

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 20 April 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Donnelly and Mason.

The agenda, reports and recording associated with this meeting can be viewed [here](#).

RED ROBIN RECORDS, 13 CORRECTION WYND ABERDEEN - 211339

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation for the refusal of the application for Detailed Planning Permission for the change of use of road to provide an external seating area with 3 seating pods, at Red Robin Records ,13 Correction Wynd, planning reference 211339.

Councillor Boulton as Chair for the meeting, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain with regards to the procedure to be followed and thereafter, by Mr Gavin Evans who would be acting as the Planning Adviser to the Body in the following case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority, he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. She emphasised that the officer would not be asked to express any view on the proposed application.

The Local Review Body was then addressed by Mrs McBain, Assistant Clerk in regard to the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 11 September 2021; (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the applicant; and (5) letters of representation from the Aberdeen City Council's Roads Department and Environmental Health.

It was noted that the applicant had submitted a 30 page document with the Notice of Review which was not before the appointed officer when a decision was made, therefore this was classed as new information. Having heard from the Legal Officer, the LRB agreed unanimously not to accept this new information and that it would not be taken into consideration during the determination of the application.

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Mr Evans then described the site and outlined the appellant's proposal. The application site was a rectangular area measuring c.14m² located immediately opposite 13 Correction Wynd. The site formed part of the carriageway of Correction Wynd and was currently occupied by three timber 'pods', which had been placed there as part of 'Spaces for People' social distancing measures by the applicant, acting as additional seating area for their café Red Robin Records at 13 Correction Wynd. The timber pods measured c.2m by c1.2m with an overall height of c.1.9m. They had two opening doors facing out onto the pavement, and high-level windows in the side and rear elevations. The 'pods' were finished in a painted graphic design incorporating the logo of the café. The site lay within the City Centre Conservation Area, and was located between the curtilage of the A-listed St Nicholas churchyard and category B and C-listed buildings along Correction Wynd.

In terms of the proposal, Mr Evans advised that Detailed Planning Permission was sought for a change of use of part of the carriageway to an external seating area and the installation of three timber pods on the carriageway of Correction Wynd, immediately adjacent to the pavement and opposite to 13 Correction Wynd which currently traded as 'Red Robin Records'. The pods were constructed of timber and painted in various colours, had a mono-pitched roof and measured c.2m by c.1.2m by a height varying between c.1.7m and c.1.9m. The application was retrospective and permission was sought for a period of five years.

Mr Evans indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

- The proposed works were considered to have a detrimental impact on the character and appearance of the Union Street Conservation Area and the setting of various adjacent listed buildings due to the design, materials, and finishes of the pods.
- It was considered to be contrary to policies D1 (Quality Placemaking by Design) and D4 (Historic Environment), of the 2017 Aberdeen Local Development Plan (ALDP), policies D1 (Quality Placemaking), D6 (Historic Environment) of the 2020 Proposed ALDP; the draft City Centre Conservation Area Character Appraisal and relevant sections of Scottish Planning Policy and the Historic Environment Policy for Scotland (HEPS).
- The proposed siting of the pods would obstruct driver visibility along Correction Wynd and also from the pend serving the parking /servicing area to the rear of Correction Wynd, impacting on safety. The development was thus contrary to policy T2 (Managing the Transport Impact of Development) of the 2017 ALDP, and policy T2 (Sustainable Transport) of the 2020 Proposed ALDP; and Supplementary Guidance on Transport and Accessibility.

Mr Evans outlined the key points from the appellant's Notice of Review as follows:-

- The structures were originally erected during Covid-19 pandemic, when Scottish Government had endorsed a more flexible approach to such outdoor areas;
- Applicant was advised to formally seek planning permission in light of Covid related restrictions easing;

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- The applicant had expected the application to be straightforward, assuming that any roads issues had been considered at the time of initial discussions with Aberdeen City Council;
- Highlighted that there had been no known issues or complaints regarding the siting of the pods whilst they have been in situ;
- Applicant queried whether the site lay within the Union Street Conservation Area; and
- Contends that it was not highly visible from Union Street.

In terms of Consultations, Mr Evans advised that the Council's Roads Team objected to the proposed application due to various concerns and Environmental Health suggested that no outdoor music be allowed and the operating hours finish at 10pm.

Mr Evans advised that the applicant had expressed the view that a site visit should take place before determination.

The Chairperson and Councillors Donnelly and Mason all indicated in turn that they each had enough information before them and therefore agreed that the review under consideration should be determined without any further procedure.

In terms of relevant policy considerations, Mr Evans referred to the Aberdeen Local Development Plan 2017.

Mr Evans responded to various questions from members, which included various questions on road safety concerns and visibility in the local area in regards to the structures.

Members each advised in turn and by majority agreed to uphold the officer's earlier decision. Planning permission was therefore refused. The Chairperson and Councillor Mason opted to refuse the application and Councillor Donnelly voted to approve the application.

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

More specifically, the reasons on which the Local Review Body based this decision were as follows:-

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That the change of use of part of the public road carriageway to form an external seating area including the installation of three timber pods for a period of five years was considered to have a detrimental impact on the character and appearance of the Union Street Conservation Area and the setting of various adjacent category A-, B-, and C-listed buildings and their curtilages due to the design, materials, and finishes of the pods. The development was thus contrary to policies D1 (Quality Placemaking by Design) and D4 (Historic Environment), of the 2017 Aberdeen Local Development Plan, policies D1 (Quality Placemaking), D6 (Historic Environment) of the 2020 Proposed Local Development Plan; the draft City Centre Conservation Area Character Appraisal and relevant sections of Scottish Planning Policy and the Historic Environment Policy for Scotland (HEPS).

That the proposed siting of the pods would obstruct driver visibility both along Correction Wynd and from the pend serving the parking /servicing area to the rear of Correction Wynd, impacting on safety. The development was thus contrary to policy T2 (Managing the Transport Impact of Development) of the 2017 Aberdeen Local Development Plan, and policy T2 (Sustainable Transport) of the 2020 Proposed Local Development Plan; and Supplementary Guidance on Transport and Accessibility.

WOOLAND AND HENRY SITE, STONEYWOOD PARK - 210657

2. The LRB then considered the second request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for Detailed Planning Permission for the installation of a security fence at Wooland and Henry site, Stoneywood Park, Aberdeen, planning reference 210657.

The Chairperson stated that although the Planning Adviser for the LRB was employed by the planning authority, he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. She emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the LRB had before it (1) a delegated report and decision notice by the Appointed Officer, Aberdeen City Council; (2) an application dated 11 May 2021 (3) links to the plans showing the proposal and planning policies referred to in the delegated report, (4) the Notice of Review submitted by the agent and (5) various consultee comments and four letters of objection.

Mr Evans then described the application site and noted the application site, noting it comprised existing industrial premises (workshop, yard, parking) together with adjacent undeveloped woodland areas. The industrial premises was accessed via Stoneywood Park within an industrial estate. The woodland formed part of a larger woodland area which was required to be retained as public open space in association with the adjacent housing development but had been purchased by the applicant. To the east of the site

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was a public path within a wooded area which functioned as an important link in the recreational pathway network along the River Don.

The site was bounded to the south by a SUDS pond developed as part of the adjacent housing development. To the south of this lay a suburban housing development (allocated as OP17 – Stoneywood in the Aberdeen Local Development Plan). A mature woodland / tree belt extended west from the site, parallel to Cedar Avenue and towards Stoneywood Road. This was protected by a Tree Preservation Order (No.257) and was understood to have been part of the woodland policies originally associated with Stoneywood Estate. A separate TPO (No. 259) was served on the mature woodland within the site in 2020.

In terms of the proposal, Mr Evans advised that Detailed Planning Permission was sought for the erection of a metal chain-link mesh security fence within the woodland area, approximately 3m to the east of the boundary of the industrial site (i.e. the original fence line), running parallel to the original eastern boundary. The fence would be topped with 3 horizontal strands of barbed wire and would have a maximum height of 2.32m. The southern end of the proposed fence line would taper to join the existing south boundary. The area of open space that would be enclosed / encroached on would be around 180 square metres. A blackthorn hedge was proposed to be planted along the outer (eastern) boundary of the fence, adjacent / to the west of the footpath within the woodland area.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

1. Impact on Residential Amenity - Due to the industrial character and appearance of the development and its proximity to a well-used recreational path forming an integral amenity within a designated open space associated to a residential area, the fence was considered to have an adverse impact on the residential amenity of the area and therefore conflict with policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017.
2. Loss of Access to Greenspace / Open Space - Notwithstanding that the site had been purchased by the applicant, the position of the proposed fence would result in loss / severance of public access to the woodland area within the site, which forms part of a consented housing development, in conflict with the objectives of policies NE1 (Green Space Network), NE3 (Urban Green Space) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan 2017 and PAN 65. Although some mitigatory planting was proposed, it was considered that this was not sufficient to warrant approval of the proposal or justify the loss of access to the open space. No replacement public open space was proposed. By preventing public access to existing open space which was required to be delivered as part of the Stoneywood housing development, which was a valued open space resource for the wider community, the proposal would conflict with the Stoneywood Development Framework and Masterplan approved by the Council in 2011; and

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3. Precedent - Approval of this application would establish an undesirable precedent for further / similar proposals that would be likely to erode the extent and purpose of established public open space / woodland areas within housing and industrial areas

Mr Evans outlined the key points from the appellant's Notice of Review as follows:-

- Provided background on the business, past works and applications, and the importance of site security;
- Notes that the previous approval of a footpath in such close proximity to the existing industrial use departed from the original Masterplan, brings members of the public closer to this industrial edge and gives rise to security concerns for the applicants;
- Highlighted that the proposed alignment of fencing would allow for a landscaped buffer between an existing footpath and the adjoining industrial use;
- Contends that the fencing design had been altered to address issues raised in the earlier appeal decision and avoid impact on trees, also introducing hedge planting to offer some screening/softening where its route remained close to the path;
- A similar style of fence could be seen within the Green Space Network on Cedar Avenue; and
- Contends that the proposed fencing was more compatible with the character of the adjoining residential area whilst offering security and enclosure for the applicants.

In terms of consultation responses, a response was received from Environmental Health and four letters of objection.

Mr Evans advised that the applicant had expressed the view that no further procedure should take place before determination.

In terms of the further procedure, the Chairperson and Councillors Donnelly and Mason all indicated in turn that they each had enough information before them and therefore agreed that the review under consideration should be determined without any further procedure.

In terms of relevant policy considerations, Mr Evans referred to the Aberdeen Local Development Plan 2017.

Mr Evans responded to various questions from members.

Members each advised in turn and unanimously agreed to overturn the appointed officers decision. Planning permission was therefore granted conditionally.

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

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More specifically, the reasons on which the Local Review Body based this decision were as follows:-

Members of the Local Review Body (LRB) unanimously resolved to reverse the appointed officer's decision and grant planning permission, subject to conditions. Members noted that the proposed new fence would provide adequate security for the applicants' industrial premises, but would be set back from the nearby footpath and would be accompanied by hedge planting to reduce its visual impact and ensure an appearance which is sympathetic to residential amenity and the woodland setting. Whilst it was recognised that the wider area of woodland and its associated footpath have value as a recreational route and area of urban green space, and enclosure with fencing would prevent public access, members were satisfied that this application relates to a relatively modest area of land, the loss of which would not be significant in the context of the wider area of woodland, and represents an appropriate compromise. Members specified that barbed wire should be omitted from the approved fence, and that the mesh fencing should be appropriately coloured to further reduce its visual impact and ensure it is appropriate to recreational woodland within a residential area.

CONDITIONS**1. Omission of barbed wire**

Notwithstanding the fencing detail shown on the approved plans, the barbed/razor wire shown above the mesh portion of the fencing shall be omitted from the fence hereby granted planning permission.

Reason: in order to ensure that the fencing is appropriate to its woodland context within a residential area.

2. Removal of unauthorised fence

The development hereby approved shall not be undertaken unless the existing unauthorised fence, subject to an enforcement notice under case ref. ENF0169, has first been removed in accordance with the terms of that notice or any related terms as agreed in writing with the planning authority.

Reason: to ensure that the woodland setting is not adversely affected by the presence of multiple fences enclosing the same premises.

3. Colouring of mesh fencing

The development hereby approved shall not be undertaken unless details of a coloured coating to the mesh fencing (green or black) have first been submitted to and approved in writing by the planning authority.

Thereafter, the fencing shall be installed in full accordance with the details so agreed.

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Reason: to reduce the visual impact of the fencing in this woodland setting.

57 BLENHEIM PLACE ABERDEEN - 211241

3. The Local Review Body (LRB) of Aberdeen City Council then considered the third review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for Detailed Planning Permission for the formation of linked dormer to the rear and replacement windows to the front, side and rear at 57 Blenheim Place Aberdeen, planning reference 211241.

The Chairperson stated that although the Planning Adviser was employed by the planning authority, she had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. She emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 25 August 2021; (3) links to the plans showing the proposal and planning policies referred to in the delegated report; and (4) the Notice of Review submitted by the agent.

It was noted that the applicant had submitted additional information with the Notice of Review which was not before the appointed officer when a decision was made, therefore this was classed as new information. Having heard from the Legal Officer, the LRB agreed unanimously to accept this new information.

Ms Greene then described the site and outlined the appellant's proposal. The application site was located on the western side of Blenheim Place, immediately across from the junction with Osborne Place and adjacent to a car park which sits along the southern boundary, related to the Blenheim House office building, currently occupied by EY (formerly known as Ernst and Young) and The Wood Foundation. The property backs on to a rear lane that runs between, and parallel to, Blenheim Place and Fountainhall Road. The property was an upper floor flat that formed part of a traditional granite, 2 storey, semi-detached property. All windows relating to the upper floor flat were white, metal, sash and case units. The rear (west) roof slope contained two pitched dormers which mirrored the adjoining property. The surrounding area was characterised by properties of a similar architectural character. The vast majority of the roofs of these properties – notably on the western side of Blenheim Place – contained either pitched dormers or rooflights. The site lay within the Albyn Place and Rubislaw Conservation Area.

In terms of the proposal, Ms Greene advised that Detailed Planning Permission (DPP) was sought for the extension of the existing dormers to the rear (west) elevation of the building and the installation of replacement windows to the front (east), rear (west) and side (south) elevations of the property. It was proposed to infill the area between the

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two end haffits of the existing dormers, forming a dormer which would total a maximum 6.8m in width. The infill area would consist of an additional sash and case window and slate roof tiles. The pitched roofs of the existing dormers would be removed and a large flat roof created, finished with a dark grey single membrane, giving the dormer a maximum height of 2.5m. The result of these changes was that a large box dormer would be formed. Consent was also sought for the replacement of windows on the front (east), rear (west) and side (south) elevations of the building. The existing metal sash and case windows would be replaced by timber sash and case, double glazed units.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

The proposed dormer created significant tension with the Householder Development Guide and HES's Managing Change guidance relating to roofs through the removal of the traditional dormers. The unsympathetic dormer extension would be a considerable mass on the rear elevation of the original building, which was prominently visible from the adjacent car park and rear service lane. Alterations along the other rear elevations nearby had been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context. Therefore, the proposal would have a detrimental impact on the character and appearance of the conservation area and would thus fail to comply with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan; Policies D1, D2, D6, D8 and H1 of the Proposed Aberdeen Local Development Plan; and guidance contained within the Householder Development Guide and HES's Managing Change Guidance relating to roofs. There were no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.

Mr Evans outlined the key points from the appellant's Notice of Review as follows:-

- In relation to others locally, view that this was 'unsympathetic' was subjective – the dormer fits between haffits of existing and involves an extra 7m² of roof. The proposed dormer was 24m² on roof of 63m², this was not a "considerable mass"
- References made to other alterations, in particular number 30 Fountainhall Road, and more recent decision at 56 Fountainhall Road - Householder Design Guide was guidance and should be applied flexibly;
- Planning Authority advised that any further development to roofscape would be unacceptable, which was intransigent. References to application for roof terrace at adjacent office building; and
- Materials were in keeping with the building and ends of dormers would be retained.

In terms of Consultations, Ms Greene advised that no responses were received and there were no letters of representation.

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Ms Greene advised that the applicant had expressed the view that a site visit should take place before determination.

The Chairperson and Councillors Donnelly and Mason all indicated in turn that they each had enough information before them and therefore agreed that the review under consideration should be determined without any further procedure.

In terms of relevant policy considerations, Ms Greene referred to the Aberdeen Local Development Plan 2017.

Ms Greene responded to questions from members.

Members each advised in turn and agreed unanimously to uphold the officer's earlier decision. Planning permission was therefore refused.

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

More specifically, the reasons on which the Local Review Body based this decision were as follows:-

The proposed dormer created significant tension with the Householder Development Guide and HES's Managing Change guidance relating to roofs through the removal of the traditional dormers. The unsympathetic dormer extension would be a considerable mass on the rear elevation of the original building, which is prominently visible from the adjacent car park and rear service lane. Alterations along the other rear elevations nearby had been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.

Therefore, the proposal would have a detrimental impact on the character and appearance of the conservation area and would thus fail to comply with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the adopted Aberdeen Local Development Plan 2017; Policies D1, D2, D6, D8 and H1 of the Proposed Aberdeen Local Development Plan 2020; and guidance contained within the Householder Development Guide and HES's Managing Change Guidance relating to roofs. There were no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.

31-32 ALBYN PLACE - 210311 - NON DETERMINATION

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4. The Local Review Body (LRB) of Aberdeen City Council then considered a request to review against the non-determination of an application for Detailed Planning Permission for the change of use from and conversion of offices (class 4) to form 16 residential flats (sui generis), including the removal of existing link to form separate buildings, various alterations, the formation of parking to the rear and the installation of railings to the front at 31-32 Albyn Place Aberdeen, planning reference 210311.

The Chairperson stated that although the Planning Adviser was employed by the planning authority, she had not been involved in any way with the application under review and was present to provide factual information and guidance to the Body only. She emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 10 March 2021; (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the applicant; (5) consultee responses submitted by various statutory consultees; and (6) two letters of representation.

The LRB was then addressed by Ms Greene who advised that an appeal against non-determination would take place where there had not been a decision made on an application during the statutory period of 2 months following validation of the application. The request for review had been correctly submitted with all necessary information within the time limit following the end of the statutory period.

Ms Greene explained that whilst no new matters had been raised in the review submissions, a case officer report had been submitted. A period of 14 days was provided for interested parties to comment on the report.

Ms Greene then described the site advising that the property at 31-32 Albyn Place comprised a pair of semi-detached traditional granite-built dwellings, that were later converted and extended for office use, located within the Albyn Place/ Rubislaw Conservation Area. The buildings were not covered by a listing designation. The property sat on a north – south orientation with their formal frontage to Albyn Place presenting 1½ storeys in height over a basement but to the rear, due to levels, the buildings is 2½ storeys, and had been extended to the rear with a significant extension. The original doors and windows were still present within these properties. Metal railings were still present on the stepped access to the front and the lightwells to the basement but those on the front boundary were removed a number of years ago.

To the rear of the traditional properties was a large, brickwork rendered, 3 storey structure previously built for and used as an office extension. This rear structure was originally physically linked to the semi-detached properties, but the two links had now been removed by the applicant. The site extended to 2520sqm. The rear office building was accessed from car park level to the rear at present which is within the historic curtilages of the properties and served from Albyn Lane. To the front on Albyn Place,

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the original layout of the garden and vehicular access into the grounds in the form of a grand in-out design remains.

Furthermore, to there was a large mature beech tree on the frontage covered by the same Tree Preservation Order as the other trees along Albyn Place, showing its significance within the streetscape. The rear curtilage area was given over to hardstanding for parking except for a small, planted bed. This rear area had shared pedestrian and vehicular access off Albyn Lane and this access was not proposed to be altered. To the rear of the site and in separate ownership was a mews style house. The historic feu boundary wall between numbers 31 and 32 was evident in the sales brochure and on Google Streetview in October 2020 but on-site inspection this appears to have been removed. Within the surrounding area large extensions of varying quality and design were evident as a result of changes in use from large private dwellings to office accommodation, particularly oil-related and professional service uses, that enjoyed the 'kerb appeal' of the Albyn Place address.

The principle of extending to the rear preserved the frontage and overall original form of the Albyn Place properties and made the most of their relatively large feus to accommodate offices that were linked to the historic property. Directly to the east at No. 30, occupied by Albyn Medical Practice was a large extension running approximately 14m along the boundary and half the length of the extension at Nos. 31-32. This extension was built on the boundary wall and had a high blank gable facing into the site. This extension was 2 storeys in height, but due to underbuilding and thus elevated floor levels, it was only slightly lower to that at Nos. 31-32. To the west, at No. 33 Albyn Place was another large extension currently in office use. That extension was more comparable in height, scale and projection to that of Nos. 31- 32. The extension at No. 33 had 10 large windows, spread across two levels and looking west into Nos. 31-32. In terms of designation the site falls within the West End Office area of the Aberdeen Local Development Plan (ALDP) 2017, to which the policy B3 relates. In the proposed Aberdeen Local Development Plan (PLDP) 2022 this site falls within West End Area and is covered by policy VC6, which are cited and reflected upon within this report.

In terms of the proposal, Ms Greene advised that the proposal was for the change of use from, and conversion of, offices (class 4) to form 16 no. residential flats (sui generis), including the removal of the existing link to form a separate building to the rear, various alterations, the formation of parking to the rear and the installation of railings to the Albyn Place frontage.

The following amendments to the proposal were made to the application. The original application was for the conversion of the site to 19 residential apartments including an additional 2 storey extension to the top of the rear building. The proposed parking area and alteration to the in-out arrangement to the front was removed and thus the front area now would remain unaltered to avoid eroding the historic fabric and risking damaging the important and protected purple beech tree.

Ms Greene outlined the Case Officer's reason for refusal in the report of handling as follows:-

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- The site was adjacent to but out-with the city centre boundary and should be able to afford a high quality residential environment subject to balancing the needs of the conservation area status, the quality and quantity of dwellings proposed and their on-site, as well as their impact or bearing and likely precedent within the vicinity.
- The proposed development does not do this. The proposal would not afford sufficient daylight, sunlight or amenity for a number of the flats and in particular those at the ground floor level. The outlook from a number of the flats is onto a high blank wall or a green wall within very close proximity and this relationship would not result in quality residential environment or provide a strong sense of place quality as required within the Conservation Area.
- The window-to-window distance of five of the proposed flats would not give prospective residents an acceptable level of privacy insofar as to the west they would be directly overlooked at a distance of around 12 metres. Finally, the basement flats in the main building would not have sufficient light or outlook afforded to them. As such, the proposal is considered not to comply with the general amenity expectations implicit to Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017 and in the policies of the proposed Aberdeen Local Development Plan 2020.
- The proposed scheme does not fully consider or assess the Conservation Area context and how the proposal impacts on that. The Heritage Statement makes it clear that the “The late c20 office block has little or no architectural significance relating to its form or fabric. It is detrimental to the significance of the site”. The proposal would not suitably respect the site’s historic context in terms of its form, scale, layout and the palette of finishing materials and thus would not preserve or enhance the character of the Albyn Place/ Rubislaw Conservation Area.
- As such the proposal was contrary to Policy D4: Historic Environment, D1 Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on “Managing Change in the Historic Environment: Guidance Notes”.

In terms of the applicant’s case, Ms Greene advised that this was outlined in full within their Notice of Review documents, but could be summarised as follows:-

- Amendments were made to the proposal in response to case officer’s comments
- The proposal would bring back into use vacant buildings;
- Redevelopment of whole site was necessary to deliver works;
- Contributes to the aim of raising city centre population;
- Vacant offices were marketed for some time and proposal responds to economic climate;
- Proposal would see the traditional building restored and residential had been confirmed as acceptable use;
- The site contained an existing substantial modern extension visible only from the rear. It would be reclad in granite to improve appearance
- Link building would be removed and staircase replaced with extension to rear of frontage building – this has been amended to make it more transparent

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- New garden area, landscaping, car and bike parking and bins storage would be provided.

In terms of consultee responses, Ms Greene made reference to the following:-

- Aberdeen City Waste Team responded in regards to bin requirements;
- Developer Obligations – requested contributions to core paths, healthcare, open space and community facilities;
- Environment Policy Team responded in relation to a tree survey;
- Roads Development Management commented on parking, walking, cycling and public transport;
- Queens Cross and Harlaw Community Council supported the proposed application;
- Two letters of support received from the same person, which stated that a mix of uses existed in area, the design was sympathetic, parking was sufficient, the amendments improved the scheme and the existing building was ugly and this would be improvement.

Ms Greene advised that the applicant had expressed the view that the review could be considered without the need of any further procedure.

At this point in the proceedings, the LRB considered whether they had sufficient information before them to proceed to determine the review. All members agreed to proceed without further procedure.

In terms of relevant policy considerations, Ms Greene referred to various policies within the Aberdeen Local Development Plan 2017.

Ms Greene responded to various questions from members which included various questions on insulation, EV charging points and the sufficient level of sunlight which would be acceptable.

The Chairperson and Councillors Donnelly and Mason each advised in turn and unanimously agreed to refuse the planning application for the following reasons.

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

More specifically, the reasons on which the Local Review Body based this decision were as follows:-

The site was adjacent to but out-with the city centre boundary and should be able to afford a high-quality residential environment subject to balancing the needs of the conservation area status, the quality and quantity of dwellings proposed and their on-

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site, as well as their impact or bearing and likely precedent within the vicinity. The proposed development does not do this.

The proposal would not afford sufficient daylight, sunlight or amenity for a number of the flats and in particular those at the ground floor level. The outlook from a number of the flats was onto a high blank wall or a green wall within very close proximity and this relationship would not result in quality residential environment or provide a strong sense of place quality as required within the Conservation Area. The window-to-window distance of five of the proposed flats would not give prospective residents an acceptable level of privacy insofar as to the west they would be directly overlooked at a distance of around 12 metres. Finally, the basement flats in the main building would not have sufficient light or outlook afforded to them.

As such, the proposal was considered not to comply with the general amenity expectations implicit to Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017 and in the policies of the proposed Aberdeen Local Development Plan 2020.

The proposed scheme does not fully consider or assess the Conservation Area context and how the proposal impacts on that. The Heritage Statement made it clear that the “The late c20 office block has little or no architectural significance relating to its form or fabric. It is detrimental to the significance of the site”. The proposal would not suitably respect the site’s historic context in terms of its form, scale, layout and the palette of finishing materials and thus would not preserve or enhance the character of the Albyn Place/ Rubislaw Conservation Area. As such the proposal is contrary to Policy D4: Historic Environment, D1 Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on “Managing Change in the Historic Environment: Guidance Notes”.

- Councillor Marie Boulton, Chairperson