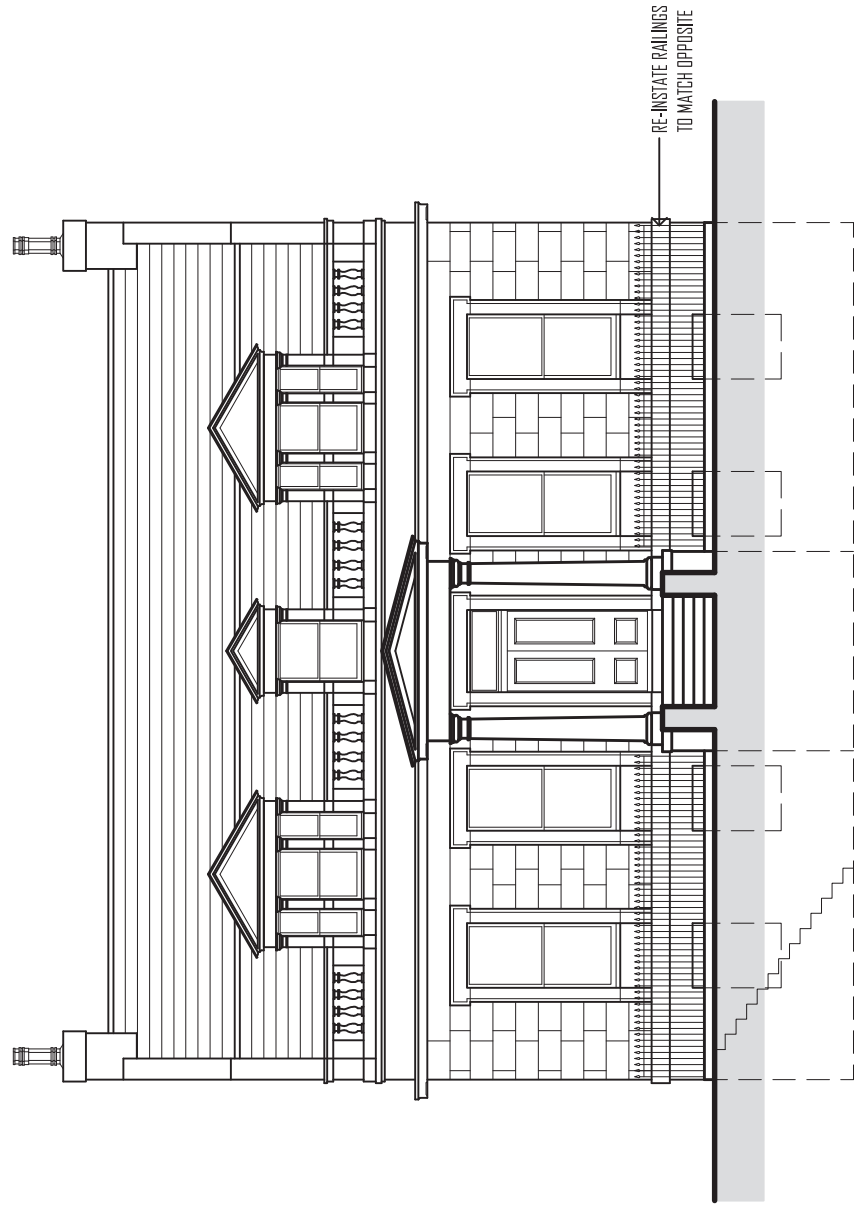
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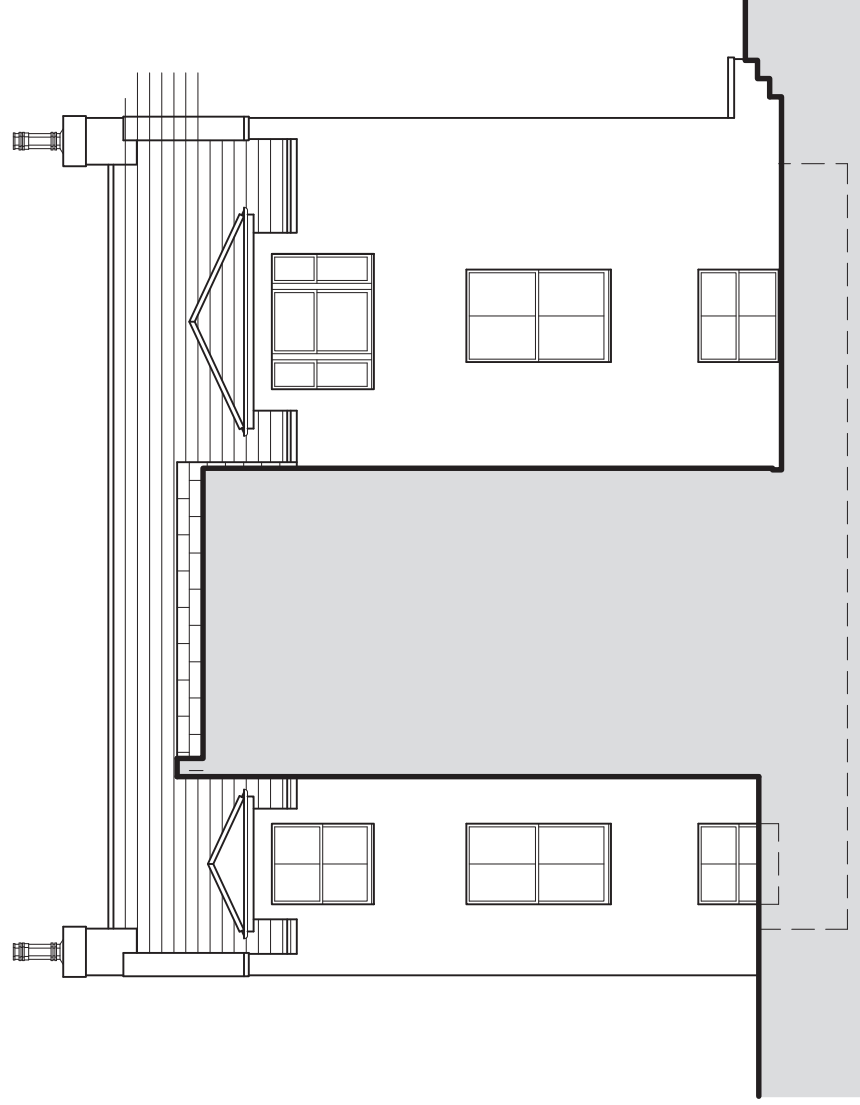


SOUTH ELEVATION

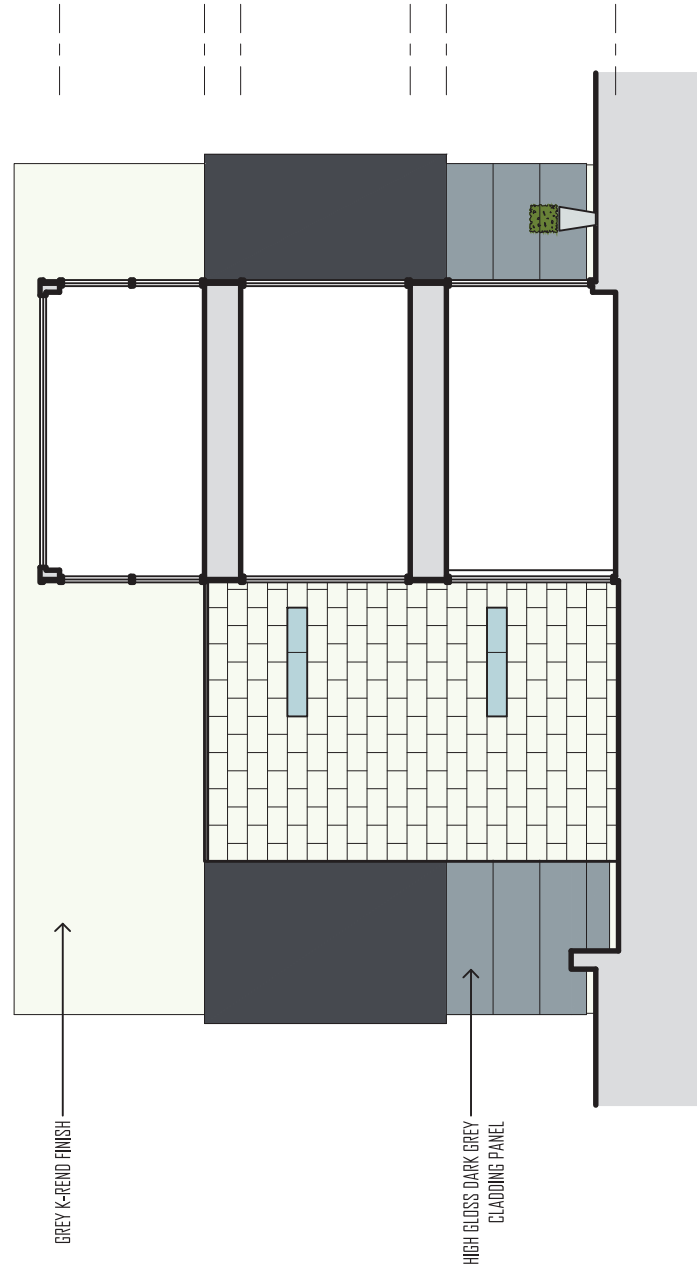


NORTH ELEVATION

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LINK SECTION [SOUTH FACING]



LINK SECTION [NORTH FACING]

GREY K-FEND FINISH

HIGH GLOSS DARK GREY
CLADDING PANEL

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From: Kevin Duguid [<mailto:kevin.duguid@fitzgeraldassociates.co.uk>]
Sent: 01 July 2014 12:40
To: Garfield Prentice
Subject: 42 Albyn Place Aberdeen Ref - P140365
Importance: High

Garfield,

Further to our recent meeting, i now attach revised scheme to reflect our discussion for your further consideration. The main points as follows -

1. I have taken the wall adjacent to west & south boundary walls in, the passageway here now equates to 2m clear.
2. I have removed the cantilever over the upper floors, this takes the rear building elevation in line with the adjacent property at 41 Albyn Place.
3. I have reduced the height of the building by approximately 0.75m, this now is no higher than the rear dormer windows - this with a remodel to the east entrance, introducing glass curtain wall the full height to help reflect the existing part I trust will be something you can support - as the west elevation looks onto a high neighbouring wall, I have treated this part differently, again I trust you find this acceptable.
4. I have reviewed the front vehicular access and redrafted to have a dedicated entrance exit with reduced parking and more soft landscaping.

I look forward to your response in due course. If you feel a get together would help, please let me know.

Regards,

From: Garfield Prentice <GPrentice@aberdeencity.gov.uk>
Subject: RE: 42 Albyn Place Aberdeen Ref - P140365
Date: 11 August 2014 16:27:47 BST
To: 'Kevin Duguid' <kevin.duguid@fitzgeraldassociates.co.uk>

Good afternoon Kevin

Sorry for the delay in replying to this email. With current workloads and priorities and key personnel on leave, today has been the first opportunity to provide a written response.

It is noted that, amongst other amendments, you have endeavoured to reduce the overall height of the proposed extension relative to the original building and reduced the width of the extension. However, it is considered that the revised proposal would still dominate the original building to an unacceptable degree and would not preserve or enhance the character or appearance of the conservation area. Indeed, its size, height and position relative to the adjacent listed building (Clydesdale Bank) would be such that it would be likely to adversely impact on the setting of that building. For these reasons, the scale of the proposed extension is not acceptable.

It is considered that there may be scope to construct a 2 storey extension to the building. Given the constraints of the site, its footprint could not be greater than that shown on your latest revisions. Such an extension would not have such a dominating impact on the original building and would also have a reduced impact on the setting of the adjacent listed building. That said, the Council cannot give any firm commitment at this stage to supporting such a proposal until such time as it is presented with a revised proposal and has had to fully assess it.

I would be happy to discuss any draft revisions you may produce prior to them being formally submitted.

I would be pleased if you can advise how your client wishes to proceed.

regards
Garfield

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks in advance.

Garfield Prentice
Team Leader (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

Tel. (01224) 522198

From: Kevin Duguid <kevin.duguid@fitzgeraldassociates.co.uk>
Subject: 42 Albyn Place Aberdeen - Ref P140365.
Date: 28 August 2014 09:28:14 BST
To: Garfield Prentice <GPRENTICE@aberdeencity.gov.uk>

Garfield,

Further to your email correspondence of 11 August regarding our proposals for no.42 Albyn place, I have now had a chance to review your concerns and would offer the following comment.

It would appear that your concerns lie over the scale of the extension and the perceived impact on the conservation area and adjacent listed Clydesdale Bank and you have recommended a further reduction to a 2 storey extension. I have now had a chance to go back and discuss this with the client, however the significant reduction in floorspace that would result from a 2 storey redesign, would render the project unviable. I would also contest your view that the proposals would adversely impact on both the conservation area and the adjacent listed building. Albyn Place

is dominated by large villas which have been significantly extended over time and no.42 is presently sandwiched between the existing extensions at no.41 and also Clydesdale Bank. With regard to the latter, it is difficult to conclude what impact the proposals would have on the main listed element of the bank, given it has a relatively substantial modern addition to the rear?

The site is located within the West End Office Area, where there is a high concentration of office development and the Aberdeen Local Development Plan seeks to encourage and promote such uses.

The character of the area is commercial and dominated by large extensions to the rear, many of which are unsympathetic in their design and finish and located on listed buildings, which I would emphasise that no.42 is not. Our proposals have sought to incorporate a high quality contemporary design, constructed with a high proportion of glazing in order to be read separately from the more solid granite of the main building. By its very virtue, the design seeks to enhance the rear aspect of the conservation area, not detract from it.

Finally I would draw your attention to the recent appeal decision for no.29 Albyn Place (PPA-100-2053) which approved a further extension to the rear of the listed property, which already had been extended with a 3 storey office addition to the rear. The Reporter was conclusive in his assessment of the character of Albyn Place and I would suggest that the reasoning contained within the appeal decision is highly material to our application and would kindly ask that you take this into account and re-consider your current position which is opposed to the application.

I would be more than happy to meet with you to discuss this further.

Look forward to hearing back from you in due course.

Regards,

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Our Ref. GDP/P140365
Your Ref.
Contact Garfield Prentice
Email pi@aberdeencity.gov.uk
Direct Dial 01224 522198
Direct Fax 01224523180



16/09/2014

Fitzgerald + Associates Ltd
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Dear Sirs

42 Albyn Place, Aberdeen
Alterations and extension to form new office accommodation
Application Ref P140365

I refer to the above planning application and to your email of 28th August 2014.

The issues and comments made in your email are noted and, where appropriate, a response to those matters is provided below. However, I would reiterate that the Council's position with regard to the unacceptability of this proposal remains.

It is not disputed that there are numerous extensions to the buildings on Albyn Place and that this, to some extent, defines one the characteristics of that part the West End. It is worthy of note that the properties in close proximity to the application site comprise mostly 2 storey extensions, with the extension immediately to the east being single storey. The highest parts of all of these extensions are below the eaves level of the original buildings, which is important in maintaining the appearance, character and integrity of the original buildings.

All planning applications must be considered on their merits, taking into account the characteristics of the site and the surrounding properties. The application site is considerably smaller than other sites on Albyn Place, the exception being the site immediately to the east (which has a single storey extension), and thus cannot accommodate an extension of the size that exists on some other properties. Furthermore, consideration must also be given to the size and characteristics of the

GORDON McINTOSH
DIRECTOR

original building. In this case, the property is a 1½ storey building. A 3 storey extension to such a building would be incongruous and detrimental to the appearance and character of that building.

It is not disputed that a contemporary design is the preferable approach for extending the building, provided the design is of high quality. The main concern is the scale, massing and height of the proposed extension, which as currently proposed, cannot be supported.

It is acknowledged that site lies within the West End office area whereby Policy BI3 'West End Office Area' of the local development plan applies. That policy merely supports the change of use of properties to office use. It does not lend any specific support to the construction of extensions.

The recent appeal decision at 29 Albyn Place is noted. However, as stated above, all planning applications must be assessed and determined on their own merits. Furthermore, that appeal decision was the opinion of one Reporter, which in itself cannot be taken to set a precedent for other developments across the West End. The appeal decision also relates to a substantial site that is considerably larger than at 42 Albyn Place and thus the impacts arising from a development on that site are significantly different to the constrained application site. For these reasons, little weight can be attached to the appeal decision.

Whilst the Council is willing to engage in further discussions on alternative proposals for extending the property, any such discussions would need to focus on a 2 storey solution. As stated above and also in previous correspondence, a 3 storey extension cannot be supported and thus any further discussions on such a proposal would not serve any useful purpose.

I would be please if you can confirm how your client wishes to proceed. In order for the planning application to proceed to determination, I need you to advise whether you wish the original proposal or the revised version sent by email on 1st July 2014 to be considered. If it is the latter, I would ask you to formally submit those drawings to the Council (2 copies).

Yours faithfully

Garfield Prentice

Team Leader (Development Management South)

GORDON McINTOSH
DIRECTOR

Appeal Decision Notice

T: 01324 696 400

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E: dpea@scotland.gsi.gov.uk



Decision by Richard Dent, a reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-100-2053
- Site address: Bishop's Court, 29 Albyn Place, Aberdeen AB10 1YL
- Appeal by Johnston Carmichael and Ribnort Limited against the decision by Aberdeen City Council
- Application for planning permission, reference P131464, dated 27 September 2013 refused by notice dated 13 February 2014
- The development proposed: the erection of an extension to provide additional office accommodation and associated infrastructure works
- Application drawings: see Schedule 1
- Date of site visit by reporter: 1 July 2014

Date of appeal decision: 16 July 2014

Decision

I allow the appeal and grant planning permission subject to the two conditions listed in Schedule 2. Attention is drawn to the three advisory notes following the conditions.

Reasoning

1. The appeal must be determined in accordance with the development plan, unless material considerations indicate otherwise. As the site lies within a designated conservation area it is also necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
2. The matters at issue are whether the massing and design of the proposed extension are acceptable taking account of the proximity of listed buildings, including Bishop's Court to the front of the site, and also the spatial distribution of buildings within this part of the conservation area.
3. Bishop's Court fronts Albyn Place, the original 1830 mansion house which is a category B listed building now being in office use. There is small office building (29A) to the rear of the plot and a substantial recent three-storey office extension to the rear of the listed building. The council argues the size and length of the existing extension and the proposed further extension must be considered as a whole. The council contends the building in total

would dominate Bishop's House to an unacceptable level and therefore lead to an adverse impact on the setting of the listed building. The council also claims that the further extension now proposed would result in almost the entire eastern side of the site being built up. As such, the open quality of the land would be eroded leading to an unacceptable impact on the setting, not only of Bishop's Court, but also other listed buildings in the area.

4. The appellants draw attention to the existing three-storey extension to the rear of Bishop's Court and also to the large extension at the rear of the neighbouring property, 28 Albyn Place. The proposed extension would be "tucked in" between these buildings. Accordingly, the appellants maintain, it is difficult to conclude what impact the proposal would have on the listed buildings.

5. I can accept that, at one time, when Bishop's Court was in residential use, the entire plot within which the building was sited would constitute the setting. More recently, that setting has altered very significantly in extent and character following the change to office use, the construction of the existing extension and the formation of the car park. The important and historic setting of Bishop's Court is now essentially related to the frontage of the building within the impressive streetscape of Albyn Place which contains numerous listed buildings.

6. I agree with the council that the proposed extension must be considered as a whole. However, in so doing, I do not think that the proposed additional extension would have any further impact on the setting of Bishop's Court. The existing extension has very limited visibility from Albyn Place and the proposal would not alter this perspective to any significant extent. Similarly, there would be little visual impact from the east where a modern building has been built. I therefore agree with the appellants' assessment that the proposed extension would be "tucked-in" - visually and physically separated from the settings of nearby listed buildings.

7. Equally, although the council claims that the extensions, existing and proposed, would dominate the listed building, I do not consider the current extension, although it is a large structure, to be unduly dominant. As explained, there is little visual impact from Albyn Place. From the rear, the extension obscures much of the original southern elevation of Bishop's Court. However, the roof height is below that of the listed building and the structures are separated by a glazed stairwell and atrium. I therefore consider the existing extension also does not dominate physically or visually.

8. The proposed further extension would increase the length and mass of the overall building but it would be only two storeys in height with a significantly lower roof level. The width would be the same as the existing building and again a degree of separation would be achieved by the intervening glazed stairwell and atrium. In my opinion the scale of the extensions, in total, would neither overwhelm nor dominate Bishop's Court or any other nearby listed buildings.

9. The appellants' have undertaken a plot ratio analysis showing that following the construction of the further extension the built area would be some 31% of the plot. The neighbouring properties range from 25% to 34%. The council considers this information is irrelevant. More importantly, the council argues, the proposed extension would pass

beyond an established rear building line, a defining characteristic of this part of the conservation area. The council further states the reduced space between the building and the rear boundary line would result in an unacceptable loss of openness. On the other hand, the appellants argue that there are various examples of new buildings towards and at the rear of plots in Albyn Place and Queen's Road, to the west.

10. I consider that the plot ratio analysis provides a useful indication of the level of building that has been undertaken in the vicinity of the appeal site. On this basis, the proposed extension would not appear to result in an exceptionally high proportion of built development on the plot. I appreciate that it is also necessary to take account of the disposition of the buildings within the plot. In this respect, my site inspection included walking along the lanes to the rear of the south sides of Albyn Place and Queen's Road. This vicinity forms part of one of five distinct character areas identified by the council within the Albyn Place and Rubislaw Conservation Area Character Appraisal. I did not gain the impression that a rear building line, formal or informal, has been established and I agree with the appellant that there are several examples of building to the rear of plots. In some cases, in Queen's Road especially, the extent of building within plots is at a high level.

11. As previously explained, the character of the plot at 29 Albyn Place altered when the change of use to offices took place. In my opinion, the current character would be unaffected by the proposed further extension and a reasonable degree of openness would be retained. I therefore regard the level of building proposed within the plot to be acceptable.

12. The council is also concerned about the design of the proposed extension which, it states, is inappropriate and would have an uneasy and uncomfortable relationship with the existing extension. The appellants explain that the proposed extension is a smaller version of what already exists.

13. I note the intention to utilise matching materials for walls and roof in order that the proposed extension would provide a similar appearance to the existing. Fenestration and roof details would also be the same. I also accept the appellants' argument that the glazed linking sections would reduce the bulk and provide a distinction between the original building, the existing extension and the proposed extension. Accordingly, I do not share the council's opinion that the two extensions would have an uneasy and uncomfortable relationship with one another.

14. Turning to the council's belief that the proposal would be detrimental to the character of the conservation area, I note the conservation area appraisal recognises that many of the buildings in this part of the designated area are now used as commercial properties. The appraisal points out that there have been a number of additions, including substantial rear extensions and rear car parking, as is the case on the appeal site. It is acknowledged that former large garden areas have been lost. Indeed, the majority of this part of the conservation area is also within the designated West End Office Area, where commercial enterprise is promoted.

15. The council draws attention to the reference on page 46 of the appraisal to “the build line” but I note this relates to another character area. In fact, the correct “key characteristics” are found on page 47 of the appraisal where the reference is to a “build line set back from the road”. I share the appellants’ opinion that there is not a reference to a building line to the rear of the properties.

16. The appraisal clearly appreciates that Queen’s Road and the south side of Albyn Place now has a commercial character. Nevertheless, this part of the conservation area does have a number of key characteristics, one of which is the building line to the front of the original buildings. I have assessed the proposed extension in this context and I consider that the principle of the commercial use is undoubtedly acceptable and is not in conflict with the terms of the appraisal. I have already considered the proposal in terms of design and scale and found these aspects to be acceptable. Contrary to the opinion of the council, a building line to the rear of the properties is not a key characteristic in this part of the conservation area and therefore the proposal does not offend in this respect.

17. In the wider conservation area, the proposed extension would have little visual impact. As explained, it would be virtually unseen from the main thoroughfare, Albyn Place. To the rear, a substantial wall along the north side of Albyn Lane would provide a shield. In any event, it would take its place as one of numerous commercial buildings to the rear of Albyn Place and Queen’s Road properties. I therefore cannot accept that the proposal would set an undesirable precedent as claimed in the second reason for refusal. I have no doubt that it would at least preserve character or appearance of the conservation area. Indeed, in the context of the West End Office Area, the standard of design, as discussed below, might well be regarded as enhancing the character or appearance of the conservation area.

18. Assessing the proposal against the terms of the development plan, the reasons for refusal state that the new extension would be contrary to Policy D1, Architecture and Place-making, and Policy D5, Built Heritage, in the Aberdeen Local Development Plan.

19. Policy D1 seeks to ensure high standards of design and sets out a range of factors to be considered when assessing proposals. In my opinion, analysis of the proposed extension has shown that the structure would satisfy those requirements and provide a building with the required high standard of design. Policy D1 also requires new development to make a positive contribution to its setting. I have previously concluded that the building would, at least, preserve the character or appearance of the conservation area. My conclusions also lead me to accept that the design of the building, the proposed materials and its relationship with the existing extension would result in a satisfactory built form. In terms of Policy D1, I believe that this could be regarded as a positive contribution to the setting.

20. Policy D5, Built Heritage, requires proposals affecting conservation areas or listed buildings to comply with Scottish Planning Policy (SPP). A new version of SPP has recently been published and as this document is a material consideration, parties were given the opportunity to comment on the content. Although the council believes that SPP supports the refusal of planning permission, my assessment of the development leads me to disagree with that opinion. In terms of valuing the historic environment, I believe the

proposed extension would meet the policy principles of SPP and avoid any adverse impacts on the fabric or setting of the conservation area and listed building. In complying with the provisions of SPP, the proposal, in turn, accords with Policy D5.

21. As explained, the appeal site is within the West End Office Area and so Policy B13 applies. The policy states that applications for a change of use for office purposes will be given favourable consideration. Supporting text describes the area as a high quality office location on the edge of the city centre where the council will encourage and promote continual development. I believe, therefore, that the principle of the proposed development is firmly supported by the local development plan.

22. All-in-all, I conclude that the proposal complies with the provisions of the local development plan. This points to the granting of planning permission although I am required to assess whether there are any material considerations to indicate otherwise. I have already taken account of SPP in the context of Policy D5 and concluded that the proposal meets the policy principles. I have also had regard to the guidance provided by Historic Scotland in respect of Managing Change in the Historic Environment: Extensions. In setting out the general principles, the guidance recognises the difficulty in laying down hard and fast rules. However, where applicable, the proposal satisfies the principles.

23. I have regarded the submissions from third parties as material considerations insofar as they raise valid planning issues. Matters relating to the impact on the listed building and conservation area have been dealt with in my analysis of the proposal as have the various design aspects.

24. Concern has been expressed about parking and traffic generation but the council has raised no objections in this respect. Indeed, I note the reduced level of parking would bring the number of spaces closer to the maximum parking standard. Street parking in the vicinity is subject to regulatory control. I therefore consider that the proposed parking provision would be satisfactory. There is also concern that there would be an unacceptable impact on the privacy of residential properties in Stanley Street. However, the council believes that there would be an adequate separation distance and I concur with that opinion.

25. Lack of bicycle facilities was raised and the council indicated in the report of handling that this matter could be dealt with by condition should planning permission be granted.

26. Overall, no material considerations have been brought to my attention that cause me to set aside the provisions of the development plan. I therefore allow the appeal and grant planning permission for an extension to provide additional office accommodation and associated infrastructure works at 29 Albyn Place, Aberdeen. The approved drawings are listed in Schedule 1.

27. The council has not suggested any conditions should the appeal be allowed although, as indicated, reference was made to a condition requiring bicycle facilities. I agree that this would be appropriate. In the event of the implementation of the development authorised in terms of this planning permission, it is assumed that the existing offices at 29 and 29A

Albyn Place would continue to function despite the potential for disruption. Clearly, it would be in the best interests of all concerned for site management to be well organised and therefore it is appropriate to apply a condition to secure this objective. The conditions applied to the permission are listed in Schedule 2.

Richard Dent

Reporter

SCHEDULE 1

Approved drawings

Location Plan: P1928 Loc.;

Existing Floor Plans and Elevations: 1965 EX01;

Site Layout (existing): 1965 EX02;

Site Layout (proposed): 1965 PL01 (referred to as 131464-02 in the council's refusal notice);

Proposed Floor Plans and Elevations (including schedule of external materials): 1965 PL02 (referred to as 131464-01 in the council's refusal notice).

SCHEDULE 2

Conditions and advisory notes

Conditions

1. Prior to any work commencing on site, details shall be provided for the written approval of the planning authority to indicate:

- i) which of the existing car parking spaces will remain available for use by office staff and visitors during construction work;
- ii) the location and extent of any contractor's compound (including arrangements for materials and equipment storage); and
- iii) access and parking arrangements for vehicles associated with the construction of the office extension.

Reason: to ensure the existing offices function throughout construction work with as little disruption as practical.

2. Prior to any work commencing on site, details shall be provided for the written approval of the planning authority to indicate the provision of facilities for bicycles.

Reason: to ensure that those who cycle to the site are provided with suitable facilities to park bicycles.

Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)

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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 **Johnston Carmichael & Ribnort Ltd**

With reference to your application validly received on 7 October 2013 for Planning Permission under the above mentioned Act for the following development, viz:-

**Erection of extension to provide additional office accommodation and associated infrastructure works
at Bishops Court, 29 Albyn Place, 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:-

P1928 Loc, 1965 LP01, 131464-01, 131464-02

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

That the proposal, if approved, would be detrimental to and thus not preserve or enhance the character of Conservation Area 4 (Albyn Place/ Rubislaw) and the setting of the Category B listed buildings on the site and the adjacent site due to the excessive length, the loss of the sense of open space within the feu and the inappropriate design of the extension and its relationship to the existing building, contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan.

That the proposal, if approved, would set an undesirable precedent for similar

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DIRECTOR

developments in Conservation Area 4 (Albyn Place/ Rubislaw) that would significantly adversely affect and undermine the special character of the area.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- P1928 Loc, 1965 LP01, 131464-01, 131464-02

Date of Signing 13 February 2014



Dr Margaret Bochel
Head of Planning and Sustainable Development
Enc.

GORDON McINTOSH
DIRECTOR

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

The applicant has the right to appeal to the Scottish Ministers against the decision to refuse the planning application and further details are given in Form attached below

Regulation 28(4)(b)

Form 2

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permissions 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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice.

Applicants may obtain information on how to submit an appeal by visiting <http://www.scotland.gov.uk/Topics/Built-Environment/planning/Appeals> or contacting –

Directorate for Planning & Environmental Appeals
Scottish Government
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Telephone: 01324 696 400
E-mail: DPEA@scotland.gsi.gov.uk

2. If permission to develop land is refused or granted subject to conditions and

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DIRECTOR

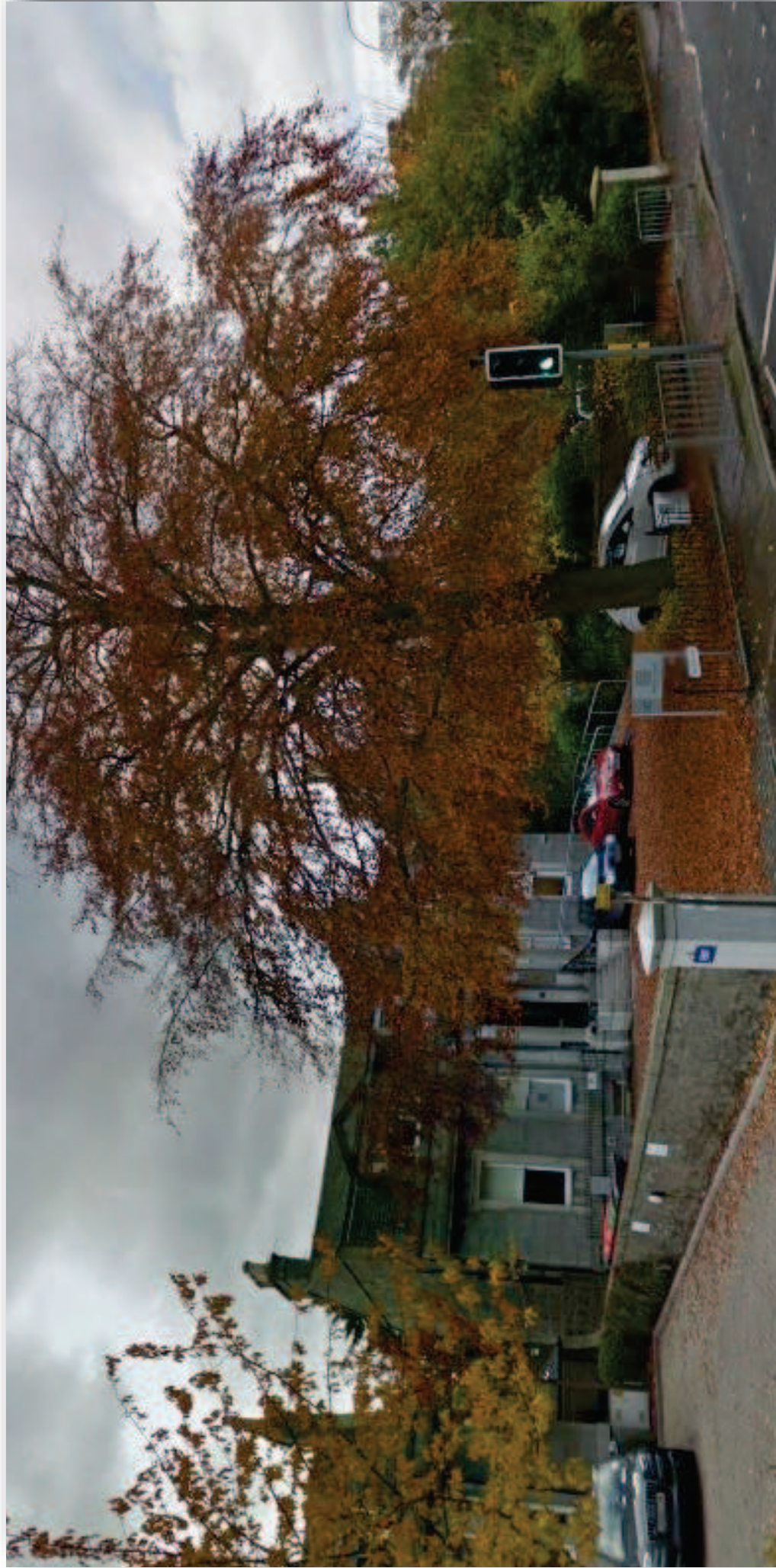
Continuation

the owner of the land claims that the land has become incapable of reasonably beneficial use in its 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
DIRECTOR

42 Albryn Place, Aberdeen

Alterations and Extension to Form New Office Accommodation



Introduction & Background information

The proposal is for alterations, and extension to the existing building at 42 Albyn Place, Aberdeen. The proposals include internal alterations, conversion and rear extension to create new office accommodation over three storeys.

At present the existing building is utilised for both office and residential accommodation

south. Traditional granite and slate construction dominates the surrounding streetscape and as a result of its Conservation Area Status, the majority of the surrounding built fabric remains an unspoilt excellent example of 19th century neoclassical layout which exhibit dominant façades and decorative iron railings. The site and surrounding streets demonstrate a relatively dense quarter of the City offering a strong sense

residential feel with interspersed commercial uses also remaining evident. The existing property is of traditional granite and slate construction with a strong street frontage typical of its location.

Site Context and Appraisal

As discussed above, the site is located within the historic core of Aberdeen, within the Crown Street/Bon Accord Conservation Area . As such the site has a significant historical context dating back to the 19th Century. The existing property is designated as a Category C Listed Building ,with numerous other B & C Listed properties enveloping the site, including No.s 69-71 to the north (Cat B). 70-78 to the west (Cat C) and also the C-Listed Ogilvie Building to the immediate

Site Description

The site is located to the western end of Albyn Place, adjacent to the Clydesdale Bank within the heart of Aberdeen's West End office district and Albyn Place and Rubislaw Conservation Area. . On initial approach from Union Street, Northern Dee Street is characterised by a mix of retail and business uses, however upon travelling further south, the area takes on a more concentrated

of place, with a diverse range of buildings and uses., including large public buildings adjacent to more modest residential ones. This is echoed in the Aberdeen City Council Conservation Area Appraisal and Management Plan which states

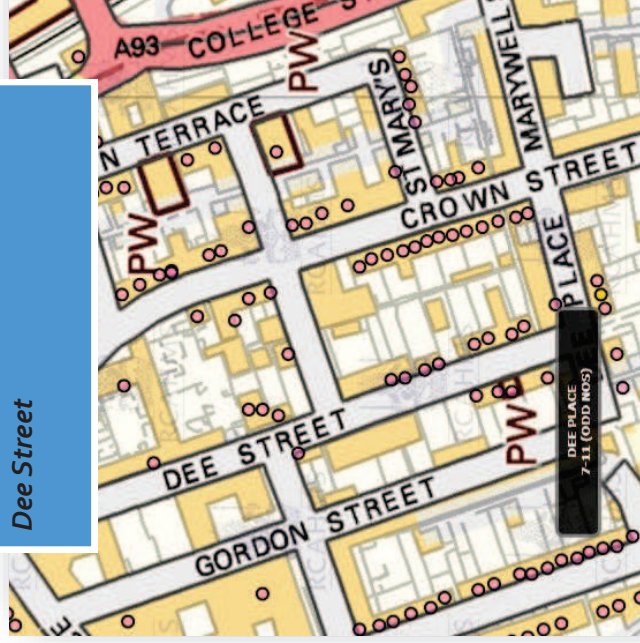
“The Bon Accord/Crown Street Conservation Area has strong street frontages with a high proportion of terraced buildings addressing the street. To the rear there are variety of rear extensions and out-buildings”.

As can be seen from the above, a precedent for rear extensions and outbuildings in the area has been acknowledged. The majority of the properties to the southern end of Dee Street enjoy relatively large and elongated rear garden grounds, hence the proliferation of later additions to buildings. These range from the sympathetic vernacular, finished in granite and slate, to more recent and less attractive extensions and outbuildings, which are somewhat at odds with the historic fabric and integrity of the surrounding area. There are however numerous examples of modern interventions which have successfully harmonised design, scale and finish to complement the Conservation Area, such as the flatted infill development to the north east of the site, which enabled the recent conversion of the General Post Office Building. This is something



the architects at Fitzgerald Associates recognised and wanted to emulate in the proposals.

Listed Buildings in and around Dee Street



Benefiting from a central location within the city and fronting onto a public road, the site enjoys excellent connections to public transport, with Union Street and Crown Street both in close proximity. Guild Street bus and rail stations are also within walking distance and whilst the site and much of the surrounding properties don't benefit from dedicated parking, its central location ensures that this doesn't detract from its overall use.

Design Principles

Given the historic significance of the site and surrounding area, which merit the properties Listed status and position within the Conservation Area, close attention must be paid to Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) which seeks to

ensure development makes a positive contribution to Conservation Areas and does not adversely affect Listed buildings.

The Aberdeen Local Development Plan actively seeks to protect the built heritage of the city and promote innovative and high quality design. Policy D1 - Architecture & Place Making requires that new development must be designed with due consideration for its context and make a positive

contribution to its setting. It emphasises that the proportions of building elements together with the spaces around buildings are fundamental in the assessment of said contribution.

With regard to design and amenity, Policy D2 requires suitable privacy measures to be designed in to higher density housing with residential development having a public face to a street and a private face to an enclosed garden or court. All residents require to have access to sitting out areas either through the provision of balconies, private gardens, terraces or communal gardens.

Sustainable and active travel is promoted through Policy D3. This specifies that new development will be designed in order to minimise travel by private car, improve access to services and



Existing dormers will be refurbished

Design Response

As has been discussed above the site offers a significant contribution to the streetscape in Dee Street and its strong frontage is typical of the area. Given its Listed Status and prominent position within the Conservation Area careful thought and consideration has been put into the design

process. It was deemed imperative to enable a sympathetic conversion and extension that is pragmatic, allowing functionality in the proposed new use as residential student accommodation

Externally the building is in a relatively sound condition however elements such as the dormers to the front of the hotel are in much need of attention, therefore a full like for like refurbishment is proposed to bring them back to their original condition and improve the building's main façade.

There are also two later box dormer additions to the rear elevation, which at present detract from the character and integrity of the building. Accordingly it is proposed to completely replace these with new dormers which would replicate those existing on the front elevation thereby resulting in greater continuity between the front

promote healthy lifestyles by encouraging active travel. Transport modes are to be prioritised in new development in the order of walking, cycling, public transport and private car.

Policies D4&5 focus on Aberdeen's granite and



built heritage encouraging the retention and reuse of granite buildings including conversion and adaption of redundant buildings. Listed Buildings and Conservation Areas are key to Aberdeen's cultural identity. Therefore proposals to conserve and enhance such sites will be welcomed in line with SPP and SHEP.

and rear elevations, offering an enhancement to the Conservation area as a whole.

Through positive discussions and engagement with the City Council's Planning Service and Built Heritage Team, it was recognised that the existing granite extension to the rear of the building is part of its historic fabric therefore its retention would be greatly encouraged. However the more recent flat roof extensions and outbuildings bear no resemblance or attribute to the original fabric of the property and Conservation Area. Their removal and replacement with a modern and contemporary extension was felt to be the best course of action. The extensions will essentially form two new elements which will sit either side of the traditional granite extension to the east elevation. The existing single story flat-roof additions will be demolished and replaced on the southerly aspect with a new pitched-roof two storey gabled extension, similar to the design and scale of the existing rear granite element. Natural slate and smooth render in addition to stepping back the gable end will result in a sympathetic and subordinate role to the existing extension.

A more contemporary design will be adopted on the northerly aspect of the existing extension.



which will successfully facilitate the transition between old and new.

This will incorporate a simplistic flat-roof box design, offering accommodation across ground and first floor levels. It will be finished in a smooth render and broken up with vertically emphasised glazed elements. Given that this new element will protrude further than the existing extension it was considered that any attempt to replicate the existing design and scale would have created a pastiche resulting in a poor overall composition to the detriment of both the property and the surrounding area. Instead the proposed design makes a deferential contrast to the solid granite of the surrounding buildings of the 19th century thus creating a distinctive new component in its form and finishing materials.

A new completely glazed link will connect all three extended elements to the original building

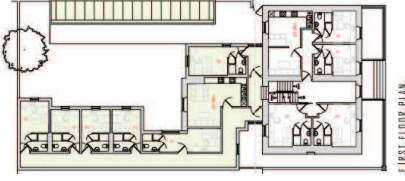


the applicants control, however this will remain unimpeached by the proposed development. Given the enclosed nature of the rear garden space in addition to the internal layout and orientation of the new extensions there will be no impact on neighbouring amenity.

Summary and Conclusions

The existing 19th Century property at 73 Dee Street makes a significant contribution to the surrounding streetscape. Unfortunately the existing use as a hotel has been in decline over the past number of years. This has however presented a great opportunity to explore a new use for this important and historic building.

Careful consideration has been paid to the context of the site and how the proposals will respond to the surrounding area's heritage and built fabric.. A blend of the traditional has been infused with a modern approach to create a high quality design that provides functionality for the new student accommodation. As such the completed works, which also include the removal of current unsightly elements and improvements to the existing building, will result in a positive contribution, enhancing both the existing building and surrounding locale.



Access

The site boasts a central location within the city therefore it is highly accessible by foot and bicycle

Whilst there is no dedicated parking on site, a car free environment is proposed. Its central location ensures it is easily accessed by the surrounding public transport network along union Street and Crown Street. Rail and bus terminals are also within walking distance at Guild Street.

The site has a gated pedestrian walkway running alongside the northern boundary which will allow easy access for cyclists to the new cycle spaces and lockers provided within the rear yard area.

The buildings to the north are also separated by a narrow lane running east-west that is outwith





Figure 2: Rear elevation No.42



Figure 4: Clydesdale Bank from Albyn Place



Figure 1: Front elevation No.42



Figure 3: View of site from Clydesdale Bank Car Park



Figure 6: 3-Storey extension Nos. 31-32 Albbyn place

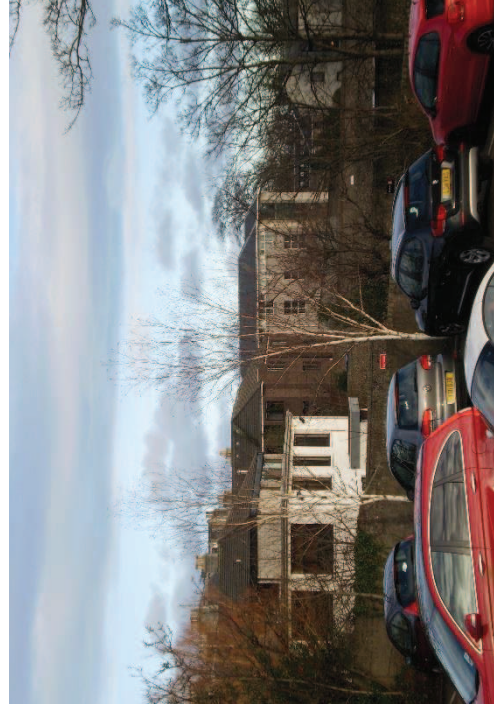


Figure 8: View of various designs of extensions backing onto Albbyn Lane



Figure 5: 3-Storey extension No 29 Albbyn Place



Figure 7: Large extension No.39 Albbyn Place



42 Albyn Place Tree Survey



January 2014

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Status DRAFT FOR COMMENT

Report Author Jennifer Iles
Project Reviewer Douglas Blease

Date of Issue January 2014
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EnviroCentre Limited 2014

42 Albyn Place Tree Survey

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SUMMARY

- EnviroCentre Ltd was commissioned by Fitzgerald Associates (on behalf of their client, Quantum Claims) to undertake a tree survey at the rear of 42 Albyn Place, Aberdeen.
- It is proposed to extend the south facing rear of the building in order to expand the existing office space.
- The desk study revealed that the area at the rear and the front of the property falls within in the conservation area and there is a Tree Protection Order in place (TPO No7).
- A total of 4 individual trees were surveyed. Some of the trees within the site have been subject to recent arboricultural operations.
- A total of three trees are incompatible with the development proposals.
- Protection from construction activities and arboricultural operations are recommended in this report to preserve retained; or newly planted trees on site. Further suggestions for tree planting are also included.

1. INTRODUCTION

EnviroCentre Ltd was commissioned by Fitzgerald Associates (on behalf of their client, Quantum Claims) to undertake a tree survey applying the standard outlined in BS5837:2012 - *Trees in relation to design, demolition and construction – Recommendations*.

The survey and assessment was conducted during January 2014 at the rear of 42 Albyn Place, Aberdeen. The site is located at Ordnance Survey Grid Reference NJ 92481.05738 (approximate centre of the site) and currently comprises a private greenspace with a small number of trees.

1.1 Proposed Development

Number 42 Albyn Place currently comprises a granite office building with small car parking space to the north aspect (which hosts a mature beech tree of high amenity value) and a basic garden area to the south comprising a variety, although small number, of trees. It is proposed to extend the south facing elevation of the building in order to expand the existing office space. Due to the nature and orientation of the building and its environs, this is the only aspect in which the building could be extended.

Refer to Appendix A: Development Proposals.

1.2 Aim and Objectives

The aim of this study was to undertake a survey of trees within the development boundary to determine any potential constraints to development, and how the continued longevity of trees could be maintained, with the following objectives:

- Map the location and the broad characteristics of the trees on the site that may be affected by the development proposals;
- Identify constraints, threats and opportunities for their future management; and
- Provide management recommendations to ensure the persistence of trees on the site.

2. METHOD

2.1 Guidance Documents

The tree survey was conducted with reference to the following standard guidance:

- BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations*¹; and the
- Arboricultural Association Guidance Note 7 *Tree Surveys: A Guide to Good Practice*².

The former provides guidance for a balanced approach on deciding which trees are appropriate for retention, the effects of trees on design considerations, and the suggested means of protecting these trees during development. The Arboricultural Association Guidance Note seeks to assist the surveyor in providing an efficient service by clarifying survey objectives, ensuring a duty of care and assisting with the presentation of data.

2.2 Desk Study

A desk study was undertaken to ascertain the presence of the following designations and any relevant species records applicable to the site:

- Tree Preservation Orders (TPOs) or other non-statutory conservation designations³; and
- Statutory conservation designations⁴.

2.3 Tree Inspection

Trees were visually assessed from ground level. No invasive instruments were used in assessing the trees' condition.

The following information was recorded for each individual tree:

- Unique identification number;
- Species;
- Estimated height;
- Diameter at Breast Height (DBH)
- Indicative canopy spread;
- Life stage (age profile);
- Bat Roost Potential;
- General observations including preliminary management recommendations; and
- Tree quality categorisation.

2.3.1 Tree Numbering and Identification

All trees were afforded a new identification tag. New tags were attached on the main stem of each tree approximately 2m above ground level. Trees were identified and are referred to in this document by both their vernacular and scientific names.

2.3.2 Tree Measurement

The height of each tree from ground level was estimated in metres. The crown spread of each tree was estimated in metres along the north, south, east and west axes. The stem diameter of single stemmed trees on level ground was measured at 1.5m above ground level, otherwise referred to as diameter at breast height (DBH) in millimetres, using a

¹ BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations*. Available from: <http://shop.bsigroup.com/en/ProductDetail/?pid=00000000030213642>

² D. Dowson, N. Fay, R. Helliwell, *Guidance Note 7: Tree Surveys A Guide to Good Practice*, The Arboricultural Association, 2005.

³ Administered by Aberdeen City Council, contact: 01224 522440

⁴ SNH Sitelink. Available from: <http://gateway.snh.gov.uk/sitelink/searchmap.jsp>

calibrated girth tape. For trees with multi-stems, unusual stem formations and those on sloping ground, variance to the measurement method and/or calculation of stem diameter was made according to BSS837:2012.

2.3.3 Life Stage

Trees were classified in terms of their life stage using the categories outlined in Table 2-1:

Table 2-1: Age profile of individual trees

Abbreviation	Category	Description
Y	Young	A juvenile tree, newly planted or recently established.
SM	Semi-mature	An established tree but not showing any species specific mature characteristics.
M	Mature	A tree that has reached maturity and contains features such as anticipated climax height, and species specific mature characteristics.
OM	Over-mature	A tree that has passed maturity and has begun a decline, perhaps by reduced food supply to crown extremities and the development of decay.
V	Veteran	A tree usually in the mature stage of its life that has important wildlife and habitat features including: hollowing or associated decay fungi, holes, wounds and large dead branches.

2.3.4 Bat Roost Potential

The trees were subject to a ground based preliminary roost assessment to determine their potential to accommodate roosting bats. Trees were categorised as follows⁵:

- Known roost.
- Category 1*: Trees with highly suitable features capable of supporting larger roosts.
- Category 1: Trees with definite bat potential, supporting fewer suitable features than category 1* trees or with potential for use by single bats.
- Category 2: Trees with no obvious potential, although the tree is of size and age that elevated surveys may result in cracks or crevices being found; or the tree supports some features which may have limited potential to support bats.
- Category 3: Trees with no potential to support bats.

2.3.5 General Observations and Management Recommendations

General (non-invasive) observations were made of individual trees regarding their structural and physiological condition (e.g. the presence of decay or physical defects shown by external bio-mechanical signs). Trees were classified in terms of their general condition using the categories outlined in Table 2-2:

Table 2-2: Condition categorisation of individual trees

Abbreviation	Category	Description
G	Good	A tree not showing more mechanical defects than would be expected or that could be easily remedied.
F	Fair	A tree showing more defects than could be reasonably expected, but that could be remedied.
P	Poor	A tree in a poor structural condition with defects that could not be easily remedied.
D	Dead	A tree afflicted with a pathogen, or having suffered a trauma that has resulted in death.

⁵ Hundt L (2012) Bat Surveys: Good Practice Guidelines, 2nd edition, Bat Conservation Trust

2.3.6 Tree Quality Categorisation

Each tree was assigned a quality category from A-C with increments of 1, 2 and 3 for retention or 'U' for removal. The categorisation also reflects the future contribution that a tree may provide. Each tree was considered for management according to the operations required to preserve or maintain the amenity, health and structure of the individual tree or groups of trees.

Refer to Appendix B: Tree Quality Assessment Criteria for further details of the assessment.

2.4 Root Protection Areas (RPAs)

The RPA has been calculated to be an area equivalent to a circle with a radius 12 times the stem DBH or a variation dependant on stem structure.

The RPAs have been plotted as a circle centred on the location of individual trees unless site conditions indicate that rooting has developed asymmetrically. The RPA is capped at 707m², which is equivalent to a circle with a radius of 15m.

2.5 Tree Reference Plans

2.5.1 Tree Constraints Plan

The Tree Constraints Plan shows the following information:

- The location of the surveyed trees on site;
- The tree quality colour code of individual trees on site;
- Any known incompatibilities between trees and the design proposals;
- The estimated extent of individual tree crowns; and
- The calculated individual RPAs.

2.5.2 Tree Protection Plan

The Tree Protection Plan shows the recommended positioning of protection barriers in relation to retained trees following the removal of unviable and incompatible trees.

2.6 Survey Constraints

This survey does not specifically address or quantify the health and safety risks posed by trees, although where potential hazards have been recognised it is possible to recommend an appropriate strategy for management. Regular arboricultural assessment should be undertaken of trees, particularly those recognised as posing a risk to the health and safety of persons or property within the site.

The survey conclusions relate solely to the conditions recorded at the time of inspection. Trees can be affected by environmental changes such as weather events, topographical alterations or changes in hydrological regime and therefore such changes may necessitate further survey.

The impacts of shade associated with the current and anticipated ultimate height of surveyed trees has not been taken into account. However, this information can be extrapolated, mapped and assessed on request using the raw data gathered during this survey.

The Tree Schedule presented in this document includes preliminary management recommendations but is not a schedule of works and is not designed to be submitted to a contractor. A tree works schedule can be provided if required.

3. RESULTS

3.1 Desk Study

The desk study revealed the following information as provided by Aftab Majeed, Aberdeen City Council⁶:

- The area at the rear and the front of the property falls within in the conservation area and there are Tree Protection Orders are in place (TPO No7); and
- All the trees are protected in the conservation area.

3.2 Current Tree Stock

The following sections should be read in conjunction with the Tree Schedule presented in Appendix C and the Tree Reference Plans presented in Appendix D. A total of 4 individual trees were surveyed. Species recorded during the survey are detailed in Table 3-1:

Table 3-1: Species recorded during the survey

Vernacular name	Scientific name
Sycamore	<i>Acer pseudoplatanus</i>
Cherry	<i>Prunus avium</i>
Copper Beech	<i>Fagus sylvatica</i> 'Purpurea'
Western Hemlock	<i>Tsuga heterophylla</i>

⁶ Email received from Aftab Majeed dated: 08/01/2014 10:50

4. ARBORICULTURAL IMPACT ASSESSMENT

4.1 Impact Summary

The following direct impacts to the current tree stock are currently anticipated as a result of the development project:

- The removal of one 'Category B' tree due to its position in relation to a shared boundary wall (and the effect it may have on that structure), plus potential incompatibilities with the design;
- The removal of one 'Category A' tree to facilitate the construction of the new office building;
- The removal of one 'Category C' tree to facilitate upgraded access and new parking areas;
- Arboricultural operations to preserve the longevity of a retained tree;
- Operations in proximity to; or within the calculated rooting area of a retained tree; and
- The opportunity to positively maintain, enhance and increase arboricultural features on site.

4.2 Negative Impacts to Trees Identified on Site

4.2.1 Tree Recommended for Removal

The survey highlights that the following tree listed in Table 4-1 is recommended for removal:

Table 4-1: Tree recommended for removal

Tree ID	Species	Quality Categorisation	Reason for removal
583	Sycamore	B	Sound arboricultural management. (Potentially incompatible with design)

Tree number 583 is a semi-mature sycamore, located immediately adjacent to the shared boundary wall in the east elevation of the site. It is considered that this tree has the distinct potential to cause future damage to the boundary wall, resulting in the inevitable removal of the tree. It is unlikely that this tree was planted at this location and is the result of natural succession. The tree is multi stemmed and hosts a large bark inclusion from its base to c.1.5m above ground level. This common feature has the potential to form a bio-mechanical weakness and a future constraint to its preservation in this location. This tree may also be incompatible with the proposed design and construction process.

It is recommended that this tree and its stump are removed as part of sound arboricultural management of the site. This tree has been labelled in the Tree Constraints Plan as incompatible, however, the RPA of this tree has been shown on the Tree Constraints Plan, as reference, should the development team seek to retain this tree.

4.2.2 Trees Incompatible with the Development Design

The proposed design indicates the removal of the trees listed in Table 4-1 in order to facilitate development:

Table 4-2: Trees highlighted as incompatible with the design

Tree ID	Species	Quality Categorisation	Reason for removal
584	Cherry	C	Development of new parking area.
586	Western hemlock	A	Development of new office building.

Tree number 584 is an un-remarkable, planted Cherry tree which could be trans-located or replaced following its removal.

Tree number 586 is a Western Hemlock, reaching a stage of early maturity. The tree appears to have suffered the loss of its leader in the past, resulting in the bi-furcation of its main stem in the upper section of its canopy. This tree is likely to have been planted as a small feature tree at the rear of an amenity lawn and has since developed to dominate the rear of the building.

The removal of this tree will facilitate the expansion of the office building to such a size that development becomes economically viable. Additionally, removal of this tree will allow the adjacent Copper beech to develop as the dominant feature tree in a newly landscaped green space. In terms of landscape design, this would create a comparable reference point to the mature beech tree located at the front elevation of 42 Albyn Street.

4.2.3 Arboricultural Operations

Preliminary arboricultural operations are recommended for individual trees where appropriate. EnviroCentre recommend that all arboricultural operations are undertaken by an appropriately qualified or experienced contractor and that works conform to the recommendations outlined in BS3998:2010.

It is likely that the tree listed in Table 4-2 will require arboricultural operations to remove crown incompatibilities and to ensure encourage tree retention during and post construction.

Table 4-3: Tree that require arboricultural operations to facilitate development

Tree ID	Species	Action summary
585	Copper Beech	Conduct a 15% Crown volume reduction. Install a brace at approximately 3m above bark inclusion.

Refer to Appendix C: Tree Schedule for further information.

4.3 Positive Impacts to Trees Identified on Site

The retention of tree number 585 Copper Beech encourages the future management of its structure, which until now has been largely ignored. The tree has been identified as hosting a large bark inclusion at the point where the main stem divides; and the ubiquitous copper beech graft union, found lower on the main stem. As this will become a feature tree within the developed area, its preservation is reliant on regular arboricultural monitoring and future operations to preserve its longevity. Without inferring its raised status to a feature tree, it is likely that management options would not be forthcoming and the tree may eventually suffer failure at these common bio-mechanical points.

5. MITIGATION RECOMMENDATIONS

The following suggestions have been extrapolated from the BSS837:2012 document or have been recommended based on wider sources of information and the specific nature of the site.

For sites where tree cover or root protection presents a constraint, or where trees classed as being of high quality are present, it is strongly suggested that a project arboriculturalist is included in the design and management team from an early stage.

5.1 Tree and Stump Removal

The removal of tree number 586, in order to facilitate the development should be undertaken with due care and attention to the retained tree (number 585) which is in proximity. It is likely that the tree shall require sectional dismantling due to its location, therefore the 'free dropping' of large sections within the rooting zone of the retained trees should be avoided by utilising an adequate rigging system.

Additionally, it is highly likely that the stump of the aforementioned incompatible tree shall require removal. In this case, it is suggested that the soil material around the stump is carefully excavated using hand tools or compressed air. This will aid in the accurate identification of any roots of the retained tree and allow accurate stump-grinding to occur, thus minimising damage to retained roots. The arisings from the stump grinding process should be removed from site and a clean compost/topsoil mixture should be used to back fill the void.

Works to remove trees 583 and 584 should follow safe working practices with arisings removed from site in an appropriate manner.

5.2 Tree Protection

In order to retain tree number 585, the preservation of its structure and health during construction will be required. The following methods should be adopted:

- Site operations should be planned to take into account the location of the tree stem, crown and root protection areas. Transit, traverse and operation of machinery should be supervised by a banksman to ensure adequate clearance of the aforementioned constraints. Pruning of trees may be required to facilitate access of such machinery. All pruning of this nature should be undertaken following consultation with a project arboriculturalist.
- Due to the proximity of trees to development activities, it is suggested that the surveyed, the retained tree is afforded protection using the default barrier specification as described in Figure 1.
- The proposed location of the protection barrier does not meet the full extent of the calculated rooting area. This is to allow access around the tree via the north, east and south elevations of its crown structure and rooting system. Where protection barriers cannot meet the full extent of root protection areas, further ground protection should be designed in conjunction with the project arboriculturalist.

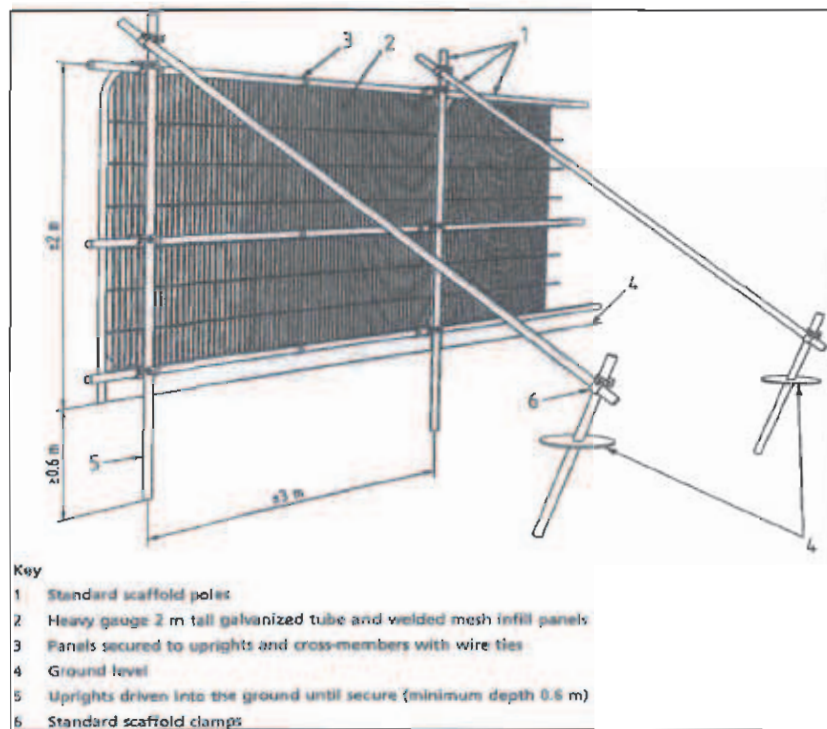


Figure 1: Default specification barrier.

5.2.1 Site operations within RPAs

Where site operations may require the RPA of trees on site to be compromised, the following basic guidelines should be adopted:

- Activities within the RPA should follow the principle that the tree and soil structure take priority, ensuring adequate soil density to achieve root growth and function;
- All plant and vehicles engaged in construction works should either operate outside the RPA or upon adequate ground protection. Ground protection should be designed by an engineer and evaluated by the project arboriculturalist;
- In general, existing ground levels within the RPA should be maintained with the existing topsoil remaining *in situ*; and
- Detailed working methods should be employed following agreement and design of services into and around the site; the position of site compounds; and any other activity that is likely to impact the rooting area of trees in and adjacent to the site.

5.2.2 Landscaping

It is likely that landscaped surfaces will be installed within the rooting area of tree number 585, to be retained and managed as a feature tree. It is suggested that a permeable; or semi permeable surface is used over a 3D cellular confinement mesh which will aid in spreading the load forces which would otherwise compress soil and rooting systems. An artificial irrigation system may also be installed following an onsite assessment of the landscaping provisions by the project arboriculturalist.

5.3 Enhancement of Arboricultural Features

Establishment of a management regime from an early stage can secure arboricultural features in the landscape in perpetuity.

5.3.1 New Planting

The design proposals do not suggest that there is adequate space to establish new, large species trees within the site boundary. Areas of green space suitable for planting small and medium species trees are shown in the design proposals.

New plantings should be located to ensure adequate space is allowed for future growth (to maturity) of root systems, stem(s) and crown structure. Due attention should be paid to potential direct conflict with structures, services, general access, views and sunlight provisions throughout all seasons taking into account full leaf cover.

Tree species to be considered for new plantings should reflect an exotic tree mix to provide amenity interest within a developed, urban context. A species list could include but not be limited to:

- Chinese red-barked birch (*Betula albo-sinensis*);
- Alder leaved whitebeam (*Sorbus alnifolia*); and
- Japanese crab apple (*Malus floribunda*).

It is suggested that the planting of trees for formal amenity purposes in the context of this project refer to the Urban Tree Design guide⁷ supplied by Greenleaf.

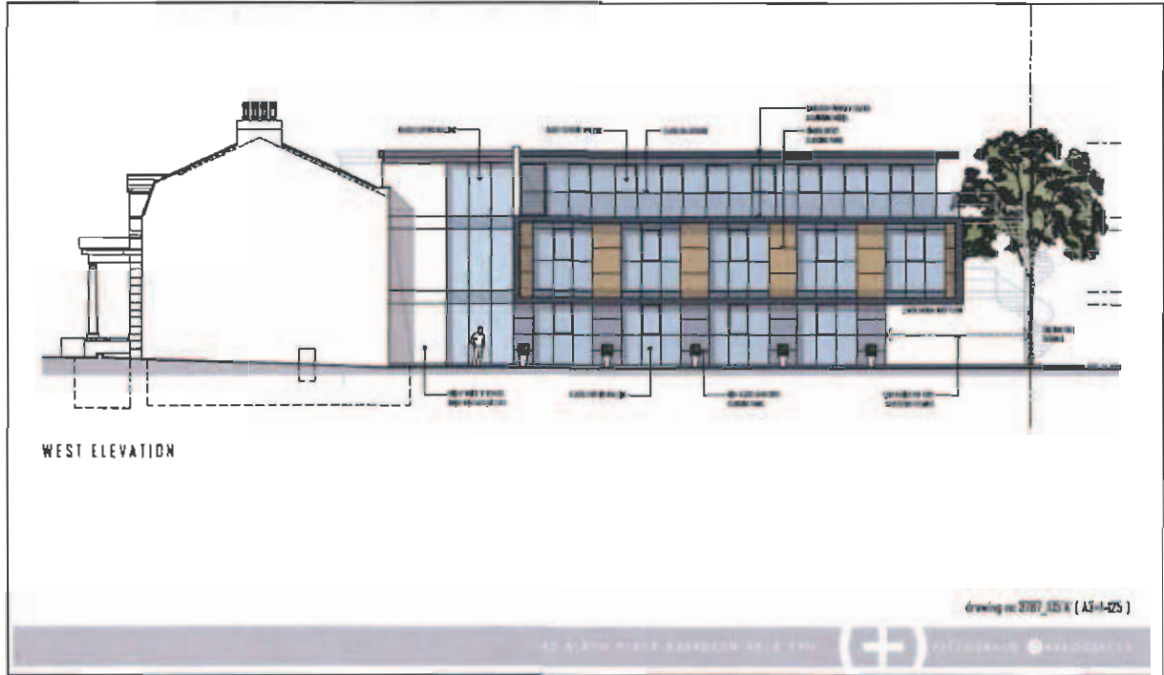
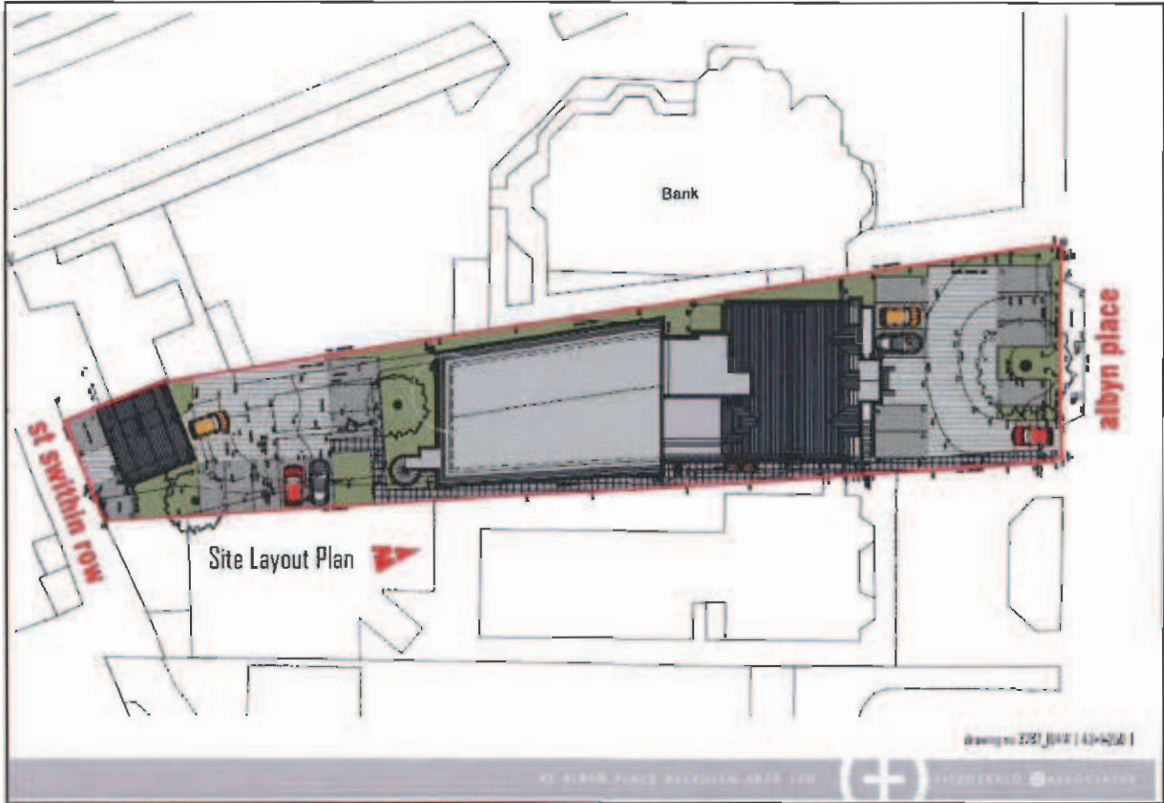
5.3.2 Further Survey

Should the design footprint change and at such time that detailed plans of service routes (water, electricity, gas, communications etc.) be agreed, this may result in the need to undertake further survey of the site and its surrounds.

It is suggested that a programme of future monitoring as part of an arboricultural management plan may be appropriate in order to ensure an effective and pro-active approach to management of the developed site.

⁷ Greenleaf Urban tree design guide, Edition 7. Available at: <http://www.greenleaf.co.uk/designguide>

Appendix A: Development Proposals



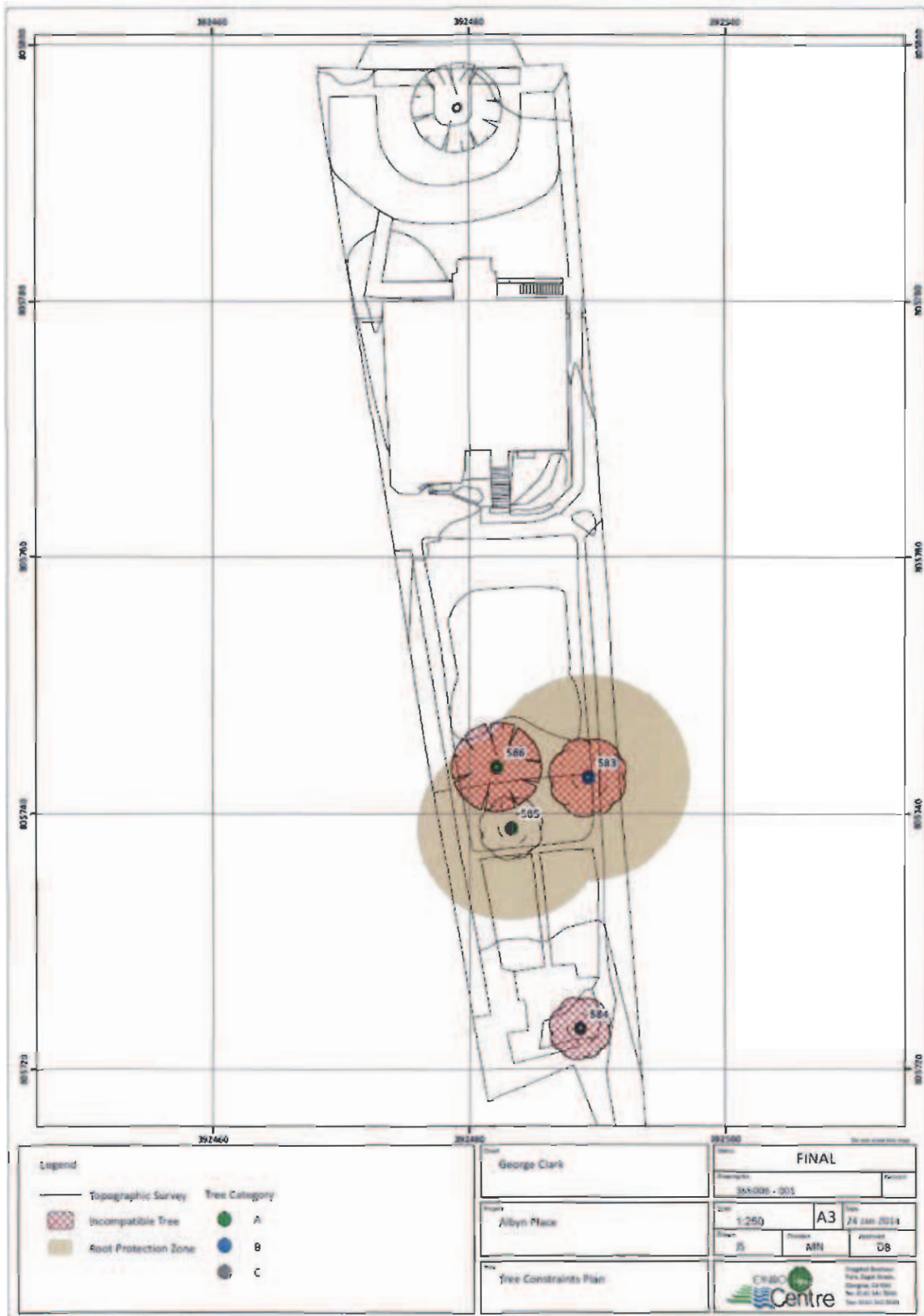
Appendix B: Tree Quality Assessment Criteria

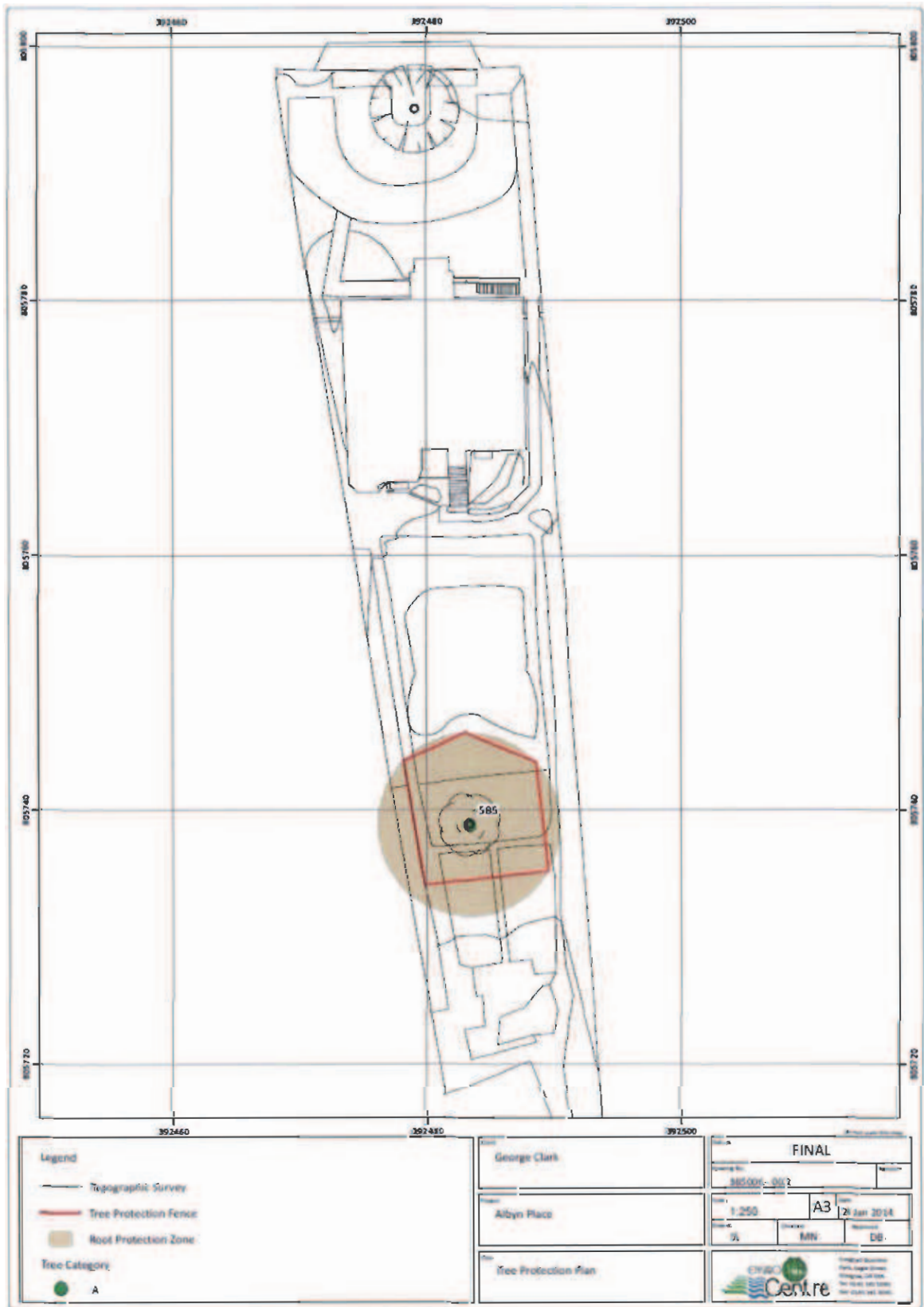
Category and colour on TCP	Criteria		
<p>U - Removal</p> <p>Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.</p>	<ul style="list-style-type: none"> • Trees that have a serious, irremediable structural defect such that early loss is expected through collapse, or become unviable after removal of other category U trees. • Trees that are dead or are showing signs of significant, immediate or irreversible overall decline. • Trees infected with pathogens of significance to the health and/or safety of other nearby trees or trees of very low quality, suppressing adjacent trees of better quality. 		
<p>A - Retain</p> <p>Trees of high quality with an estimated remaining life expectancy of at least 40 years.</p>	<p><u>Mainly arboricultural value</u></p>	<p><u>Mainly landscape value</u></p>	<p><u>Mainly cultural values including conservation</u></p>
<p>B - Retain</p> <p>Those of moderate quality with an estimated remaining life expectancy of at least 20 years.</p>	<p>1 Trees that might be included in the high category, but are downgraded because of impaired condition (e.g. remediable defects or poor past management/storm damage) such that they are unlikely to be suitable for retention beyond 40 years.</p>	<p>2 Trees present in numbers usually as groups or woodlands, such that they form distinct landscape features thereby attracting a higher collective rating than they might as individuals, or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.</p>	<p>3 Trees with measurable conservation or cultural value.</p>
<p>C - Retain</p> <p>Those of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.</p>	<p>1 Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.</p>	<p>2 Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value and/or trees offering low or only temporary/transient landscape benefits.</p>	<p>3 Trees with very limited conservation or cultural value.</p>

Appendix C: Tree Schedule

Tree ID	Species	Height (m)	DBH (mm)	Branch Spread # (m)				Age Class	Condition	BRP	General Observations of Structure/Physiological Condition and/or Preliminary Management Recommendations (detailed in bold).	Category
				N	E	S	W					
583	Sycamore	12	672	4	4	4	4	SM	F	3	Multi stemmed with included bark. Evidence of recent reduction. Tree located immediately adjacent to a shared boundary wall. This tree is also likely to be incompatible with design. Remove tree and stump due to the future constraint of its location.	B
584	Cherry	8	320	3	3	3	3	SM	G	3	Co-dominant stems at 2.5m. Incompatible tree	C
585	Copper Beech	14	600	8	8	8	8	M	G	3	Graft union. Co-dominant stems and included bark at 4m. Install brace at 3m above bi-furcation. Undertake a 15% crown volume reduction, targeting elongated limbs in order to preserve tree amenity, facilitate construction movement around crown extents and reduce loading on co-dominant stems.	A
586	Western Hemlock	18	630	4	4	3	4	M	G	3	Divergence of stem at 15m probably following past loss of leader. Incompatible tree	A

Appendix D: Tree Reference Plans





Your Ref.
Our Ref. RIH/B100485 [YMA]
Contact Richard Hoggins
Email rhoggins@aberdeencity.gov.uk
Direct Dial 01224 522422
Direct Fax 01224 523180

24 February 2014

Light Of Bengal Restaurant
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Dear Sir/Madam
Building (Scotland) Act 2003
Building (Scotland) Acts 1959-70 As Amended
13 Rose Street, Aberdeen, Aberdeen City, AB10 1TX
Change of use/ Extension & Alterations to form Manager & Staff
Accommodation flats
Application Number B100485

I refer to your application for a Certificate of Completion in respect of the above. Before we can issue the Certificate the following points require to be taken care of:

1. An amended plan must be submitted for consideration showing the work as built on site. Drainage installation altered from approved plans. Lounge kitchen layouts altered. Second floor has ceiling down-stand and fire detection to be altered. Third floor has relocated position of sink units and secondary vent to be done. Sliding doors to bedrooms changed to normal doors. Vents formed above bedroom fire doors. Roof ventilation altered. Structural elements altered at third and attic floor for stair enclosure.
2. Confirm that the original design certificate is still valid for the work as built or provide a new design certificate from the Engineer with the revised details.
3. A final drain test will be required.
4. Escape route lighting to be checked also fire alarm system.
5. Provide second fire detector to second floor lounge kitchen because of down-stand dividing room.
6. Fire alarm detector in main stair enclosure at first floor to be properly fixed in place.

PTO

GORDON McINTOSH
DIRECTOR

Continued

7. Vents above bedroom doors to be fitted with intumescent blocks to maintain fire resistance.
8. Fire doors to be adjusted in order to close properly.
9. Gap at bottom of fire doors excessive at some doors. Please provide threshold strip to reduce gap to less than 10mm.
10. Fire exist signs to be adjusted. Running man sign in corridor pointing in wrong direction.
11. Door ironmongery to final exit door from main stairwell to be completed.
12. Remove temporary security bar from first floor restaurant fire exit door into main stairwell.
13. All main electrical cupboards to stairwell need additional intumescent strips and smoke seals on the edge of the door where the two leaves come together.
14. Holes in external walls where services not installed to be sealed.
15. Provide access handholds to main soil stacks a minimum of one metre above external ground levels.
16. External AAV not acceptable on main drainage stack just below gutter and second floor dormers. Provide open grid instead in order to comply.
17. Soil stack to be properly supported and clipped back to wall where it is taken over an existing rainwater down-pipe.
18. Provide secondary vent to the third floor lounge kitchen sinks. Recommend that a Hepworth HepvO hygienic self-sealing waste valve be fitted in order to comply.
19. Provide a weather-tight finish at fans.
20. Dormer windows to be properly sealed; gaps visible between lead-work and mortar, and timber exposed.
21. Handrail to internal stairwell from third floor to attic floor to be made continuous and taken 300mm onto landings.
22. Confirm adequate roof ventilation provided to main roof area.

When these matters have been resolved please contact me to arrange a suitable time to carry out a further inspection.

It is important that you obtain a Certificate of Completion as soon as possible. Experience has shown that not having this can often cause difficulties at some later date particularly when the property is being sold.

A Building Warrant is valid for a period of three years from the date of approval unless an extension to the period of the life of the warrant has been granted. The arrangements relating to the Completion Certificate process should be done within this period.

It is the City Council's policy to issue a Certificate of Completion on Building Warrants up to 5 years old; thereafter no certificate will be issued.

PTO

GORDON McINTOSH
DIRECTOR

Continued

Please note that a reminder to this letter will not be sent out.

Yours faithfully

Richard Hoggins
Snr Building Standards Officer.

GORDON McINTOSH
DIRECTOR

From: Richard Hoggins RHoggins@aberdeencity.gov.uk
Subject: 13 Rose Street - B100485
Date: 24 February 2014 12:25
To: info@burnsconstruction.net
Cc: info@fitzgeraldassociates.co.uk

FAO Graeme Bruce Contracts Manager

I forgot to include two further points for the completion letter about the certification you gave me on site. I need to confirm the earth bond to the gas boiler and I also need certification for the one hour door.

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Building Standards. Many thanks in advance.

Regards

Richard Hoggins

Snr Building Standards Officer



Enterprise Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen, AB10 1AB
Tel: 01224 522422, Fax: 01224 636181

Website: <http://www.aberdeencity.gov.uk>

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Agenda Item 9

Signed (authorised Officer(s)):

73 CHARLOTTE STREET, ABERDEEN

REINSTATEMENT OF BASEMENT FLATS
(2NOS) TO HABITABLE STUDIO APTS.

For: AMD PROPERTY (ABDN) LTD

Application Type : Detailed Planning
Permission

Application Ref. : P141535

Application Date : 02/10/2014

Advert :

Advertised on :

Officer : Dineke Brasier

Creation Date : 24 November 2014

Ward: George Street/Harbour (A May/J
Morrison/N Morrison)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

73 Charlotte Street is a three storey tenement-style building split into six flats. It is constructed of granite rubble and has a slated roof with dormers on the front and rear elevation. Overall ground levels are relatively flat, although there are internal steps down to the basement level access. The rear basement elevation is exposed, as there is a 1.3m deep 'trench' along its length. There are two window openings in that exposed rear elevation. The rear garden area has been turned into a parking area, with only a small amount of amenity space, enclosed by a low metal fence, near the building.

The site is located within an existing residential area, although the other side of the street is identified as being part of a mixed use zone.

RELEVANT HISTORY

None

PROPOSAL

Planning consent is sought for the conversion of the rearmost part of the basement to 2x two roomed studio flats. The resultant flats would each be accessed from the existing rear door and make use of the two existing windows in the rear elevation. The accommodation would consist of a small living/sleeping/kitchen area with a separate bathroom.

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=141535>

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

CONSULTATIONS

Roads Projects Team – No observations

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) – None received

Community Council – None received

REPRESENTATIONS

None received

PLANNING POLICY

Aberdeen Local Development Plan

D1 – Architecture and Placemaking: New development must be designed with due consideration for its context and make a positive contribution to its setting.

D2 – Design and Amenity: In order to ensure the provision of appropriate levels of amenity, the following principles will be applied:

- Privacy shall be designed into higher density housing;
- Residential development shall have a public face to a street and a private face to an enclosed garden or street;
- All residents shall have access to sitting-out areas;
- Individual flats or houses shall be designed to make the most of opportunities offered by the site for views and sunlight.

H1 – Residential Areas: In principle residential development will be acceptable in residential areas if:

- It does not constitute overdevelopment;
- It does not have an unacceptable impact on the character or amenity of the surrounding area.

Proposed Aberdeen Local Development Plan

D1 – Quality Place Making by Design (D1 Architecture and Placemaking and D2 - Design and Amenity in the Adopted Local Development Plan)

H1 – Residential Areas (H1 – Residential Areas in the Adopted Local Development Plan)

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.

Principle of residential development

The site is located within a residential area, where the principle of residential development is acceptable provided it complies with all policies in relation to design, provision of amenity and does not constitute overdevelopment.

Impact on character and appearance of existing dwelling and the surrounding area:

The only external alterations to the property are the replacement of the two basement windows with similar examples. The outdoor area to the rear is already mainly hard surfaced, and this proposal does not include any further alterations. The proposed external changes are minor, and do not have any impact on the character and appearance of the existing and the surrounding area.

Impact on residential amenities:

The proposal would not have any impact on the operation of the residential flats above. The basement door would not be blocked off and residents will still have internal access to the area within the rear part of the basement (possible storage) and to the rear external area which is used for parking.

Policy D2 sets out that all new flatted developments should have access to suitable outdoor space. The area to the rear of the building is accessible to the residents of the proposed flats. Most of this area is taken up by hard landscaping with a small area of drying space directly out of the door. For new development, the proportion of hard landscaping should not exceed 50%. This is not the case here, however, the proposal is for the conversion of an unused area of this existing tenement building. As such, on this occasion, this is considered acceptable.

The studio apartments are very small, with the total internal floorspace of each just over 19m² (205 ft²). Whilst, the flats are big enough to comply with all criteria set out in building standards. As such, it could be argued that they are large enough to provide acceptable living accommodation.

The main issue in relation to this conversion is natural day light, outlook and amenity/privacy. The only source of natural light is provided through the windows and serving the only living space. These windows face south west, which means they should catch sunlight most of the day. However, the right hand window is clearly overshadowed by a lean-to extension and boundary wall from 71 Charlotte Street. In addition, the lower section of both windows are below ground level and obscured by a bank providing access to the drying and parking area to the rear. Taking into consideration that these windows are the only source of natural light into the studio flats, this will result in limited natural light. Additionally the outlook into the surfaced car park and small communal external amenity area would be sub-standard and result in little quality in outlook and relatively regular impacts on privacy. As such, a suitable level of residential amenity would not be achieved. The proposal is therefore considered contrary to policy D2 (Design and Amenity) of the Aberdeen Local Development Plan and policy D1 (Quality Place Making by Design) of the Proposed Local Development Plan.

Impact on highways, especially in relation to parking and access:

The area to the rear is available for car parking for the two basement flats. At present, six flats can use this area. The area is not formally laid out, but appears sufficiently large to accommodate a further two spaces required for this development. In addition, the site is within a very sustainable location near the city centre and close to a number of bus routes.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application no new issues have been raised.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The two studio flats, especially the flat on the right hand side of the rear elevation, are considered not to receive a sufficient level of natural light, amenity or privacy. This is due to: the location of the single window serving the proposed studio flat, which is located behind a raised bank and is severely overshadowed by an existing single storey extension at the neighbouring property of 71 Charlotte Street; limited outlook; and likely impingement on privacy within the single living space, as a result of persons accessing the existing flats in the upper floors. The proposal is therefore considered to be contrary to policy D2 (Design and Amenity) of the Aberdeen Local Development Plan and policy D1 (Quality Place Making by Design) of the Proposed Local Development Plan.

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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 D2 - Design and Amenity

In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing.
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court.
3. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.
4. When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes.
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
6. Development proposals shall include measures to design out crime and design in safety.

7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Development deemed to have an influence on public realm in the City Centre, Town, District or Neighbourhood Centres will make an agreed contribution to art or other enhancement of the public realm.

Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. Does not constitute overdevelopment
2. Does not have an unacceptable impact on the character or amenity of the surrounding area
3. Does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010
4. Complies with Supplementary Guidance on Curtilage Splits; and
5. Complies with Supplementary Guidance on House Extensions

Within existing residential areas, proposals for non-residential uses will be refused unless:

1. They are considered complementary to residential use
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity

LTR/12-065/6/MT

06 January 2015



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

architects

registered address
albion house
6 castlehill
aberdeen
ab11 5gj
scotland uk

Dear Sirs

73 Charlotte Street, Aberdeen. P14 1535

We write with reference to the above and now enclose our Notice of Review comprising the following.

1. Application form duly completed.
2. Copy of our drawings 12-065 EX01, SK-01, SK02 PL0
3. Copy of exchange of emails with planning officer.

We are of the opinion that the as the application was for reinstatement of existing basement apartments then the lighting situation into these apartments would not have been altered from previous. Accordingly we do not agree that this is a valid reason for refusal.

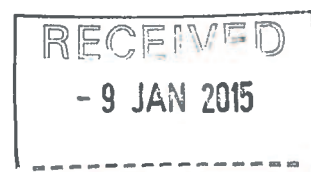
We trust you find this in order and look forward to hearing from you in due course.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'M Taylor', written over a black redaction box.

Mark Taylor
for Cummingandco (Aberdeen) Ltd

Enc



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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

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:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

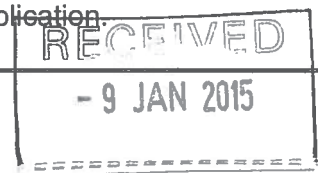
Site address

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:

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.

THE APPLICATION WAS FOR THE REINSTATEMENT OF THE BASEMENT
PARTS. THESE WERE AT ONE TIME APARTMENTS SO CAN SEE
NO REASON WHY THIS SHOULD HAVE BEEN REFUSED.

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. DRAWING 12-065 SK02 , PLO3A , EX01 , SK01 .
 2. EXCHANGE OF EMAILS WITH PLANNING OFFICER .

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

*ON BEHALF OF CUMMINGS & CO
(MBSW) LTD*

INCOMING E-MAIL MESSAGE

Project No.: 12-065
Client: Mrs Alison Easton
Description: Basement renovation
Location: City Centre, Aberdeen

From: Dineke Brasier [DBrasier@aberdeencity.gov.uk]
Subject: RE: FW: 141535: 73 Charlotte Street, Aberdeen

To: Mark Taylor [mark@cummingandco.com]
Attachments:
Doc Ref.: EML-INC/12-065/21
Sent: 25th Nov 2014 at 11:27 **Received:** 25th Nov 2014 at 11:28

Message:

Hi Mark,

Thanks for that. My main concern with this application is in relation to natural daylight entering the studio flats, and then especially the one on the right hand side. I noticed that this window gets overshadowed a lot by the existing lean-to extension next door and I have some serious concerns as to whether this will result in a very dark living space.

Kind regards,

Dineke

From: Mark Taylor [<mailto:mark@cummingandco.com>]
Sent: 25 November 2014 11:16
To: Dineke Brasier
Subject: Re: FW: 141535: 73 Charlotte Street, Aberdeen

REFERENCE EML-OUT/12-065/18
For the attention of DBrasier@aberdeencity.gov.uk

Hi Dineke, I have confirmation from our client as follows:

"The outside space at the rear of the building is communal. There is provision for 5 parking spaces, currently only one resident has a car.

The residents use the communal bin situated outside the main door on Charlotte Street. This is provided by the council. Should residents require their own bins in the future there is plenty storage space at the rear of the building."

Trust this assists.

Regards,

Mark Taylor
Director

Cummingandco (Aberdeen) Ltd • Architects

Albion House, 6 Castlehill, Aberdeen, AB11 5GJ.
w: <http://www.cummingandco.com>
e: mark@cummingandco.com
t: 01224 355600
f: 01224 355603



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-----Original Message-----START

From: Info [info@cummingandco.com]
Sent: 24th Nov 2014 at 08:00 (GMT+00:00)
Received: 24th Nov 2014 at 08:00 (GMT+00:00)
To: Mark Taylor [mark@cummingandco.com]
Subject: FW: 141535: 73 Charlotte Street, Aberdeen
Attachments:
Importance: Normal

From: Dineke Brasier [<mailto:DBrasier@aberdeencity.gov.uk>]
Sent: 21 November 2014 15:18
To: Info
Subject: 141535: 73 Charlotte Street, Aberdeen

Dear Mr Taylor,

I am currently dealing with the above planning application. Prior to making a determination, I would like to ask if you can provide me with some more information in relation to the outside space to the rear of the building. During my site visit, I noticed that part of the back garden was taken up by parking and that there was some outdoor amenity space. Could you please provide some more information on that space, i.e. how many parking spaces are available for each flat, and whether the residents of the studio flats could use the outdoor space as well? I would also want to clarify the arrangements for bin storage.

Many thanks,

Kind regards,

Dineke Brasier

Planner

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

Tel: +44(0) 1224 523514 | Email: dbrasier@aberdeencity.gov.uk | Web: www.aberdeencity.gov.uk

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-----Original Message-----END

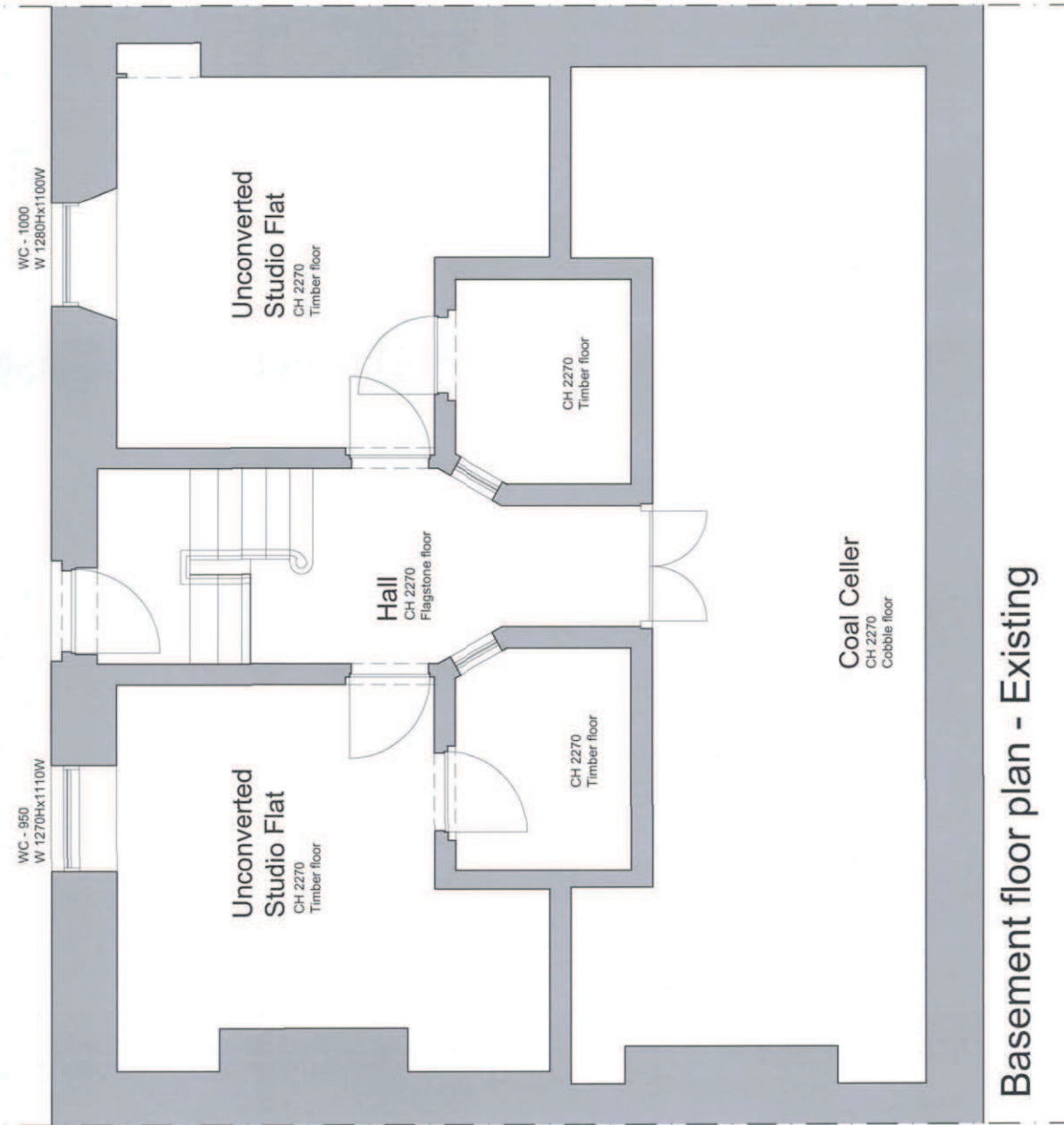
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Proposed Flat Conversions at 73 Charlotte Street, Aberdeen

PRINCIPAL PLAN



Basement floor plan - Existing

CUSTOMER	AMD PROPERTY (ABERDEEN) LTD
PROJECT	73 CHARLOTTE STREET
CONTENT	EXISTING BASEMENT PLAN
SCALE	1:50
JOB REFERENCE	12-065
DATE	JANUARY 2013
DRAWINGS	REV
	EX 01

albhion house
 6 castletyhill
 aberdeen
 ab11 5gj

tel 01224 355600
 fax 01224 355603
 info@cummingandco.com
 www.cummingandco.com

cummingandco

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PRINCIPAL PLAN

CLIENT	AMD PROPERTY (ABERDEEN) LTD
PROJECT	73 CHARLOTTE STREET
CONTENT	BASEMENT PLAN SKETCH 1
SCALE	1:50
DATE	JANUARY 2013
JOB REFERENCE	12-065
DRAWINGS	REV
	SK 01



Existing upvc window to be replaced on a like for like basis with new high performance white upvc windows
WC - 1000
W 1280Hx1100W

Existing upvc window to be replaced on a like for like basis with new high performance white upvc windows
WC - 950
W 1270Hx1110W

albion house
6 castlehill
aberdeen
ab11 5gj

tel 01224 355600
fax 01224 355603
info@cummingandco.com
www.cummingandco.com

cummingandco

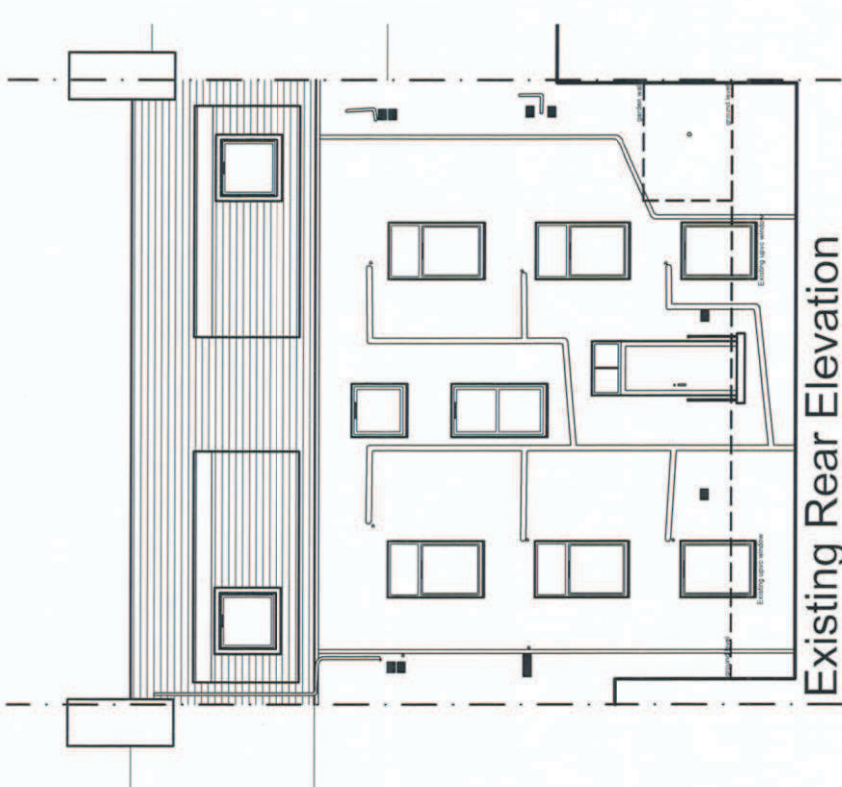
Basement floor plan - planning proposals.

Proposed Flat Conversions at 73 Charlotte Street, Aberdeen

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Proposed Rear Elevation



Existing Rear Elevation

CLIENT	AMD PROPERTY (ABERDEEN) LTD
PROJECT	73 CHARLOTTE STREET
CONTENT	BASEMENT ELEVATION
SCALE	1:100
DATE	JANUARY 2013
DRAWING	REV
JOB REFERENCE	12-065
	SK 02

alblion house
6 castlehill
aberdeen
ab11 5qj

tel: 01224 355600
fax: 01224 355603
info@cummingandco.com
www.cummingandco.com

cummingandco

Proposed Flat Conversions at 73 Charlotte Street, Aberdeen

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