

# Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Donnelly and Mason.

Town House,  
ABERDEEN 14 April 2022

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

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Virtual - Remote Meeting on WEDNESDAY, 20 APRIL 2022 at 10.00 am.**

Members of the public can view the proceedings using the link below. However must not activate their camera or microphone and must observe only. [Microsoft Teams link.](#)

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

**TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS**

### **PLANNING ADVISER - GAVIN EVANS**

2.1 Detailed Planning Permission for the change of use of road to provide an external seating area with 3 seating pods - Red Robin Records - 13 Correction Wynd - 211339 (Pages 7 - 34)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 211339.

- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 35 - 60)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 61 - 62)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 63 - 104)
- 2.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

### **PLANNING ADVISER - GAVIN EVANS**

- 3.1 Detailed Planning Permission for the installation of a security fence - Wooland and Henry site, Stoneywood Park Aberdeen - 210657 (Pages 105 - 132)  
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 210657.
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 133 - 174)
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 175 - 176)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 177 - 194)
- 3.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer



## **PLANNING ADVISER - LUCY GREENE**

- 4.1 Detailed Planning Permission for the formation of linked dormer to the rear and replacement windows to the front, side and rear - 57 Blenheim Place Aberdeen - 211241 (Pages 195 - 216)  
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 211241.
- 4.2 Delegated Report, Original Application Form and Decision Notice (Pages 217 - 234)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 235 - 236)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 237 - 250)
- 4.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

## **TO ASSESS THE APPLICATION AND MAKE A DECISION AS THIS APPLICATION WAS SUBMITTED DUE TO NON DETERMINATION OF THE APPLICATION FROM THE PLANNING AUTHORITY**

## **PLANNING ADVISER - LUCY GREENE**

- 5.1 Non Determination of Application - Change of use from and conversion of offices (class 4) to form 16 no. 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 | 31-32 Albyn Place Aberdeen - 31/32 Albyn Place (Pages 251 - 294)  
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 210311.
- 5.2 Officers Report to the LRB, Original Application Form and responses following statutory consultation (Pages 295 - 348)
- 5.3 Planning Policies Referred to in Documents Submitted (Pages 349 - 350)

- 5.4 Notice of Review with Supporting Information Submitted by Agent and response received following consultation on delegated report. (Pages 351 - 376)
- 5.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 5.6 Consideration of Conditions to be Attached to the Application if Application Approved

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

Should you require any further information about this agenda, please contact Lynsey McBain on [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk) / tel 01224 522123

## 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. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.  
Any representations:
  - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
  - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. 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.
6. 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.

7. 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.
8. 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

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. 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.”
11. 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.
12. 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.**
13. The LRB will give clear reasons for its decision. The Committee clerk will confirm these reasons with the LRB, at the end of each case, in recognition that these will require to be intimated and publicised in full accordance with the regulations.

# LOCAL REVIEW BODY

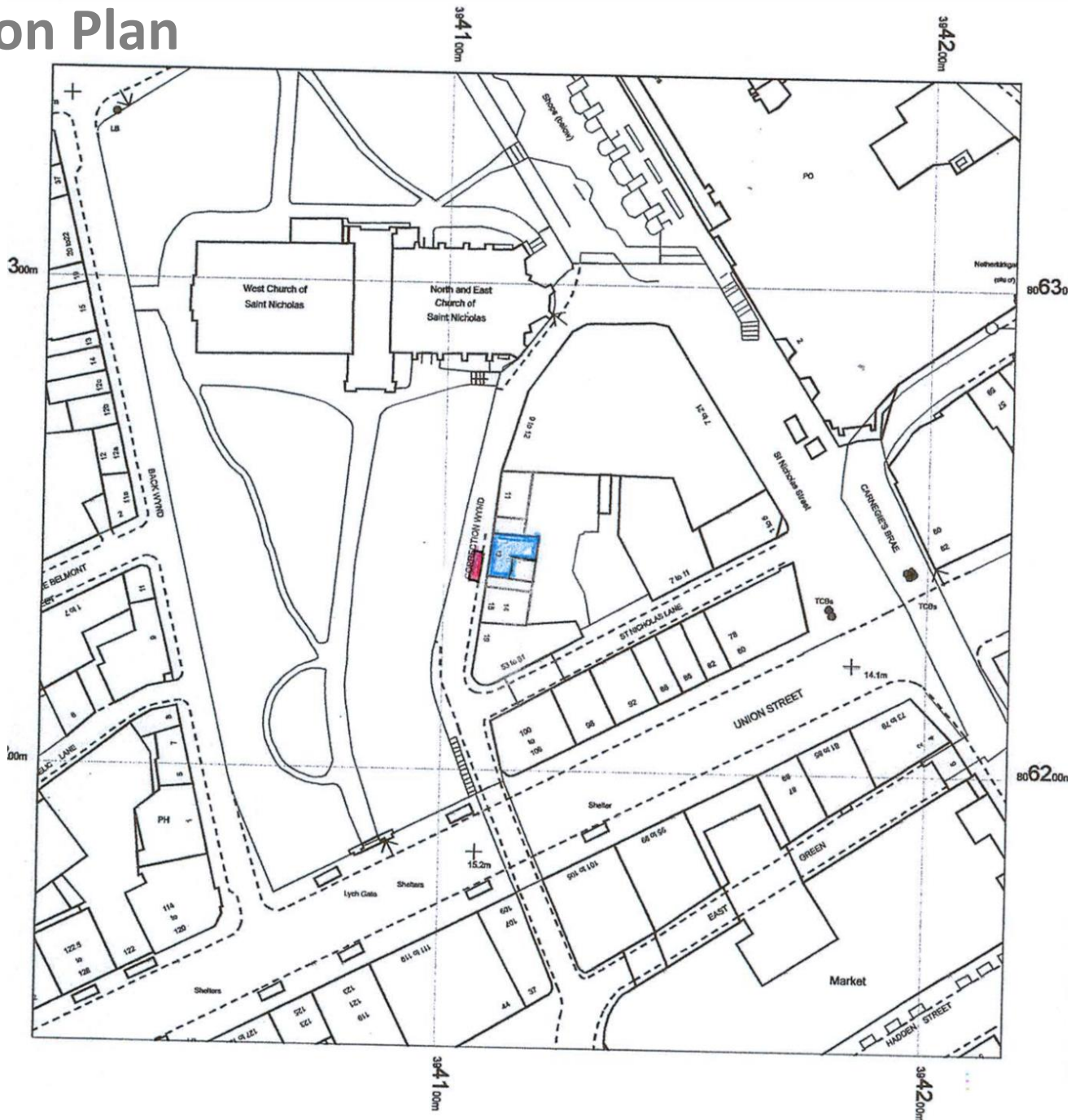


211339/DPP– Review against refusal of planning permission for:

Change of use of road to provide an external seating area with 3 seating pods

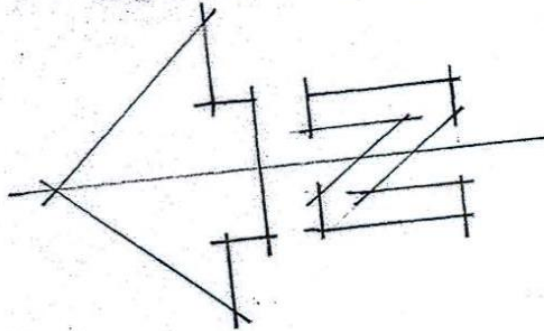
Ground Floor, 13 Correction Wynd  
Aberdeen

# Location Plan

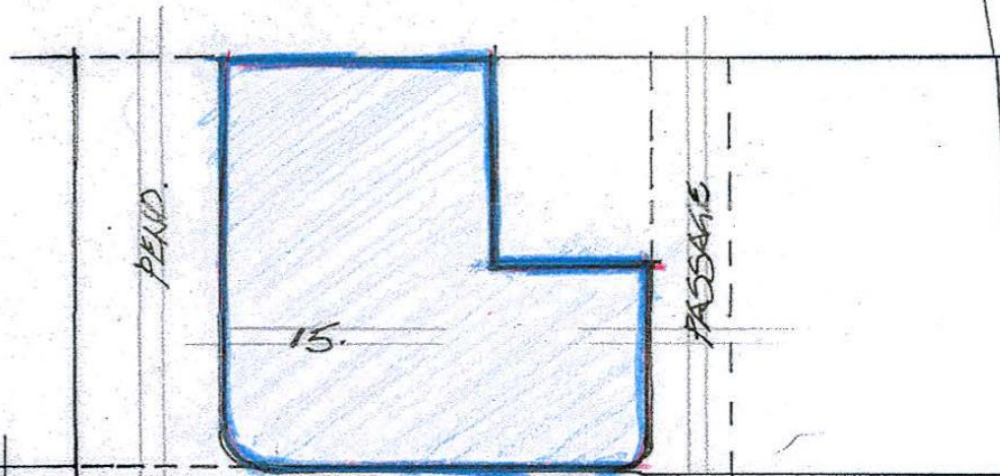


# Site Plan - Proposed

SITE PLAN 1:200



SERVICE YARD



PARKING BAY ALONG ROAD





# West Elevation - Existing

Page 10

PEND  
(VEHICULAR)

PEND  
(PEDESTRIAN)

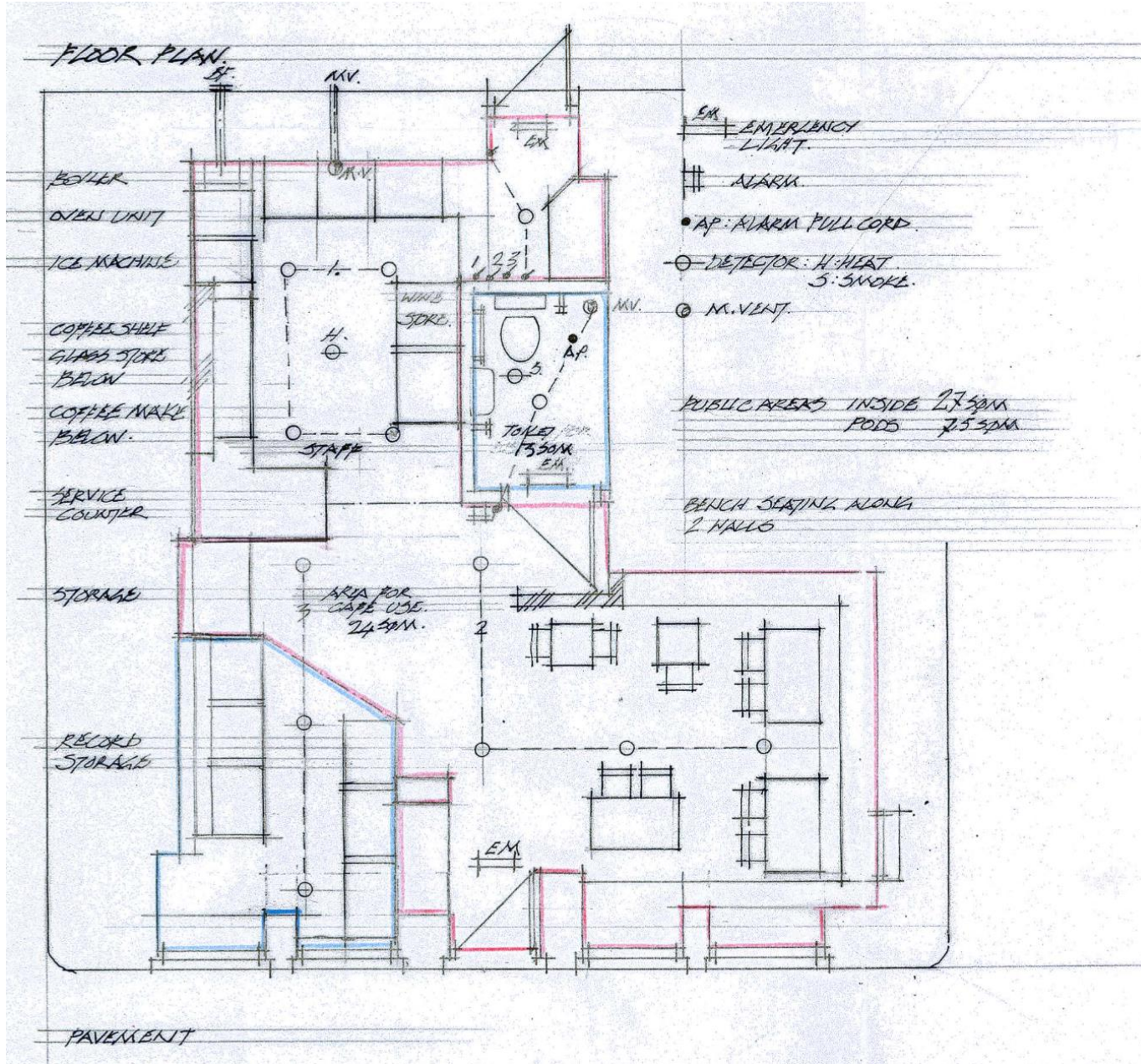
*WEST VIEW FROM CORRECTION NYND.*

BLUE HIGHLIGHTS FRONTAGE OF RED ROBIN RECORDS



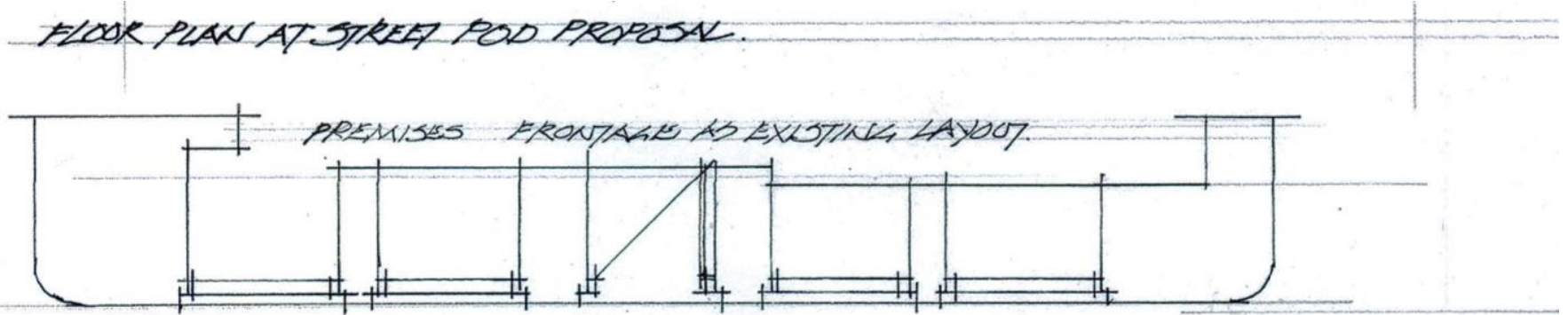


# Existing Building Floor Plan (no change proposed)



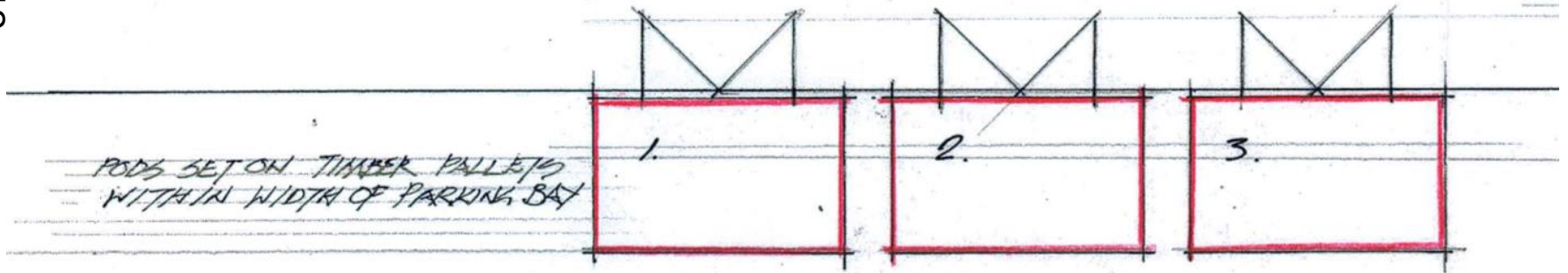
# Floor Plan - Proposed

FLOOR PLAN AT STREET POD PROPOSAL.



PREMISES FRONTAGE AS EXISTING LAYOUT

Page 12

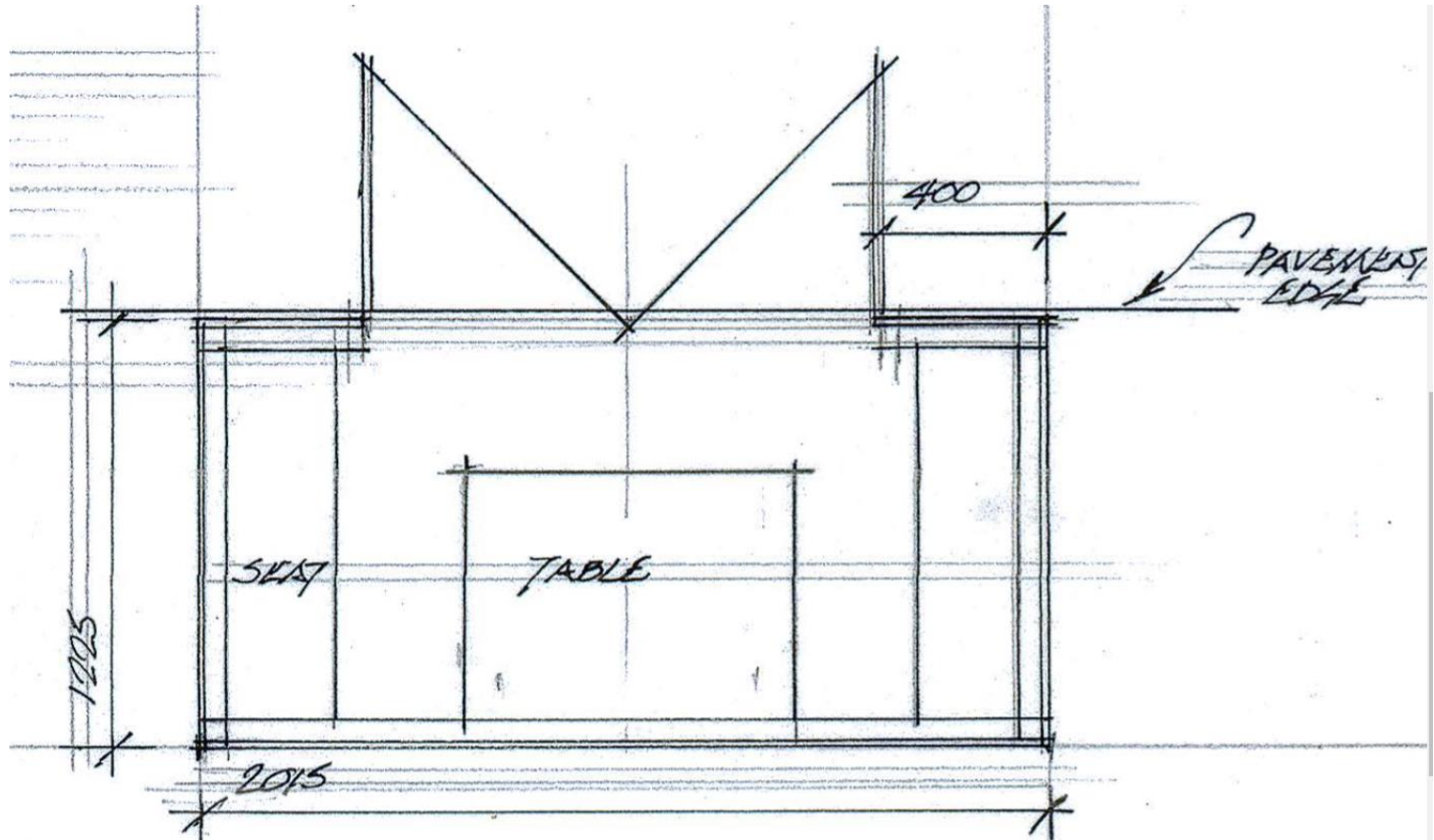


PODS SET ON TIMBER PALLETS  
WITHIN WIDTH OF PARKING BAY



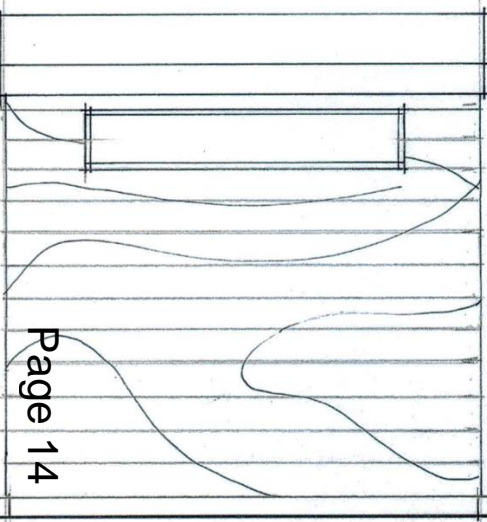
# Interior Floor Plan of Pod

Page 13

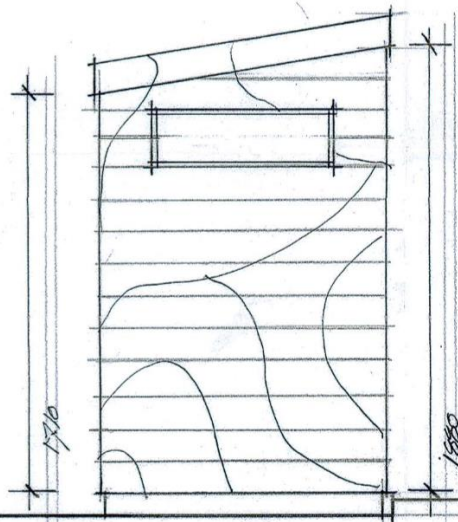


# Pod elevations

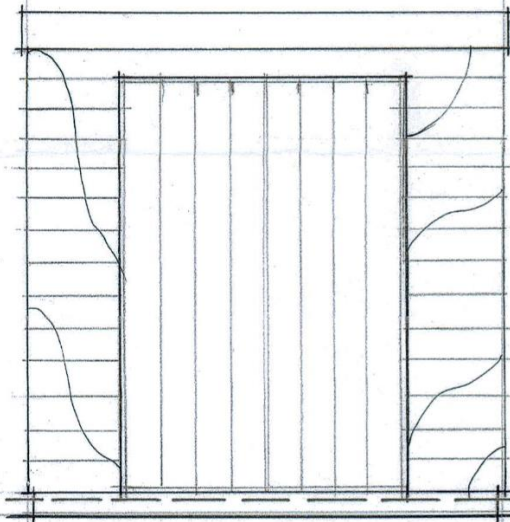
Page 14



ROAD SIDE FACE WEST.



SIDE 2ND (UP MIRROR)  
SOUTH (NORTH)



PAVEMENT FACE EAST.



PODS CLAD WITH TIMBER LININGS OVER PAINTED  
BASE IN WHITE WITH GRAPHICS OVER THE  
WALLS & WITH "RED ROBIN" LOGO TO DOOR.  
GLAZED PANELS TO SIDE & REAR.  
INTERNALLY FIXED SEATS & TABLE.



# Street View Images – dated 2018

Page 15





# Street View Images – dated 2018





# Photographs – April 2022



Page 17





# Photographs – April 2022



Page 18





# Reasons for Decision

Stated in full in decision notice. Key points:

- Proposed works 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.
- Considered to be contrary to policies D1 (Quality Placemaking by Design) and D4 (Historic Environment), of the 2017 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 is 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.

# Applicant's Case

- Structures originally erected during Covid-19 pandemic, when Scottish Gov't 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;
- Had expected the application to be straightforward, assuming that any roads issues had been considered at the time of initial discussions with ACC;
- Highlights that there have been no known issues or complaints regarding the siting of the pods whilst they have been in situ;
- Queries whether the site lies within the Union Street Conservation Area;
- Contends that it is not highly visible from Union Street;

# Applicant's Case (continued)

- Highlights that considerable care was taken in converting the property for café use;
- Applicant would be willing to apply different paint/finish to the structures if members of the LRB are so minded;
- Contends that the visibility splay applied by ACC roads relates to a side road accessing onto a main road – argues that the private car park served by the pend and Correction Wynd itself do not fall into these categories;
- Highlights that levels of traffic on Correction Wynd are very low;
- Draws attention to outdoor seating at CASC on Stirling Street, noting that restrictions on placement to ensure visibility do not appear to have been made there.

## **Policy NC1 - City Centre Development – Regional Centre**

Development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and Delivery Programme. As such the city centre is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market.

Proposals for new retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development (unless on sites allocated for that use in this plan) shall be located in accordance with the sequential approach referred to in this section of the Plan and in Supplementary Guidance.

## Policy NC2 - City Centre Retail Core and Union Street

The City Centre Retail Core is the preferred location for major retail developments as defined in Policy NC1. Where sites are not available in the City Centre Retail Core, then sites elsewhere in the city centre may be appropriate.

Proposals for a change of use from retail (Class 1 of the Use Classes Order) to other uses within the City Centre Retail Core will only be acceptable if:

- 1 proposals on the part of Union Street covered by Supplementary Guidance: Union Street Frontages complies with that guidance;
- 2 in other parts of the City Centre Retail Core it can be demonstrated that:
  - a) the new use contributes to the wider aims of the City Centre Masterplan and Delivery Programme;
  - b) the proposed alternative use makes a positive contribution to the vitality and viability of the city centre and creates or maintains an active street frontage;

- c) the proposed alternative will not undermine the principal retail function;
- d) the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants will be required to demonstrate what efforts have been made to secure a new retail use);
- e) the new use does not create overprovision and/ or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and
- f) the alternative use does not conflict with the amenity of the neighbouring area.

# D1: Quality Placemaking by Design

All dev't 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”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient

## D4: Historic Environment

- ACC will '*protect, preserve and enhance*' the historic environment, in line with national and local policy and guidance
- High quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural and historic interest of its LBs and CAs will be supported

# Policy T2 (Managing the Transport Impact of Development)

## Policy T2 - Managing the Transport Impact of Development

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.



# Scottish Planning Policy (SPP)

- Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.
- Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.
- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.

# Historic Environment Policy for Scotland (HEPS)

## HEP1

Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.

## HEP2

Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.

## HEP3

Plans, programmes, policies and strategies, and the allocation of resources, should be approached in a way that protects and promotes the historic environment.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

## HEP4

Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

## HEP5

Decisions affecting the historic environment should contribute to the sustainable development of communities and places.

## HEP6

Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.





# City Centre Conservation Area Character Appraisal

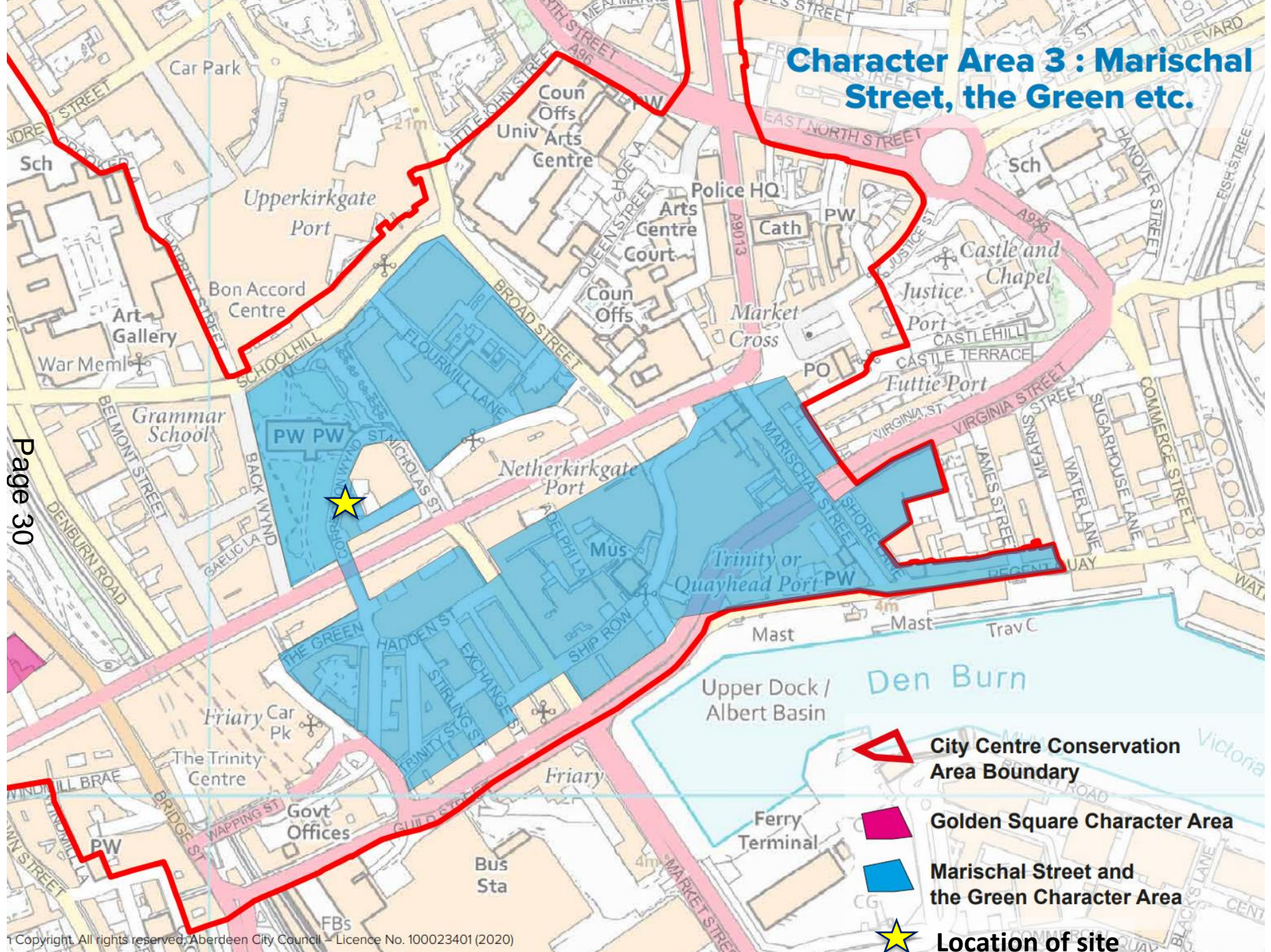
Page 29



August 2021



# Character Area 3 : Marischal Street, the Green etc.



-  City Centre Conservation Area Boundary
-  Golden Square Character Area
-  Marischal Street and the Green Character Area
-  Location of site

# City Centre CA Character Appraisal

- Correction Wynd included within Character Area 3: Marischal Street, the Green etc.
- 2.24 - Evidence of the development of medieval Aberdeen around St Katherine's Hill can still be seen today in the street patterns of the Castlegate, Shiprow, Netherkirkgate, Correction Wynd, Back Wynd, Flourmill Lane and Carnegie's Brae.
- 5.5.2 - Views out of the Central character area, into the Kirkyard and over Correction Wynd and the greenery / historic feel of these areas, give important contrast with Union Street. These views also show the undulating nature of these streets which people often assume are flat.
- Positive characteristics of the character area include its streetscape; uses and activity; signage (both street and shop); and the high quality of materials in key areas
- Negatives include building maintenance; street bins; vacant units and the gap site adjacent to Back Wynd steps.
- Views from Union Street to Along Correction Wynd with St Nicholas Kirk are noted as important within this character area;

# City Centre CA Character Appraisal

- 7.5.1 – *“smaller more enclosed streets like Shiprow, Flourmill Lane and Correction Wynd are reflective of the earlier (medieval) time period they date back to. Although these medieval streets have had a number of modern buildings constructed along them, they still retain a distinctive historic character which should be retained as some of the last remaining streets of this type”.*
- 7.5.2 Notes that the manner in which Union Street flies over Correction Wynd, emphasises the difference in topography;
- 7.6.12 – Notes that Correction Wynd is enclosed by both the St Nicholas graveyard wall and the flats opposite. The solid, high graveyard wall is a very strong feature within this part of the character area. The solid, high graveyard wall is a very strong feature within this part of the character area.
- 7.7.1 & 7.7.2 – notes that Correction Wynd is pedestrian focused in its treatment and materials, with original setts still present.
- 7.7.6 – Shop signage at Correction Wynd includes particularly high-quality fascia signs made of timber, with console brackets and of appropriate proportions.



# Points for Consideration:

**Zoning:** Do members consider that the proposed structures are consistent with the vision for the city centre, as required by policy NC1 (City Centre Development)? Are members satisfied that the development is of a type supported by policy NC2 (City Centre Retail Core and Union Street)?

**Historic Environment:** Do members consider that the proposed works preserve or enhance the character and amenity of the Conservation Area and the setting of nearby Listed Buildings, as required by SPP, HESPS and policy D4 of the ALDP?

**Design:** Is the proposal of sufficient design quality (D1), appropriate to its context?

**1. Does the proposal comply with the Development Plan when considered as a whole?**


**2. Do other material considerations weigh for or against the proposal? (e.g. consultee responses, issues raised in reps or applicant's case, national policy/guidance) Are they of sufficient weight to overcome any conflict with the Development Plan?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

This page is intentionally left blank



 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
---------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

<b>Site Address:</b>	Ground Floor, 13 Correction Wynd, Aberdeen, AB10 1HP
<b>Application Description:</b>	Change of use of road to provide an external seating area with 3 seating pods
<b>Application Ref:</b>	211339/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	15 September 2021
<b>Applicant:</b>	Red Robin Cafe
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	City Centre
<b>Case Officer:</b>	Dineke Brasier

**RECOMMENDATION**

Refuse

**APPLICATION BACKGROUND**

**Site Description**

The application site is a rectangular area measuring c.14m<sup>2</sup> located immediately opposite 13 Correction Wynd. The site forms part of the carriageway of Correction Wynd and is currently occupied by three timber ‘pods’, which have 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 measure c.2m by c1.2m with an overall height of c.1.9m. They have two opening doors facing out onto the pavement, and high-level windows in the side and rear elevations. The ‘pods’ are finished in a painted graphic design incorporating the logo of the café.

The site lies within the City Centre Conservation Area, and is located between the curtilage of the A-listed St Nicholas churchyard and category B and C-listed buildings along Correction Wynd.

**Relevant Planning History**

200787/DPP – Change of use of pavement to provide an external seating area outside the premises with 3 associated enclosures – Withdrawn;  
 171510/LBC and 180161/DPP – Installation of flue to rear wall and roof – Approved on 15<sup>th</sup> February and 29<sup>th</sup> March 2018;  
 161374/LBC – Alterations to interior and front of building – Approved on 18<sup>th</sup> November 2016;  
 161373/ADV – Erection of 1no. non-illuminated projecting sign and 1 no. non-illuminated hanging board – Approved on 18<sup>th</sup> November 2016; and  
 161372/DPP – Change of use from clinic (class 2) to mixed use café/record shop (classes 3 and 1) and associated alterations to shopfront doorway and window arrangements – Approved on 17<sup>th</sup>

November 2016;

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is 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 trades as 'Red Robin Records'. The pods are constructed of timber and painted in various colours, have a mono-pitched roof and measure c.2m by c.1.2m by a height varying between c.1.7m and c.1.9m.

The application is retrospective and permission is sought for a period of five years.

### **Amendments**

None.

### **Supporting Documents**

All drawings can be viewed on the Council's website at:

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – Objection. It is noted that this is an existing seating area. Street Occupation Team has been consulted, who, in accordance with views from colleagues in Roads Development Management also noted the following concerns:

- The structures were granted temporary permission to facilitate social distancing measures, which are due to be removed by 22<sup>nd</sup> January 2022. Questions why the pods are still required as social distancing measures are being phased out;
- Correction Wynd is a 20mph road, and a visibility splay of 2.4m by 25m should be achieved from the end immediately to the north of the application site. From the submitted information it does not appear that this visibility splay can be achieved. This is why, historically, this section of carriageway was not available for on-street parking;
- The upcoming Indoor Market demolition will close Hadden Street/ East Green, which will increase vehicular movements of not only residential vehicles but also waste/ deliveries within Correction Wynd/ St Nicholas Lane area;

**ACC - Environmental Health** – No objection. To protect the residential amenity of residential property near the proposed location from noise, it is recommended that a condition prohibiting music in the outdoor area; and that the outdoor area is not used after 22:00hrs is attached.

**City Centre Community Council** – None received

## **REPRESENTATIONS**

None

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas

### **National Planning Policy and Guidance**

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

### **Aberdeen Local Development Plan (2017)**

D1: Quality Placemaking by Design

D4: Historic Environment

NC1: City Centre Development - Regional Centre

NC2: City Centre Retail Core and Union Street

T2: Managing the Transport Impact of Development

### **Supplementary Guidance**

Transport and Accessibility

### **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis.

D1: Quality Placemaking

D2: Amenity

D6: Historic Environment

VC1: Vibrant City

VC4: City Centre and Retail Core

T2: Sustainable Transport

T3: Parking

### **Other Material Considerations**

City Centre Conservation Area Character Appraisal (Draft)

## **EVALUATION**

### **Principle of Development**

The site is located within the City Centre Boundary and falls within the City Centre Retail Core. Policies NC1 (City Centre Development – Regional Centre) and NC2 (City Centre Retail Core and

Union Street) apply. Both policies are aimed at ensuring that the city centre remains a vibrant and viable location for retail and other visitor attracting uses. Given the proposal would not comprise a change of use of a retail unit to a different use, but is concerned with the creation of an outdoor seating area serving an existing business, it is considered that these policies are not directly relevant in the determination of this application.

### **Impact on residential amenity**

The upper floors of buildings along Correction Wynd contain numerous flats, and as such any impact on their residential amenity in relation to noise arising from the pods should be considered. Colleagues from Environmental Health have commented on the application, and subject to the use of suitably worded condition in relation to opening hours and an informative on the use of amplified music, did not raise any objections to the application. As such, it is considered that they would not have a significant detrimental impact on the residential amenity subject to these conditions.

### **Impact on the historic environment**

Policy D4 (Historic Environment) sets out that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP (now HEPS) and its own Supplementary Guidance and Conservation Area Character Appraisals. 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 and conservation areas will be supported. Scottish Planning Policy further sets out that proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

The site is in a sensitive location as it falls within the City Centre Conservation Area, and is immediately adjacent to the curtilage of the category A-listed St Nicholas churchyard (including boundary walls), and category B and C listed properties along Correction Wynd. This street and the adjacent churchyard both fall in the 'Marischal Street, the Green etc' character area as defined in the draft City Centre Conservation Area Character Appraisal. A positive key characteristic for this area is the streetscape and the use of high quality materials in key areas. Correction Wynd itself is surfaced in granite setts and the entire surrounding area, including the high boundary wall to the St Nicholas Churchyard, and therefore makes a positive contribution to this key characteristic.

The proposal is in relation to a change of use of carriageway to an external seating area and the retention of three timber pods measuring c.2m by c.1.2m by a height of c.1.9m for a period of five years on the carriageway of Correction Wynd. The timber pods were installed as part of Spaces for People following the introduction of social distancing measures as a result of the Covid-19 pandemic in 2020. Due to their use of modern, low quality materials and finishes they have a utilitarian design. Even though considered acceptable as a short-term solution during the pandemic (for which there was a suspension of 'normal' planning controls), it is considered that the requested period of five years would see these become a more permanent feature within the streetscape. A recent decision by the Council's City Growth and Resources Committee set out that the current temporary relaxation of controls for external seating areas will end on 24<sup>th</sup> January 2022, and thus permission will be required for the pods after this time. The proposed period of five years would see a significantly longer period of use, and it can thus not be considered that these are purely required to enable additional seating during social distancing measures and have to be assessed as a more permanent intervention. As such, their impact on the character and appearance of the City Centre Conservation Area should be considered.

The seating pods are considered to have a detrimental impact on the character and appearance of this part of the City Centre Conservation Area, and will detract from the special character of this street. In addition, due to their close proximity to the category A-listed St Nicholas Churchyard, the listing of which includes the boundary walls onto Correction Wynd, and the category B and C-listed buildings along Correction Wynd, the pods are also considered to have a detrimental impact on the setting of these listed buildings. As such, the proposal is considered to be contrary to policies D1

(Quality Placemaking by Design) and D4 (Historic Environment) of the 2017 Aberdeen Local Development and relevant sections in Scottish Planning Policy and Historic Environment Policy for Scotland.

### **Parking and Access**

The pods are located on the carriageway of Correction Wynd c.3.5m to the south of a narrow pend leading to a parking/service area serving business and flats on Correction Wynd. Correction Wynd is a narrow, cobbled street, with some on-street parking bays and is subject to a 20mph speed limit. Even though not a through route for cars, it is used by service and refuse vehicles, and people using the pend to the rear of buildings on Correction Wynd. Prior to social distancing restrictions, there were no parking bays at the application site, immediately in front of 13 Correction Wynd as it was considered that parked cars would severely restrict visibility when exiting the pend. As a result, the nearest on-street parking bay is further along the street in front of 15 Correction Wynd. It is therefore considered that the pods would severely restrict visibility for cars emerging from the pend, and that the required visibility splay of 2.4m x 25m cannot be achieved. The applicant has not provided any evidence otherwise.

In addition, the upcoming demolition of the indoor market will close Hadden Street/ East Green, which will increase vehicular movements, not only of residential vehicles, but also for waste and servicing within the Correction Wynd/St Nicholas Lane area, which would further compound concerns in relation to visibility.

As such, the proposal is considered to have a detrimental impact on local highway conditions, especially in relation to roads safety, is subject to an objection from colleagues in Roads Development Management, and is contrary to requirements of policy T2 (Managing the Transport Impact of Development) and Supplementary Guidance on Transport and Accessibility.

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

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

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 is 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 is 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 is 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.





Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE            100470913-001

The online reference 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.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Location of 3No. seating pods on roadway external to the property

Is this a temporary permission? \*

Yes  No

## Description of Proposal Cont.

Please state how long permission is required for and why: \* (Max 500 characters)

5 years as it is sited externally to main business.

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed



Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

31/03/2021

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

Permitted via discussions with authority under Covid conditions but due to become a required approval in 2022.

## 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:

calder design

Ref. Number:

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

First Name: \*

Martin

Building Name:

Last Name: \*

Calder

Building Number:

19

Telephone Number: \*

01224641859

Address 1  
(Street): \*

beechgrove

Extension Number:

Address 2:

19 Beechgrove Terrace Aberdeen

Mobile Number:

07841751490

Town/City: \*

Aberdeen

Fax Number:

Country: \*

scotland

Postcode: \*

AB15 5DR

Email Address: \*

caldermartin@hotmail.com

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

Individual  Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Nicki"/>	Building Number:	<input type="text" value="13"/>
Last Name: *	<input type="text" value="Duthie"/>	Address 1 (Street): *	<input type="text" value="Correction"/>
Company/Organisation	<input type="text" value="Red Robin Cafe"/>	Address 2:	<input type="text" value="Wynd"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="U K"/>
Mobile Number:	<input type="text" value="[REDACTED]"/>	Postcode: *	<input type="text" value="AB10 1HP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="GROUND FLOOR"/>
Address 2:	<input type="text" value="13 CORRECTION WYND"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 1HP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806243"/>	Easting	<input type="text" value="394117"/>
----------	-------------------------------------	---------	-------------------------------------

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Client has had discussions on matter with officials and been advised that approval will be required into 2022.

Title:

Other title:

First Name:

Last Name:

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

50.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Parking bays outside main business

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting 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 change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting 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?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

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

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Existing within main business

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

7

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

### Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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 –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Philip Anderson

Address:

Burnett Reid, 15, Golden, Square, Aberdeen, U K, AB10 1RH

Date of Service of Notice: \*

01/08/2021

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Martin Calder

On behalf of: Mr Nicki Duthie

Date: 11/09/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)



Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Martin Calder

Declaration Date: 11/09/2021

## Payment Details

Online payment: ABSP00007312

Payment date: 11/09/2021 11:20:00

Created: 11/09/2021 11:20

This page is intentionally left blank

## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997** **Detailed Planning Permission**

Martin Calder  
Calder design  
19 Beechgrove Terrace  
Aberdeen  
AB15 5DR

on behalf of **Red Robin Cafe**

With reference to your application validly received on 15 September 2021 for the following development:-

**Change of use of road to provide an external seating area with 3 seating pods at Ground Floor, 13 Correction Wynd**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<u>Drawing Number</u>	<u>Drawing Type</u>
21-07-01 B	Location Plan Elevations and Floor Plans

#### **DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION**

None.

#### **REASON FOR DECISION**

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

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 is 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 is 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 is 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.

**Date of Signing** 22 December 2021



**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any 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 [www.eplanning.scot](http://www.eplanning.scot).

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

### **SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION**

If permission to develop land is refused and 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 that 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.



This page is intentionally left blank

# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Dineke Brasier	<b>To:</b> ACC - Environmental Health
<b>E-mail:</b> dbrasier@aberdeencity.gov.uk	<b>Date Sent:</b> 16 September 2021
<b>Tel.:</b> 01224 523514	<b>Respond by:</b> 7 October 2021

<b>Application Type:</b> Detailed Planning Permission
<b>Application Address:</b> Ground Floor 13 Correction Wynd Aberdeen AB10 1HP
<b>Proposal Description:</b> Change of use of road to provide an external seating area outside the premises with 3 seating pods
<b>Application Reference:</b> 211339/DPP
<b>Consultation Reference:</b> DC/ACC/QZIX6KBZ00K02

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

## Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	√
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

## COMMENTS

The above application has been assessed by this Service in relation to noise.

To protect the amenity of residential property near to the proposed location from noise, I recommend a condition prohibiting music in the outdoor area and that the outdoor area is not used after 2200 Hours.

Responding Officer: Barbara Armstrong-Hill

Date: 22/9/21

Email: bahill@aberdeencity.gov.uk

Ext: 2064

# Consultee Comments for Planning Application 211339/DPP

## Application Summary

Application Number: 211339/DPP

Address: Ground Floor 13 Correction Wynd Aberdeen AB10 1HP

Proposal: Change of use of road to provide an external seating area with 3 seating pods

Case Officer: Dineke Brasier

## Consultee Details

Name: Mr Nathan Thangaraj

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

## Comments

I note this application for the change of use of the road to provide an external seating area with three seating pods at Ground Floo, 13 Correction Wynd, Aberdeen AB10 1HP.

I note that the is already an existing seating area at the proposed location; does the applicant have permission?

Has the applicant contacted our Street Occupation Team for this proposal? The applicant must address how any future road works (utilities, drainage etc.) on that section of road will be mitigated?

The applicant should demonstrate the required visibility splay of (2.4m x 24m) for vehicles exiting the car park between 11 & 13 Correction Wynd.

The proposed seating pods doors should not open towards the footway, which is already narrow.

A revised drawing incorporating the above comments should be submitted for approval before final consent is granted for this proposal.

This page is intentionally left blank

Email from Roads Development Management

Dineke,

The previous Roads response stated:

“I note this application for the change of use of the road to provide an external seating area with three seating pods at Ground Floor, 13 Correction Wynd, Aberdeen AB10 1HP.

I note that there is already an existing seating area at the proposed location; does the applicant have permission? Has the applicant contacted our Street Occupation Team for this proposal? The applicant must address how any future road works (utilities, drainage etc.) on that section of road will be mitigated?

The applicant should demonstrate the required visibility splay of (2.4m x 24m) for vehicles exiting the car park between 11 & 13 Correction Wynd. The proposed seating pods doors should not open towards the footway, which is already narrow. A revised drawing incorporating the above comments should be submitted for approval before final consent is granted for this proposal.”

As no response has been received I have since consulted the Street Occupation team who have noted the following concerns:

- This structure was granted temporary permission to facilitate social distancing measures, which are due to be removed by January 22<sup>nd</sup> – why is this still required as social distancing measures are phased out?;
- They are in agreement that there are visibility concerns here, which is why historically this section of carriageway was not available for on-street parking;
- The upcoming Indoor Market demolition will close Hadden Street / East Green, which will increase vehicular movements of not only residential vehicles but also waste / deliveries within Correction Wynd / St Nicholas Lane area;
- For the above reasons, Streetworks would recommend that this application is refused;

Due to multiple teams raising safety concerns with the visibility splays being hindered by this structure, Roads would recommend that this application is refused.

Scott



This page is intentionally left blank

## **Aberdeen Local Development Plan (ALDP)**

- Policy NC1 - City Centre Development - Regional Centre
- Policy NC2 - City Centre Retail Core and Union Street
- Policy T2 - Managing the Transport Impact of Development
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment
- Policy D5 – Our Granite Heritage

## **Supplementary Guidance**

City Centre Conservation Area Character Appraisal

[https://www.aberdeencity.gov.uk/sites/default/files/2022-03/City%20Centre%20Conservation%20Area\\_0.pdf](https://www.aberdeencity.gov.uk/sites/default/files/2022-03/City%20Centre%20Conservation%20Area_0.pdf)

## **Other Material Considerations**

Scottish Planning Policy (2014)

<https://www.gov.scot/publications/scottish-planning-policy/>

Historic Environment Policy for Scotland (HEPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1bcfa7b1-28fb-4d4b-b1e6-aa2500f942e7>

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

This page is intentionally left blank



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE      100470913-002

The online reference 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:	<input type="text" value="calder design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Martin"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Calder"/>	Building Number:	<input type="text" value="19"/>
Telephone Number: *	<input type="text" value="01224641859"/>	Address 1 (Street): *	<input type="text" value="beechgrove"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="19 Beechgrove Terrace Aberdeen"/>
Mobile Number:	<input type="text" value="07841751490"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="scotland"/>
		Postcode: *	<input type="text" value="AB15 5DR"/>
Email Address: *	<input type="text" value="caldermartin@hotmail.com"/>		

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

Individual  Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Nick"/>	Building Number:	<input type="text" value="13"/>
Last Name: *	<input type="text" value="Duthie"/>	Address 1 (Street): *	<input type="text" value="Correction"/>
Company/Organisation	<input type="text" value="Red Robin Cafe"/>	Address 2:	<input type="text" value="Wynd"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 1HP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="GROUND FLOOR"/>
Address 2:	<input type="text" value="13 CORRECTION WYND"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 1HP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806243"/>	Easting	<input type="text" value="394117"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

Please provide a description of your 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)

Location of 3No. Pods on Correction Wynd.

## 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 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.

Background to application ; During Pandemic my client contacted and met on site with Planning department officers to discuss options in light of Government relaxation of existing legislation in regards to siting of external seating areas related to commercial premises in the hospitality industry. During these discussions the size and location of the Pods was agreed on which basis they were installed. Following recent relaxation of Covid restrictions my client was advised to apply formally.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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)

Additional points on application. Clients document in support

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

211339/DPP

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

15/09/2021

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

22/12/2021

## 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 a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

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)

A site visit is essential to understand the full context in which the pods are located especially in respect of the road usage and the relationship to the Merchant Area of the City Centre.

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

## 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: Mr Martin Calder

Declaration Date: 03/03/2022



This page is intentionally left blank

Additional information in respect of Red Robin Records 13 Correction Wynd .

Planning reference 211339/DPP

Background continued ; The application was expected to be straight forward as so many aspects had been previously agreed in discussion with the Planning Department and therefore it was expected that even with an informal arrangement the usual checks would have taken place, this however was not so in regards to Roads. On that it must be noted that no issues have occurred or complaints received over the location of the Pods.

Specific points on refusal ; “ detrimental impact on the character and appearance of the Union Street Conservation Area “ as far as my client is aware Correction Wynd is not part of the area and its placement is to say the least barely visible from the only small view point on Union Street.

; “ setting of various adjacent category A, B and C listed buildings “ at the time of doing the refurbishment of the property into the café considerable care was taken in finalising the external finish with major input from Planning to enable a benefit to the whole run of properties.

In regards to paint finishes my client would make any alterations that the Planning Department deemed necessary.

; “ That the proposed siting of the pods - - - - impacting on safety “ great weight is laid on the Roads Departments comments. The question of visibility splay requirements and the requested dimensions relate to a side road accessing onto a main road which Correction Wynd and the pend access are not. It is a restricted access roadway with only one point of access and egress with a considerable array of signage to that effect. The pend in itself only accesses a private car park. As a consequence the vehicular usage of Correction Wynd is at a low level.

Another point which can be noted that in Stirling Street ( also part of the Merchant Quarter ) a larger sitting box is located at Casc. Stirling Street is a heavily trafficked road especially due to the Bus Gate at Union Street Market Street junction, yet no restrictions appear to be on placement in this case.

This page is intentionally left blank





heatherclark\_x

# Please support x

**THE** first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

And as local development plans for 2022, including the new Local Development Framework, are being drawn up, it's clear that the planning system of 2022 is set to be a long one.

The first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.



### BY BEN BERRY

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

As the first round-up of planning terms for 2022 comes following a festive period where families and pubs had their hopes for a return to normalcy dashed.

@red\_robin\_records



# @red robin records











stewcaat

AS PER MY LAST STORY - PLEASE READ MESSAGE FROM @RED\_ROBIN\_RECORDS AND SIGN THE CHANGE.ORG PETITION. ANYONE WHO SHARES I'LL BUY YOU A COFFEE ☕



red\_robin\_records

THE first round-up of planning queries for 2022 comes following a further period where letters and calls had their hopes for a return to normality dashed.

And we don't disappoint you. As the planning process for the new Aberdeen extension we have seen to date despite the lingering threat of Covid.

So, we take a look at plans to knock down a recently vacated building at Riverside.

It's a pity we can't see the plans for the site.

Red Robin Records has been involved in the planning process to demolish it to make way for an affordable tenement flats.

The scheme has already been

BY BEN HENRY

backed by the local authority's housing department, who say it will "create more housing and an improvement in the local area".

The demolition had been approved as part of a £2 million approach to the council.

Meanwhile, the Red Robin record shop and cafe next door had been in operation for over a year.

The local authority determined that the change would have a detrimental impact on the character and appearance of the Riverside Conservation Area.

They also said the plan would "reduce the quality of the area".

A Council has been a long time to make the best of a bad situation by letting others do it.

The owner of Riverside had been told to demolish the building and build a new one.

It's not clear if the council has any say in the matter.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.

The council has been a long time to make the best of a bad situation by letting others do it.



red\_robin\_records @red\_robin\_records was dealt a bit of a blow this we... more

PLEASE SIGN HERE 🗳️☕



Seen by 7

Page 74

Boost



Highlight



More



tashaxthomson

sign the petition folks  
link in their bio  
favourite place  
@red\_robin\_records

**THE** first round-up of planning areas for 2022 comes following a further period where councils and public land their budgets for a review to successfully drafted.

And so detail developments planned for next financial year, including in this case to three major shopping streets of Leeds.

Firstly, we take a look at plans to launch some a newly-converted building at Harrogate.

Conversion of historic town halls and shops in the centre from the ward.

Development Council has now started for work in developing it to right way that is affordable and sustainable.

The project has already been

**BY BEN HENRY**

linked by the local authority's housing department, who will also work with the council on development of the area.

The Council will fund some new social as part of a £1 million project in the area.

However, the Council would also need to take on costs that would be shared with the council.

It would also be necessary to plan for the change in the way the council will be run.

The Council has also announced that the change would be a "development" in the way the council will be run.

The Council has also announced that the change would be a "development" in the way the council will be run.

A Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

Development to introduce an... making improvements following a... local area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.

The Council has been looking to make the area of the council more to bring some life to a red residential area.



Red Robin Records





caitlinbcrl

# @red\_robin\_records

**THE** first round-up of planning news for 2022 comes following a festive period before councils and police had their budgets for a 2023/24 financial year decided.

And for detail developments projects of the year, including the new £100m development in the city centre, Mayor the changing theme of food.

Finally, we take a look at plans to build a new, privately owned housing in the city centre.

Mayor of Red Robin, James Knight, said plans to build a new, privately owned housing in the city centre will be a major step in the city's recovery from the pandemic.

He said: "The city has already been a success story. The council has already been

## BY BEN HENRY

led by the local authority's housing department, who are to work closely with the council and the council's Council Housing Unit.

The council's housing unit was set up as part of a £100m investment in the city.

It will be the first time since the council was set up in 1974 that it has a dedicated housing unit.

The unit will be responsible for the council's housing strategy, which will be a major step in the city's recovery from the pandemic.

A £100m investment in housing to make the most of the council's housing unit, which will be a major step in the city's recovery from the pandemic.

The council's housing unit was set up as part of a £100m investment in the city.

It will be the first time since the council was set up in 1974 that it has a dedicated housing unit.

The unit will be responsible for the council's housing strategy, which will be a major step in the city's recovery from the pandemic.

The council's housing unit was set up as part of a £100m investment in the city.

It will be the first time since the council was set up in 1974 that it has a dedicated housing unit.

The unit will be responsible for the council's housing strategy, which will be a major step in the city's recovery from the pandemic.

Mayor of Red Robin, James Knight, said plans to build a new, privately owned housing in the city centre will be a major step in the city's recovery from the pandemic.

He said: "The city has already been a success story. The council has already been

led by the local authority's housing department, who are to work closely with the council and the council's Council Housing Unit.

The council's housing unit was set up as part of a £100m investment in the city.

It will be the first time since the council was set up in 1974 that it has a dedicated housing unit.

The unit will be responsible for the council's housing strategy, which will be a major step in the city's recovery from the pandemic.

The council's housing unit was set up as part of a £100m investment in the city.



STREET SCENE, MANCHESTER

# Sign sign sign





iamjamiesmith

# THE BEST CAFE IN ABERDEEN NEEDS YOUR HELP! THE OUTDOOR PODS HAVE BEEN AMAZING!



red\_robin\_records

**THE** first round up of planning work for 2022 comes following a brief period where people and pubs had their hopes for a return to normalcy dashed.

And not about developments planned for the city's Aberdeen waterfront in their city as they prepare for the opening of the new city.

There'll be a look at plans of developments in the city and the impact of the new city.

Developments of Aberdeen are being put on hold in the new city.

Developments of Aberdeen are being put on hold in the new city.

The new city has already been...

BY BEN HENRY

Backed by the local authority's planning department, who are in a bit of a bind as to how to deal with the planning refusal.

The Aberdeen local authority has a long way to go to get the planning department to deal with the planning refusal.

The local authority has a long way to go to get the planning department to deal with the planning refusal.

The local authority has a long way to go to get the planning department to deal with the planning refusal.

The local authority has a long way to go to get the planning department to deal with the planning refusal.

A Aberdeen city centre is looking to make the most of the summer season by using outdoor seating to a full and complete level.

The city of Aberdeen, with the Aberdeen City Council, has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

There's a lot of things to be done and the Aberdeen City Council is looking to make the most of the summer season by using outdoor seating to a full and complete level.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.

The Aberdeen City Council has a long way to go to get the planning department to deal with the planning refusal.



red\_robin\_records @red\_robin\_records was dealt a bit of a blow this week with planning refusal of our outdoor seating po...

@RED\_ROBIN\_RECORDS







Your Story 14h

III Tyrone Barkley · Man of Value >



asctuktuk

We love these seating pods  
Same size as our wee tuk  
tuk. Help  
@red\_robin\_records keep  
them and sign the petition.  
Thankyou.



 CHNG.IT

@RED\_ROBIN\_RECORDS



Man of Value  
Tyrone Barkley



Seen by 274

Page 78

Boost

Highlight

More



swish.swish.bish.abz

Red Robin Records have had their request for their outdoor pods to remain turned down by the council... help them out and sign the petition linked below if you have a mo 🙏🙏



red\_robin\_records

THE first round-up of planning for 2022 came following a brief period where Sustrac and pods had their hopes for a return to activities dashed.

Red Robin Records had no formal arrangements planned for new Sustrac members or their aim to diversify the opening of their store.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

BY SENIORITY... backed to the local authority's planning department, who met in July. Some time in August and in September (over 20 weeks).

The Council had many meetings on part of a 10 minute agenda for them.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.

Records, an indie rock store by day, being a socially-minded business on Thursdays.

Members of Sustrac were brought up and down in the morning from the school.



red\_robin\_records @red\_robin\_records was dealt a bit of a blow this week with planning refusal of our ou...

@RED\_ROBIN\_RECORDS

CHNG.IT





Your Story 58m



utopiabodyarts

*@RED\_ROBIN  
\_RECORDS*



**Thank you to everyone who has signed our petition to keep our outdoor pods. We are blown away by the local support. If you would still like to sign hit then link.**

@red\_robin\_records



Seen by 53



Page 80 of 80



Highlight



More













STIRLING STREET

NICKEL & DIME

















Thank you

Just now Like Reply



**Jim Maitland**

The Red Robin pods resonate with the Nuart street art that the council has allowed and in fact encouraged in the city, including in the historic Green, just a matter of yards away from the cafe. If the council are serious about encouraging a cafe culture in the city, then they should be more open to supporting enterprise, innovation and creativity such as that displayed by Red Robin vinyl cafe. This business struggled to open due to issues with ACC planning department, and has struggled to survive throughout the COVID-19 pandemic. If you care about small businesses in the city and haven't yet signed this petition, then please do so now, and invite others to do the same. 😊

2 h

Like

Reply

Page 87

Message

Hide

2



















**Nicolò Silvani**

Isn't that just typical of ACC... Seems to me like they are going right against their own attempts to bring cafe culture into the city centre. Also, I find the pods nice and definitely a better addition than parked cars or bins that are found elsewhere on the same street! Signed and shared

4 h [Like](#) Reply Message Hide 1



**Martin Ingram**

This seems like a crazy decision, but what else do you expect from our local council. I really hope you get to keep them.

Signed and shared

21 h [Like](#) Reply Message Hide 1



**Lisa Forsyth**

Good luck! I think it enhances the area, especially with the NuArt pieces going about. I think the pods brighten up your area!



Write a comment...







**Claire Marie Sweeney**

They have some bare faced cheek to talk about something not being inkeeping. See what they did to triple Kirks and Provst Skenes House. They know the Nu Art stuff has value for enhancing the city so how are they not seeing the benefit of these pods which not only look good and interesting, but also serve a local independent - a point of interest in the area. My heeds exploding I'm so mad!!

13 h [Like](#) [Reply](#) [Message](#) [Hide](#) 3



**Ali Cameron**

Signed and shared. Let us know if we can write letters of support

14 h [Like](#) [Reply](#) [Message](#) [Hide](#) 1



**Ewen Cam**

Bonkers. Literally one of the only venues I will go to in town because of those pods.

15 h [Like](#) [Reply](#) [Message](#) [Hide](#) 1



Write a comment...







# Comments



**castorurbaine** @\_potassiumnitrate\_  
noooo our date pods 😭



12h 1 like Reply Message



**swish.swish.bish.abz** ACC sort it out 🤪  
I've shared your petition, hope it helps 🙌



16h 1 like Reply Message



**vonengine** 😭



13h 1 like Reply Message



**aber.dreamy** Signed! Absolutely ridiculous to have been rejected 💔



15h 1 like Reply Message



**refillosophyaberdeen** Typical small minded thinking by the council. Have signed



11h 1 like Reply Message



**asctuktuk** We hope you get this sorted I have shared the petition amongst our friendly scooter 🛵 community. Great place to visit.



Add a comment as red\_robin\_re...





# Comments



**chtefan\_brandphoto\_uk** What?!! They were such a gorgeous addition to the street!!! Hope you get it overturned 😞



23h 1 like Reply Message



**beatboyblues** Signed!, coffee was spot on today always fine to have a chat!



23h 1 like Reply Message



**karren\_m\_milly** Consider it done. Hope it helps.



23h 1 like Reply Message



**fowler\_keith1903** Signed and shared. 🙌



14h 1 like Reply Message



**wendy.moir.9** I can't seem to open the link 🙌 to support your petition



13h Reply Message

— View 2 previous replies



Add a comment as red\_robin\_re...





# Comments



**avr055** The pods are amazing, they add so much character to the area. Nice of ACC to support local eh 🥲



6h 1 like Reply Message



**glasgowgrrrl** Happy to sign, hope the petition helps. The pods are a great idea!



14h 2 likes Reply Message



**rosscumming05** Typical shortsightedness by ACC who should be supporting our local businesses in these difficult times.



15h 1 like Reply Message



**encoredressandvintageagency** Cannot believe ACC are actively blocking the recovery of small businesses who have struggled and worked tirelessly for two years to survive . Petition signed. Hope this is overturned ASAP.



12h 2 likes Reply Message



**michaeljw94** Signed, hardly surprised ACC would block small businesses recovering through the means of very



Add a comment as red\_robin\_re...





# Comments



**encoredressandvintageagency** Cannot believe ACC are actively blocking the recovery of small businesses who have struggled and worked tirelessly for two years to survive . Petition signed. Hope this is overturned ASAP.



12h 2 likes Reply Message



**michaeljw94** Signed, hardly surprised ACC would block small businesses recovering through the means of very simple seating pods, they would much rather have all the shops empty than lift a finger of help  
Hope you get em good



11h 1 like Reply Message



**scottbberg** Signed and shared



12h 1 like Reply Message



**red\_robin\_records** Link in bio now folks sorry for mrs red robins poor IT skills again 🙄

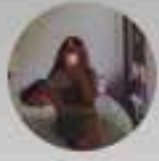


23h 1 like Reply



Add a comment as red\_robin\_re...





phoebe\_2608\_

Please help to support this amazing local business ❤️🙏

@red\_robin\_records



red\_robin\_records

THE first round-up of planning news for 2022 comes following a festive period where hotels and pubs had their hopes for a return to normality dashed.

And we detail developments planned for two Aberdeen institutions as they aim to thrive despite the lingering threat of Covid.

Firstly, we take a look at plans to knock down a recently emptied building at Fraserburgh Academy.

Generations of Brochers were taught art and drama in the annex across from the school.

Aberdeenshire Council has now formed proposals to demolish it to make way for 16 affordable one-bedroom flats.

The scheme has already been

BY BEN HENDRY

backed by the local authority's housing department, who say it will "assist those in housing need on Aberdeenshire Council's waiting list".

The Dennisstaff Road annex was vacated as part of a £2 million upgrade to the school.

Meanwhile, the Red Robin record shop and cafe on Correction Wynd in Aberdeen has been dealt a blow by council planning chiefs.

Owners wanted permission to place three "seating pods" on the road outside the Aberdeen venue for five years.

The local authority determined that the change would have "a detrimental impact on the character and appearance of the Union Street Conservation Area".

They also said the pods would "obstruct driver visibility".

A Cruden Bay woman is looking to make the most of her spacious home by letting rooms out on a bed and breakfast basis.

The owner of Meadowbank, near the Kilmarnock Arms Hotel on Bridge Street, wants to use three of the four rooms as guest accommodation.

Getny Da' Santos reckons the B&B business would occupy about 4% of the house, which she recently bought.

It was put on the market for £290,000 in January.

For tourists who fancy a more outdoorsy experience, though, plans have been put forward for a new glamping pod at Sunfl.

The owners of Honeyeuk Cottage at Brunyardie are behind the scheme.

Aaron Howe is asking Aberdeenshire Council to change the use of the land required for the project.

Plans to bring more residents into the centre of Peterculter have been formed.

Fieldside-based developer Matic Ltd wants to build a hotel block of 14 flats at 244 North Deeside Road, along with a new shop.

The site on the western edge of the suburb just off the A93 Aberdeen to Banchory road, is empty and has some "derelict" former workshops to the rear.

Architects say the proposals "represent significant investment in the Peterculter neighbourhood centre, which will deliver a range of benefits to the local area".

The scheme would feature a shop on the ground floor along with six one-bedroom flats and eight with two bedrooms.

Finally, we have a look at how two hospitality businesses on

Queens Road in Aberdeen are making adjustments following a torrid two years.

The Dutch Mill hotel and bar is asking for the council's blessing to keep its outdoor marquee up for another three years.

Bosco say the temporary shelter has proven "very popular" since being erected to keep customers safe amid Covid restrictions.

And the planning application states "The impact of the recent Covid 19 pandemic has had an overwhelmingly negative impact on the business."

"However the presence of the additional outdoor seating within the marquee has allowed the business to continue to operate through these extremely challenging times."

"Retaining the marquee will assist the business to continue the slow recovery from the negative impact of the pandemic."

And further along the road, the Chester Hotel has been given permission to make some changes designed to boost takings.

Plans for a new "quality over quantity" approach were tabled a few months ago.

In response to an "understandable downward shift" in business travellers since the pandemic struck, bosco wanted to transform 10 rooms into five suites.

At the time, general manager Stephen Gow says people travelling for leisure purposes since the easing of lockdown have increasingly fancied splashing out on the "most luxurious rooms".

The council has now approved the changes planned for the listed building, which have also been passed by management at Historic Environment Scotland.



red\_robin\_records @red\_robin\_records was dealt a bit of a blow this week with planning refusal of our outdoor seating...

CHNG.IT



Seen by 55



Page 98 of 100



Highlight



More





utopiabodyarts

*@RED\_ROBIN  
\_RECORDS*



**Thank you to everyone who has signed our petition to keep our outdoor pods. We are blown away by the local support. If you would still like to sign hit then link.**

@red\_robin\_records



Seen by 53



Page 99 Post



Highlight



More



Your Story 22m



emilygeddes94



**Thank you to everyone who has signed our petition to keep our outdoor pods. We are blown away by the local support. If you would still like to sign hit then link.**



Seen by 21



Boost



Highlight



More





Your Story 23h



chtefan\_brandphoto\_uk

@RED ROBIN RECORDS  
PODS



@VANESSASTEAD



Seen by 368



Boost



Highlight



More



aberdam.abz

@red\_robin\_records

# OUTDOOR PODS ARE CLASS - LET'S HELP THEM STAY!



red\_robin\_records

THE first round-up of planning news for 2022 comes following a festive period where hotels and pubs had their hopes for a return to normality dashed.

And we detail developments planned for two Aberdeen institutions as they aim to thrive despite the lingering threat of Covid.

Firstly, we take a look at plans to knock down a recently emptied building at Fraserburgh Academy.

Generations of knochers were taught art and drama in the annex across from the school.

Aberdeenshire Council has now formed proposals to demolish it to make way for 16 affordable use bedroom flats.

The scheme has already been

BY BEN HENDRY

backed by the local authority's housing department, who say it will 'assist those in housing need on Aberdeenshire Council's waiting list'.

The Dennyduff Road annex was vacated as part of a £2 million upgrade to the school.

Meanwhile, the Red Robin record shop and cafe on Cornhill Wynd in Aberdeen has been dealt a blow by council planning chiefs.

Owners wanted permission to place three 'waiting pods' on the road outside the Aberdeen venue for five years.

The local authority determined that the change would have 'a detrimental impact on the character and appearance of the Queen Street Conservation Area'.

They also said the pods would 'obstruct driver visibility'.

A Cruden Bay woman is looking to make the most of her spacious home by letting rooms out on a bed and breakfast basis.

The owner of Meadowbank, near the Malmesock Arms Hotel on Bridge Street, wants to use three of the four rooms as guest accommodation.

Genie Dal Santo reckons the B&B business would occupy about 47% of the house, which she recently bought.

It was put on the market for £290,000 in January.

For tourists who fancy a more outdoorsy experience, though, plans have been put forward for a new glamping pod at Keady.

The owners of Honeyseek Cottage at Bruntwaite are behind the scheme.

Aaron Howe is asking Aberdeenshire Council to change the use of the land required for the project.

Plans to bring more residents into the centre of Peterculter have been formed.

Fieldside based developer Manna Ltd wants to build a flood block of 14 flats at 244 North Deeside Road, along with a new shop.

The site on the western edge of the suburb, just off the A91 Aberdeen to Banff road, is empty and has some 'derelict' kitchen workshops to the rear.

Architects say the proposals 'represent significant investment in the Peterculter neighbourhood centre, which will deliver a range of benefits to the local area'.

The scheme would feature a shop on the ground floor along with six one bedroom flats and eight with two bedrooms.

Finally, we have a look at how two hospitality businesses on

Queens Road in Aberdeen are making adjustments following a quiet two years.

The Dutch Mill hotel and bar is asking for the council's blessing to keep its outdoor marquee up for another three years.

Boxes say the temporary shelter has proven 'very popular' since being erected to keep customers safe amid Covid restrictions.

And the planning application states 'The impact of the recent Covid-19 pandemic has had an overwhelmingly negative impact on the business'.

However the presence of the additional outdoor seating within the marquee has allowed the business to continue to operate through these extremely challenging times.

'Retaining the marquee will assist the business to continue the slow recovery from the negative impact of the pandemic.'

And further along the road, the Chester Hotel has been given permission to make some changes designed to boost takings.

Plans for a new 'quality over quantity' approach were tabled a few months ago.

In response to an 'understandable downward shift' in business travellers since the pandemic struck, boxes wanted to transform 10 rooms into five suites.

At the time, general manager Stephen Gow says people travelling for leisure purposes since the easing of lockdown have increasingly favoured splashing out on the 'most luxurious rooms'.

The council has now approved the changes planned for the listed building, which have also been passed by management at Historic Environment Scotland.



red\_robin\_records @red\_robin\_records was dealt a bit of a blow this week with planning refusal of our outdoor...



## LINK TO THEIR PETITION BELOW



[RED ROBIN PETITION](#)



Seen by 149



Page Boost



Highlight



More





Your Story 7h

The Blues Brothers · Everybody Needs S... >



dutch2814



red\_robin\_records

THE first round-up of planning news for 2022 comes following a festive period where hotels and pubs had their hopes for a return to normality dashed.

And we detail developments planned for two Aberdeen institutions as they aim to thrive despite the lingering threat of Covid.

Firstly, we take a look at plans to knock down a recently emptied building at Fraserburgh Academy.

Generations of Brothers were taught art and drama in the arena across from the school.

Aberdeenshire Council has now formed proposals to demolish it to make way for 16 affordable one-bedroom flats.

The scheme has already been

BY BEN HENDRY

backed by the local authority's housing department, who say it will "assist those in housing need on Aberdeenshire Council's waiting list".

The Dennyhall Road annex was vacated as part of a £2 million upgrade to the school.

Meanwhile, the Red Robin record shop and cafe on Corporation Walk in Aberdeen has been dealt a blow by council planning chiefs.

Owners wanted permission to place three "seating pods" on the road outside the Aberdeen venue for five years.

The local authority determined that the change would have "a detrimental impact on the character and appearance of the Union Street Conservation Area".

They also said the pods would "obstruct driver visibility".

A Cruden Bay woman is looking to make the most of her spacious home by letting rooms out on a bed and breakfast basis.

The owner of Meadowbank, near the Ellismarock Arms Hotel on Bridge Street, wants to use three of the four rooms as guest accommodation.

Geny Dal Soutter reckons the B&B business would occupy about 47% of the house, which she recently bought.

It was put on the market for £290,000 in January.

For tourists who fancy a more outdoor experience, though, plans have been put forward for a new glamping pod at Sunf.

The owners of Honeyseek Cottage at Bransyards are behind the scheme.

Aaron Howe is asking Aberdeenshire Council to change the use of the land required for the project.

Plans to bring more residents into the centre of Peterculter have been turned down.

Fieldside-based developer Metric Ltd wants to build a block of 14 flats at 244 North Denzile Road, along with a new shop.

The site on the western edge of the suburb just off the Aberdeen to Banchory road is empty and has seen former workshops.

Architects say it represents significant in the Peterculter re-centre, which will benefit the area.

The scheme is a shop on the ground with six one-bedroom flats with two bedrooms.

Finally, we have a two-hospitality b

Queens Road in Aberdeen are making adjustments following a torrid two years.

The Dutch Mill hotel and bar is asking for the council's blessing to keep its outdoor marquee up for another three years.

Bowen says the temporary shelter has proven "very popular" since being erected to keep customers safe amid Covid restrictions.

And the planning application states: "The impact of the recent Covid-19 pandemic has had an overwhelmingly negative impact on the business."

"However the presence of the additional outdoor seating within the marquee has allowed the business to continue to operate through these extremely challenging times."

"Retaining the marquee will assist the business to continue the slow recovery from the negative impact of the pandemic."

And further along the road, the Chester Road has been given permission to make some changes designed to boost takings.

Plans for a new "quality over quantity" approach were tabled a few months ago.

In response to an "unstable downward shift" in travellers since the pandemic struck, bosses wanted to turn rooms into five

several manager says people were purposefully "shut down" have "staying out of a room".

Because approved for the hotel have also been sent at Historic and



@RED\_ROBIN\_RECORDS @red\_robin\_records

was dealt a bit of a blow this we..

LINK IN BIO

HELP SUPPORT A PHENOMENAL GRASS-ROOTS COFFEE HOUSE BY FOLLOWING THE LINKS AND SIGNING THE PETITION

ABERDEEN

#supportsmallbusiness



Seen by 172

Page 103

Highlight

More







# LOCAL REVIEW BODY



210657/DPP– Review against refusal of planning permission for:

Installation of security fence

At: Woolard and Henry site, Stoneywood Park,  
Aberdeen, AB21 7DZ

# Location Plan



SITE BOUNDARY





# Location Plan – GIS





# Location: Aerial Photo





# Proposed Site Plan



Page 109

1. Contractor must work only to Equid dimensions which are to be checked on 10th.



- BLACKTHORN HEDGE PLANTED AT 300mm CENTRES
- SECONDARY FENCE TO BE INSTALLED
- EXISTING FENCE TO BE REMOVED
- SITE BOUNDARY

1	07/02/21	Fencing line amended	UG	DN
2	08/02/21	Bring fence line closer	UG	DN
Rev.	Date	Details	Drawn	Checked
Issued for: <b>PLANNING</b>				
Project/Client:		Project No:		
Proposed fence at Woolard and Henry Ltd Stonywood		THE 21-0015		
		Drawing No:		
		A1-01		
		Revision:		
		8		
Drawing:		Scale:		
Proposed Site Plan		1:500@A3		
		Drawn by:	Date:	
		NE	04/02/21	
		Checked by:	Date:	
		NE	04/02/21	

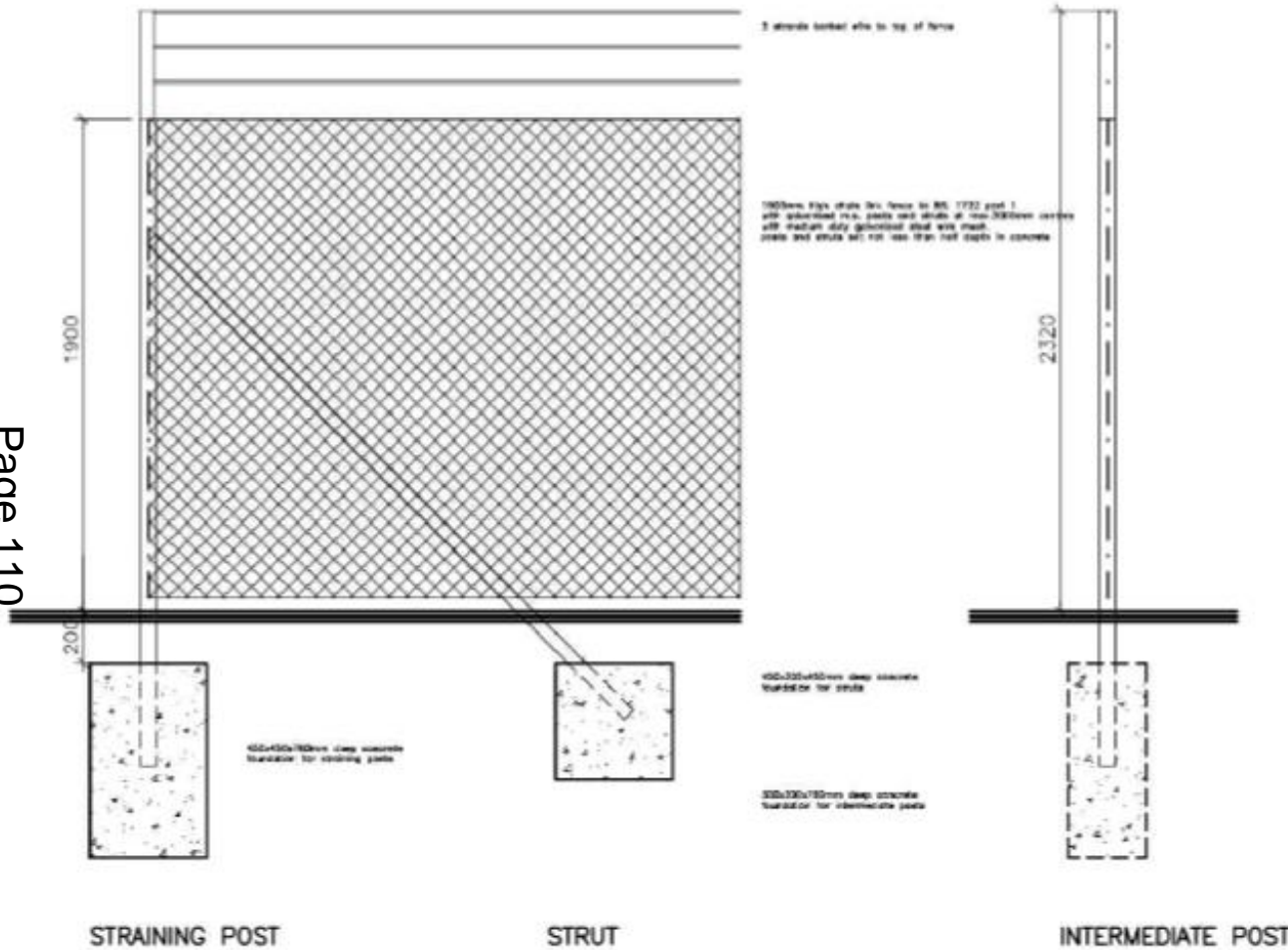
**THE** | Thain  
**Harrington**  
**Edward**  
 ARCHITECTURE + PLANNING

24 North Street, Faversham AS 0 1L. Tel: 01244 264 277  
 Email: info@theoffice.co.uk  
 Website: theoffice.co.uk

© The Office for Architecture and Planning Limited. All Rights Reserved.

# Proposed Fence detail

Page 110



Issued for:	PLANNING
Project/Client:	THE 21-0015
Proposed fence of Woolford and Henry Ltd Stoneyard	Drawing No: A1-03
	Revision: -
Drawing:	Scale: 1:20 @ A3
Proposed Fencing Detail	Drawn by: LG Date: 05/2021
	Checked by: DH Date: 05/2021

**THE** | Thain  
**Harrington**  
**Edward**  
 ARCHITECTURE + PLANNING

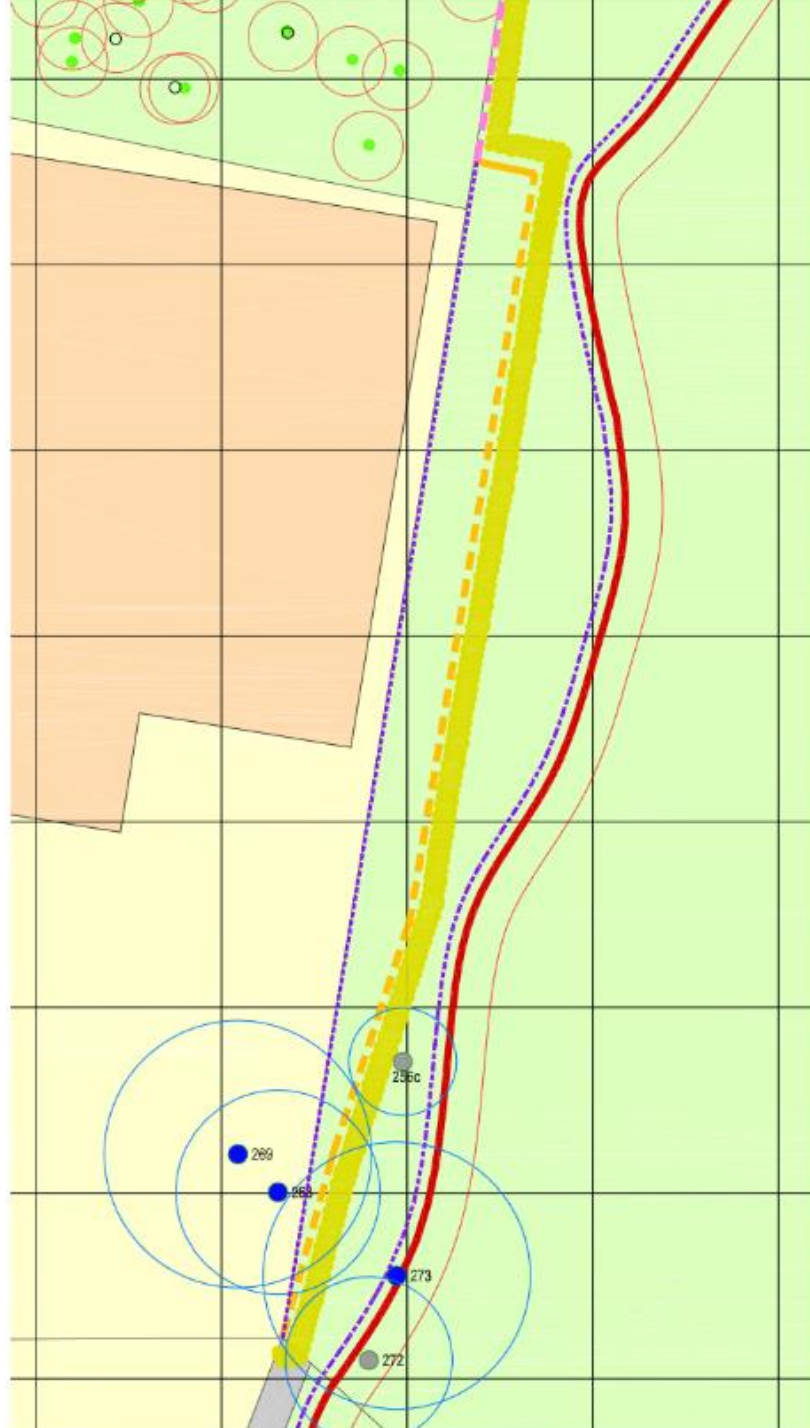
24 North Elm Street, Farnham AS 0 1L






Tel: 01256 266 577  
 Email: info@theoffice.co.uk  
 Website: theoffice.co.uk






© 2021 ARCHITECTURE + PLANNING THE OFFICE



# Arboricultural Assessment Plan



 New blackthorn hedge to be planted at 300 mm centres  
 Secondary fence to be installed  
 Existing fence to be retained  
 Existing fence to be removed  
 Site boundary

 Category A Trees  
 Category B Trees  
 Category C Trees  
 Category U Trees  
 Root protection area

**Proposed New Fence at Stonewood Park, Dyce Arboricultural Assessment**

Client:	Viscotard & Henry		
Drawn to:	SPDW-2108-AA		
Issue No:	22nd September 2021		
Drawn by:	EP	Checked by:	NA
Noted:		Noted:	
Scale:	1:200 @ A3		


  
18 Picken Road | Newcastle, Tyne and Wear, NE10 2JY  
 Tel: 0191 2741212 | www.astellassociates.co.uk



# Photo from Applicant's submission – existing fence





**Photo from Applicant's submission – existing fence**





**Photo from Applicant's submission – existing fence**





**Photo from Applicant's submission – existing fence**





**Photo from Applicant's submission – existing fence**





# Photo from Applicant's submission – existing fence





# Photos from applicant's submission





**Photo from Applicant's submission  
– similar type of fence along Cedar Avenue**



# Relevant History

Application Number	Proposal	Decision Date
110790	Residential Development (425 houses) with supporting facilities / open space (Stoneywood Estate)	02.05.2102 Approved with conditions / legal agreement
190152/DPP	Change of use from amenity land to industrial including installation of security fence; erection of workshop with offices and staff facilities with associated works and car parking (partly retrospective)	19.03.2019 Status: Withdrawn
191010/DPP	Change of use from amenity land to industrial including installation of security fence around enlarged site; formation of yardspace and car parking (partly retrospective)	31.10.2019 Status: Refused
200656/DPP	Installation of security fence (retrospective)	24.09.2020 Status: Refused

Note: application 191010/DPP was appealed to Scottish Gov't. That appeal was dismissed in 2020.



# Reasons for Decision

## 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 is 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 has 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 is proposed, it is considered that this is not sufficient to warrant approval of the proposal or justify the loss of access to the open space. No replacement public open space is proposed.

By preventing public access to existing open space which was required to be delivered as part of the Stoneywood housing development, which is 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.

## 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.

# Applicant's Case

In full as part of the agenda pack. Main points are:

- Provides 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;
- Highlights 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 has 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 remains close to the path;



# Applicant's Case

- A similar style of fence can be seen within the Green Space Network on Cedar Avenue;
- Contends that the proposed fencing is more compatible with the character of the adjoining residential area whilst offering security and enclosure for the applicants;
- Argues that the fencing would not undermine the enjoyment of the wider area of public open space. Contends that the area of Green Space Network which would be enclosed from public access is comparable with other industrial uses locally;
- Suggests that criteria within the Householder Development Guide SG, relating to the incorporation of open space into private gardens, should be applied to assessment of this application;
- Argues that the circumstances of this case are not shared by adjoining sites and that there is no real risk of an unwelcome precedent;
- Notes that the planning authority has previously stated no objection to a boundary fence in principle;

# H1: Residential Areas

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?



# Policy D1 (Quality Placemaking by Design)

## 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. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?

# Policy D2 (Landscape)

## Policy D2 - Landscape

Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications. The level of detail required will be appropriate to the scale of the development.

### Quality development will

- be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;
- conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;
- create new landscapes where none exist and where there are few existing features;
- protect and enhance important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
- provide hard and soft landscape proposals that is appropriate to the scale and character of the overall development.

Further guidance can be found within the Supplementary Guidance and Technical Advice Notes listed in Appendix 5.



# NE1: Green Space Network

- The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map.
- Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.
- Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments should maintain and enhance the coherence of the network. In doing so, provision should be made for access across roads for wildlife and outdoor recreation.
- Masterplanning of new developments should consider the existing areas of Green Space Network and identify new areas incorporating Green Space Network.
- Masterplans will determine the location, extent and configuration of the Green Space Network within the area, and its connectivity with the wider network.

## NE3: Urban Green Space

- Permission will not be granted to redevelop parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any use other than recreation and sport.
- Exceptions made where equivalent alternate provision is to be made locally
- In all cases, development only acceptable provided:
  - No significant loss to landscape character and amenity;
  - Public access maintained or enhanced;
  - Site is of no significant wildlife/heritage value;
  - No loss of established/mature trees;
  - Replacement green space of same or better quality is provided;
  - No adverse impact on watercourses, ponds, wetlands;
  - Proposals to develop outdoor sports facilities should also be consistent with SPP



# NE5: Trees and Woodlands

- Presumption against development that would 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.
- Buildings and services should be sited so as to minimise adverse impacts on existing and future trees.
- Measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction.
- Applications affecting trees to include details of tree protection measures, compensatory planting etc.

## NE8: Natural Heritage

- Relates to protection of sites and species covered by environmental/ecological designations, including bats (European Protected Species)
- No specific natural heritage designations applicable (note trees covered separately under NE5)



## NE9: Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and rights of way. This includes any impacts on access during the construction phase of a development. Applicants should provide detail on how public access and safety will be maintained during construction, for example through temporary diversions.

Wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Core Paths are shown on the Proposals Map. Further guidance on developer contributions towards Core Paths, as well as general information on access rights, is available in relevant Supplementary Guidance.

# Points for Consideration:

Zoning: Do members consider that the proposal satisfies the criteria set out in policy H1

Design: Is the proposal of sufficient design quality (D1), and would it have an adverse impact on landscape setting (D2)?

Would the proposed fencing result in any adverse impact on the character or function of the Green Space Network (per policy NE1) or result in loss of/damage to trees and woodlands (policy NE5)?

Would it satisfy the requirements of policy NE3 (Urban Green Space), and would there be any adverse impact on natural heritage designations (NE8)?

Would the value of existing access and recreational routes be maintained (per policy NE9)?

**1. Does the proposal comply with the Development Plan when considered as a whole?**

**2. Do other material considerations weigh for or against the proposal?**

(e.g. representations/consultation responses; applicant's case; national policy and guidance; earlier decisions and appeal decisions; Proposed ALDP) Are these of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)





## Strategic Place Planning

Report of Handling

<b>Site Address:</b>	Woollard And Henry site, Stoneywood Park, Aberdeen, AB21 7DZ
<b>Application Description:</b>	Installation of security fence
<b>Application Ref:</b>	210657/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	12 May 2021
<b>Applicant:</b>	Woollard & Henry Ltd
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce And Stoneywood
<b>Case Officer:</b>	Robert Forbes

### RECOMMENDATION

Refuse

### APPLICATION BACKGROUND

#### Site Description

The site comprises existing industrial premises (workshop, yard, parking) together with adjacent undeveloped woodland areas. The industrial premises is accessed via Stoneywood Park within an industrial estate. The woodland forms part of a larger woodland area which is required to be retained as public open space in association with the adjacent housing development but has been purchased by the applicant. To the east of the site is a public path within a wooded area which functions as an important link in the recreational pathway network along the River Don. The site is bounded to the south by a SUDS pond developed as part of the adjacent housing development. To the south of this lies a suburban housing development (allocated as OP17 – Stoneywood in the Aberdeen Local Development Plan). A mature woodland / tree belt extends west from the site, parallel to Cedar Avenue and towards Stoneywood Road. This is protected by a Tree Preservation Order (No.257) and is 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.

#### Relevant Planning History

Application Number	Proposal	Decision Date
110790	Residential Development (425 houses) with supporting facilities / open space (Stoneywood Estate)	02.05.2102 Approved with conditions / legal agreement
190152/DPP	Change of use from amenity land to industrial including installation of security fence; erection of workshop with offices and staff facilities with associated works and car parking (partly retrospective)	19.03.2019 Status: Withdrawn

191010/DPP	Change of use from amenity land to industrial including installation of security fence around enlarged site; formation of yardspace and car parking (partly retrospective)	31.10.2019 Status: Refused
200656/DPP	Installation of security fence (retrospective)	24.09.2020 Status: Refused

The site forms part of the riverside park (area L1) as required to be delivered as part of the above approved Stonewood housing development (110790). The land where the existing fencing has been erected also lies within the open space area which is required to be provided as part of the 2012 residential planning permission which has been implemented by Dandara.

In November 2018 a planning enforcement case (ref. ENF180169) was opened in relation to alleged tree works, unauthorised installation of security fencing and associated change of use of amenity land at the site. This confirmed that the fencing which was the subject of the previous planning applications was installed at that time and that some removal of trees within the site had taken place.

The above applications were submitted in 2019 in response to this investigation. An appeal (PPA-100-2105) against refusal of 191010 was dismissed in 2020. The decision is available below:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=120882>

The following extracts of the Scottish Government Reporter's decision are relevant:

"there has been a significant impact on the character and amenity of the area. The unpainted finish of the unauthorised fence clearly makes it incongruous and more prominent a feature than the original black fence. The physical proximity of the fence to the footpath has a greater impact than the original fence and this would remain the case even if it were finished in a recessive colour.

The relocated boundary fence significantly detracts from the amenity of path users, distinctly changing the character of the open space. The impression of walking through a woodland has diminished with the experience shifting more toward a path which skirts the edge of a woodland, beside an industrial area."

An enforcement notice (EN) requiring removal of the unauthorised fence was served on the applicant in 2020 and remains to be complied with. The deadline for compliance with the EN was 01/06/21.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

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 is proposed to be planted along the outer (eastern) boundary of the fence, adjacent / to the west of the footpath within the woodland area.



### **Amendments**

Position / extent of fence line adjusted / reduced.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QSZFFPBZJIT00>

- Tree Survey / Report
- Planning Statement
- Site Photographs

### **CONSULTATIONS**

**Dyce And Stoneywood Community Council** – No response received.

### **REPRESENTATIONS**

4 written representations have been received (4 objections, 0 in support and 0 neutral). The matters raised can be summarised as follows –

- Confusion / concern regarding purpose of application and delay in undertaking enforcement action;
- Conflict with ALDP polices NE1, NE5, NE9 and H1;
- Contrary to outcome of previous planning appeal against refusal of the unauthorised fence;
- Claims of unsocial behaviour at the site are not supported by evidence;
- Contrary to Stoneywood masterplan objective to deliver open space (L1 – “Northern River Park”);
- Adverse visual impact / fence not suitable for a residential area;
- Adverse impact on setting / enjoyment of adjacent core path;
- Hedging unlikely to mitigate adverse landscape impact of fence;
- Prevention of public access to open space;
- Detrimental wildlife impact;
- Detrimental impact on trees / woodland;
- Proposed fencing not required as alternative security arrangements for the industrial site are feasible.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

### **National Planning Policy and Guidance**

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development that contributes to sustainable development. The following specific paragraphs are of relevance:

- Para 194 (A Natural, Resilient Place – Policy Principles)
- Para 216 - 218 (A Natural, Resilient Place – Woodland)

The Scottish Government's Policy on Control of Woodland Removal 2009 – This expresses a strong presumption in favour of protecting Scotland's woodland resources and provides policy direction for decisions on appropriate woodland removal in Scotland.

PAN 60 (Natural Heritage) - 2000

PAN 65 (Planning and Open Space) 2008

Draft Scottish Government guidance on Net Economic Benefit and Planning - 2016

### **Aberdeen City and Shire Strategic Development Plan 2020 (SDP)**

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

### **Aberdeen Local Development Plan 2017 (ALDP)**

H1: Residential Areas

D1: Quality Placemaking by Design

D2: Landscape

NE1: Green Space Network

NE3: Urban Green Space

NE5: Trees and Woodland

NE8: Natural Heritage

NE9: Access and Informal Recreation

OP17: Stoneywood

### **ALDP Supplementary Guidance (SG)**

Stoneywood Estate Development Framework and Masterplan 2011 (SDM):

#### Landscape Structure:

- L1 'The Northern River Park' should be completed during this phase providing a major area of public open space for the existing and proposed communities in the area."

Green Space Network and Open Space SG

Landscape SG

Trees and Woodlands SG



**Proposed Aberdeen Local Development Plan 2020 (PALDP)**

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and it has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the PALDP;
- the level of representations received in relation to relevant components of the PALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. In this case similar zoning and topic policies apply to those in the ALDP. In this case the policies in the PALDP substantively reiterate those in the adopted ALDP.

**Other Material Considerations**

The recent appeal decision (PPA-100-2105) regarding the previous planning application at the site is a significant material consideration.

ACC Open Space Audit 2010 (n.b. the mature woodland at the southern and eastern extremities of the site, which has been purchased by the applicant, is identified as open space /woodland in this audit).

ACC River Don Corridor Framework 2012

**EVALUATION****Principle of Development**

The proposed fence does not lie within an established or zoned industrial area and requires to be considered in the context of the authorised use of this part of the site as open space associated with a housing development as set out in the SDM. Due to the industrial character and appearance of the development, it is considered to have an adverse impact on the amenity of the area and therefore conflict with ALDP policy H1. By preventing / obstructing public access to existing open space which was required to be delivered as part of the Stonewood housing development and is a valued open space resource for the wider community, the proposal would not accord with the objectives of the SDM. Given these conflicts, the presumption in favour of sustainable development expressed in SPP is not considered to justify approval of the fence. In terms of assessment against the SDP, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

**Open Space / Access Impacts**

The position / nature of the fence would result in severance of public access to existing open space within the site in conflict with the objectives of policy NE1, NE3 and NE9 and related guidance. Although the area of open space affected would be limited in extent, it is of amenity value as recognised by its inclusion within the OSA. Acceptance of reduction of the extent of the wider open space area would be contrary to the objectives of the SDM and may create an undesirable precedent for similar proposals. The fact that the site has been purchased by the applicant is not a material planning consideration that can be given any weight in assessing this planning application.

**Visual Impact / Design**

The fence would be located further from the public path than the existing unauthorised fence and its visual impact would be softened to an extent by proposed landscaping (hedging). However, it would have a similar industrial appearance to the existing unauthorised fence which was considered to be visually detrimental to the area. It is recognised that the proposed native hedging would provide some benefit to wildlife and would be of amenity / screening value. However, this is not considered to justify the proposed encroachment into public open space. Notwithstanding the proposed hedge, it is considered that, on balance, the appearance and presence of the revised fence will have a marginal negative / neutral impact on landscape quality and character. Thus, any conflict with policy D1 (Quality Placemaking by Design) and policy D2 (Landscape) would not in itself warrant refusal.

**Tree Impact**

It is accepted that the fence would not result in direct tree loss or significant adverse impact on existing trees such that there is no conflict with Scottish Government's Policy on Control of Woodland Removal 2009 or the SFS and no significant conflict with ALDP policy NE5 and related guidance, notwithstanding that its construction may result in some localised ground compaction / disturbance to tree roots.

Commented [GP1]: What is SFS?

**Wildlife Impact**

It is considered that the wildlife impact of the revised fence would not be significant given that no trees would be removed and it relates to a relatively small area of open space immediately adjacent to an existing industrial premises and given the mitigatory planting is proposed. Thus, it is considered that any impact would be marginal and compliance with ALDP policy NE8 could be addressed by condition.

**Economic Benefits**

The applicant has previously claimed that the proposed fence is required in order to protect the industrial premises. Notwithstanding the draft Scottish Government guidance on Net Economic Benefit and Planning issued in 2016 and the planning statement provided, no evidence has been presented that the development (i.e. a fence) would result in any net economic benefit that would potentially outweigh the adverse environmental and social impacts of the development and conflicts with planning policy identified above. Given that no new industrial floorspace or yard is proposed, no such potential benefit is considered to exist, notwithstanding that the industrial activity within the developed part of the site is of economic benefit. As the fence could be reinstated within its pre-existing position, adequate alternative arrangements for ensuring security of the yard-space would appear to exist, thereby allowing continuation of the existing industrial use within the developed parts of the site.

**Precedent**

As no exceptional case for approval has been demonstrated and there are other adjacent industrial premises which abut the woodland strip to the west of the site, 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.

**Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is not acceptable in terms of both Plans for the reasons previously given.

**Other Considerations**

It is noted that there has been no material change in circumstances (e.g. planning policy or the physical context of the site) since the planning appeal decision in 2020 whereby the existing



fencing was found to be unacceptable. Although the open space area within the site is now owned by the applicant, having been sold by the housing developer, land ownership is not in itself a material planning consideration. The supporting planning statement claims that the unauthorised fence has been erected in response to the construction of the tarmac core path in a different position from that shown on the approved Stoneywood masterplan. However, the current application is not a retrospective application and cannot seek to review the previous appeal decision / enforcement notice. In any event the public previously had unrestricted access to the entire area shown as area L1 – Northern River Park in the SDM, such that no substantive security justification to allow a revised boundary position is considered to exist.

### **Enforcement Action**

It is noted that the enforcement notice requiring removal of the existing unauthorised fence within the open space area remains to be complied with. The deadline for compliance with the EN was 01/06/21. The agent provided the following response regarding intentions for compliance in June 2021 :

“Following confirmation that an extension for compliance with the notice will not be granted to for the period of the application I can confirm that the owner is arranging for the fence to be removed. We will provide details to you to confirm that works have commenced to remove. As such I trust that there is no requirement to refer this to Procurator Fiscal for consideration.”

Determination of the current application has no direct bearing on the requirement to comply with the notice as the boundary fence could be reinstated in its original position at the east and south edges of the industrial site. It is considered that the failure to comply with the notice and the continued presence of the unauthorised fence is not a material consideration that warrants approval of the current proposal.

### **Matters Raised in Representation**

It is recognised that the representations raise relevant material considerations, and these are addressed in the relevant topic themes above.

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

#### 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 is 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 has 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 is proposed, it is considered that this is not sufficient to warrant approval of the proposal or justify the loss of access to the open space. No replacement public open space is proposed.

By preventing public access to existing open space which was required to be delivered as part of the Stonewood housing development, which is a valued open space resource for the wider community, the proposal would conflict with the Stonewood Development Framework and Masterplan approved by the Council in 2011.

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.





Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE            100411616-001

The online reference 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.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Planning application to erect a security fence around an existing commercial premises.

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## 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:	THE Architecture + Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Daniel	Building Name:	
Last Name: *	Harrington	Building Number:	24
Telephone Number: *	01224586277	Address 1 (Street): *	North Silver Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB10 1RL
Email Address: *	daniel.harrington@the-ap.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	woollard & Henry
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Stoneywood Park
Company/Organisation	Woollard & Henry Ltd	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB21 7DZ
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Woollard & Henry, Stoneywood Park Aberdeen AB21 7DZ

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

9542.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Existing industrial unit and woodland.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting 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 change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting 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 of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

## Trees

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

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

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



If Yes or No, please provide further details: \* (Max 500 characters)

Proposal is for fence only.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Daniel Harrington

On behalf of: Woollard & Henry Ltd

Date: 11/05/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application



g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |                                                                                        |                              |                                         |
|----------------------------------------------------------------------------------------|------------------------------|-----------------------------------------|
| A copy of an Environmental Statement. *                                                | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *                                                             | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *                                                                | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan                                                  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *                                                        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *                                                                      | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *                                                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Planning Statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Daniel Harrington

Declaration Date: 11/05/2021

This page is intentionally left blank





Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE            100411616-002

The online reference 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.

## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Woollard & Henry, Stoneywood Park Aberdeen AB21 7DZ

Northing

Easting

## 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:	THE Architecture + Planning		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Daniel	Building Name:	<input type="text"/>
Last Name: *	Harrington	Building Number:	24
Telephone Number: *	01224586277	Address 1 (Street): *	North Silver Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Aberdeenshire
		Postcode: *	AB10 1RL
Email Address: *	daniel.harrington@the-ap.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Woollard & Henry
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	Stoneywood Park
Company/Organisation	Woollard & Henry Ltd.	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	AB21 7DZ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		



## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

Yes  No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \*

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

Yes  No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Daniel Harrington

Declaration Date: 04/06/2021

This page is intentionally left blank





Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100411616-004

The online reference 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.

## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Woollard & Henry, Stoneywood Park Aberdeen AB21 7DZ

Northing

Easting

## 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:	THE Architecture + Planning		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Daniel	Building Name:	<input type="text"/>
Last Name: *	Harrington	Building Number:	24
Telephone Number: *	01224586277	Address 1 (Street): *	North Silver Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Aberdeenshire
		Postcode: *	AB10 1RL
Email Address: *	daniel.harrington@the-ap.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Woollard & Henry
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	Stoneywood Park
Company/Organisation	Woollard & Henry Ltd.	Address 2:	Woollard & Henry
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	AB21 7DZ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		



## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

Yes  No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \*

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

Yes  No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Daniel Harrington

Declaration Date: 28/09/2021

This page is intentionally left blank



## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997**

#### **Detailed Planning Permission**

Daniel Harrington  
THE Architecture + Planning  
24 North Silver Street  
Aberdeen  
AB10 1RL

on behalf of **Woollard & Henry Ltd**

With reference to your application validly received on 12 May 2021 for the following development:-

#### **Installation of security fence at Wooland And Henry, Stoneywood Park**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<b>Drawing Number</b>	<b>Drawing Type</b>
SPDW-2109-AA	Aboricultural Assessment
THE 21-0015 A1-02	Location Plan
THE 21-0015 A1-03	Other Elevation (Proposed)
THE 21-0015	Planning Statement
SPDW-2109-TR	Aboricultural Assessment
THE 21-0015 A1-01 B	Site Layout (Proposed)

#### **DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION**

Position / extent of fence line adjusted / reduced.

#### **REASON FOR DECISION**

The reasons on which the Council has based this decision are 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 is 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 has 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 is proposed, it is considered that this is not sufficient to warrant approval of the proposal or justify the loss of access to the open space. No replacement public open space is proposed.

By preventing public access to existing open space which was required to be delivered as part of the Stoneywood housing development, which is 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.

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.

**Date of Signing** 14 December 2021



**Daniel Lewis**  
Development Management Manager

**IMPORTANT INFORMATION RELATED TO THIS DECISION**

**RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any 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 [www.eplanning.scot](http://www.eplanning.scot).

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

### **SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION**

If permission to develop land is refused and 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 that 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.

This page is intentionally left blank



## Environmental Policy team response - planning application, masterplan, and development framework consultations

### PROPOSAL DETAILS

	Enter details in this column
Application / plan name	<b>Wooland and Henry, Stoneywood Park Installation of a security Fence</b>
Application reference number / reference	210657/DPP
Planning case officer	Robert Forbes
Date of request	18/5/21
Date response required	8/6/21
Date of response	8/6/21
EP team (name of responder)	Karen van Eeden
Other EP team members	Richard Brough Choose an item. Choose an item. Choose an item. Choose an item.
Other Services consulted by EP	e.g. Environmental Services Specify:
Site Visited?	Yes

## POLICY AND GUIDANCE

Relevant policy and legislation	Enter text in this column
Relevant LDP policies  <a href="#">Link</a>  Relevant Supplementary Guidance/Technical Advice Note  <a href="#">Link</a>	D2 - Landscape D1 - Quality of Placemaking by Design Choose an item.  SG/TAN; First select a Topic Area Choose an item.  First select a Topic Area Choose an item.  Development Frameworks / Masterplans:
Other key references, e.g. ACC strategies, Local Biodiversity Action Plan, Scottish Planning Policy, National Planning Framework, TPO/Cons area/GSN GIS tool	Local Planning Advice:  Other Key References: Choose an item.

## COMMENTS

Topic	Comments (including compliance, non-compliance and reasoning)
<b>Natural Heritage</b>	
<b>Landscape</b>	The proposed fence will result in the following: <ul style="list-style-type: none"> <li>• A negative impact on the local greenspace network conflicting with policy NE1 (Greenspace Network)</li> <li>• Restrict access to public open space conflicting with policy NE9 (Access and Informal Recreation)</li> <li>• Impact negatively on the enjoyment of users of the adjacent public path. Local people regard this as a woodland walk, the fence adversely impacts on this experience bringing the edge of the industrial area into the woodland and close to the path.</li> </ul>



	<ul style="list-style-type: none"> <li>• The appearance and presence of the fence will have a negative impact on landscape quality and character conflicting with policy D1 (Quality Placemaking by Design and policy D2 (Landscape)</li> <li>• The fence will disrupt the movement of wildlife through an important riparian woodland.</li> </ul> <p>The site is within 1.5km of Aberdeen City Airport. The proposed planting of a Blackthorn hedge conflicts with the Civil Aviation Authorities guidance on the Safeguarding of Aerodromes. Blackthorn is a berrying species and will attract birds. Additionally, the hedge if left unmanaged could encroach on and hinder the use of the adjacent public path.</p>
<b>Trees</b>	<p>The submitted tree survey is not suitable for planning purposes. A further submission is required; the survey requires to be undertaken to BS5837:2012. The submission should include a tree survey, arboriculture impact assessment and tree protection plan. Where tree felling is required a replacement planting plan should be submitted.</p> <p>Considering the size of concrete foundation being proposed there is scope for extensive damage within the root protection areas of existing tree stock. The arboricultural impact assessment should include a detailed method statement that includes details relating to site access, machinery use, excavation and material storage.</p>
<b>Open Space</b>	
<b>Outdoor Access</b>	See Landscape section for comments re the path.
<b>Climate change mitigation and adaptation measures</b>	
<b>Construction</b>	
<b>Other</b>	

## CONCLUSION

<b>Summary of environmental effects of concern</b>	
<b>Natural Heritage</b>	
<b>Landscape</b>	
<b>Trees</b>	Inadequate arboricultural submission; further details are required in order to assess the level of impact to the existing tree stock.

<b>Open Space</b>
<b>Outdoor Access</b>
<b>Climate change mitigation and adaptation measures</b>
<b>Construction</b>
<b>Other</b>

#### **ACTION POINTS**

<b>Natural Heritage</b> 1.
<b>Landscape</b> 2.
<b>Trees</b> 3. Submission of tree survey, arboriculture impact assessment and tree protection plan undertaken to BS5837 is required. Where tree felling is required a replacement planting plan should be submitted. The arboricultural impact assessment should include a detailed method statement that includes details relating to site access, machinery use, excavation and material storage.
<b>Open Space</b> 4.
<b>Outdoor Access</b> 5.
<b>Climate change mitigation and adaptation measures</b> 6.
<b>Construction</b> 7.
<b>Other</b> 8.





This page is intentionally left blank



# Comments for Planning Application 210657/DPP

## Application Summary

Application Number: 210657/DPP

Address: Wooland And Henry Stoneywood Park Aberdeen AB21 7DZ

Proposal: Installation of security fence

Case Officer: Robert Forbes

## Customer Details

Name: Mrs Johana Henao

Address: Cedar Avenue Stoneywood

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please reject this application as it is detrimental to the woodlands and wildlife in Stoneywood, including red squirrels, foxes, badgers, deer who will be unable to access the 200+ trees this application will isolate from the rest of the woodland. There is ample industrial space nearby, much of it unused.

This is a popular area for the local community and the industrial fencing proposed is unsightly and not appropriate for a woodlands adjacent to residential housing.

This page is intentionally left blank



**From:** [REDACTED]  
**To:** [PI](#)  
**Subject:** 210657 objection  
**Date:** 01 June 2021 15:42:35

---

Planning department,

I do not understand why another application has been submitted when the fence has already been ordered to come down. Planning applications 191010/DPP refused, 200656/DPP refused and appeal PPA-100-2105 dismissed. Enforcement notice was not appealed so fence surely must be removed. Are Woollard&Henry delaying enforcement action by submitting a third proposal? The error to not seek planning advice before purchasing the land where the unauthorised fence has been installed is Woollard&Henry's. The public should not be burdened by this error and repeated attempts to authorise the fence.

Like the first two attempts, the proposal remains against local planning NE1, NE5, NE9 and H1 as it would likely erode the character and/or function of the green space network, will result in loss to trees and woodland that contribute to nature conservation, landscape character, local amenity etc., general access rights will be impeded and restricted and due to the negative impact on the amenity of the footpath.

Despite altered fence position in latest and third attempt the Reporters statements from PPA-100-2105 are valid - green space network "acts as an important buffer, adding to the impression of a woodland walk", "significant impact on the character and amenity of the area", "unpainted finish of the unauthorised fence clearly makes it incongruous and more prominent a feature than the original black fence" "even if it were finished in a recessive colour" "significantly detracts from the amenity of path users" "impression of walking through a woodland has diminished".

Challenging the legitimacy of the adjacent path years after being laid is astounding given the circumstances of this 3rd application. The path is part of Aspirational Core Path 6 and is in the Local Plans 2012 and 2017. They have had opportunities to challenge this route and the local plan green space network. The public shouldn't be burdened by failure to raise concerns at the appropriate time and it is irrelevant to this application.

Claims of unsocial behaviour have not been supported with any evidence and quoting Reporter (PPA-100-2105) "I am not satisfied that there would be a significant advantage in terms of site security resulting from the proposal".

Also the plan to plant landscaping hedging, the Reporter (PPA-100-2105) said "The constrained space for planting would necessitate a dense hedgerow, which would not be comparable to the existing large-scale trees that fit more naturally in this mature woodland context." "any screen would need to be positioned beyond the fence within the site itself. This would not lessen the impact of the fence." Similarly this third attempt will not lessen the impact of the fence.

Fencing off the land and restricting public access is changing the use it has been



agreed for as it cannot be utilised as core public space as it will be inaccessible. Tree Preservation Orders aim to protect groups of trees/woodlands that have particular amenity value or make a significant contribution to the landscape. To fence off this land is likely to impact upon that amenity value and contribution to the landscape.

The wooded area between Cedar Avenue and industrial area is not comparable. Planning statement figure 3 shows that the woodland separating Cedar Avenue from the industrial estate is outside the masterplanned land and crucially does not form part of the agreed public open space. Unlike land proposed to be excluded from public access under this 3rd attempt which does form part of masterplanned land L1 Northern River Park, an area of major open space and core public space.

There is no justifiable reason for a secondary security fence on land identified as core public open space, green space network and with a tree order. There is an existing security fence in place and there are other ways to secure the building. This 3rd attempt adds nothing new to the two previous planning applications and dismissed appeal. The proposal remains against the local plan, should be refused and the terms of the active enforcement notice complied with.

Please send my objection on application 210657 to the correct person.

Hilary Smith



# Comments for Planning Application 210657/DPP

## Application Summary

Application Number: 210657/DPP

Address: Wooland And Henry Stoneywood Park Aberdeen AB21 7DZ

Proposal: Installation of security fence

Case Officer: Robert Forbes

## Customer Details

Name: Mr Giles Mackey

Address: 14 Cedar Avenue Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application goes against the greenspace priority. It further divides the natural landscape prohibiting movement of wildlife and people and lowers the amenity value of the woodlands.

The applicant already has security fencing in place. The additional security fencing is not required unless the applicant wishes to expand its activities into the woodland - this was firmly rejected on 2 previous occasions.

The materials proposed are inappropriate for the area; adjacent to important local woodland with high amenity value and local housing.

There is substantial industrial space in the Dyce area and little remaining native woodland. Native woodland is in short supply in Scotland. We need to protect and expand what we have to meet local greening and social objectives and to meet the global climate change and biodiversity crisis.

This page is intentionally left blank



# Comments for Planning Application 210657/DPP

## Application Summary

Application Number: 210657/DPP

Address: Wooland And Henry Stoneywood Park Aberdeen AB21 7DZ

Proposal: Installation of security fence (retrospective)

Case Officer: Robert Forbes

## Customer Details

Name: Mr H Stapleton

Address: Polo Park Stoneywood Aberdeen

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Is it not once but twice this illegal fence has been refused.

Note the fence was poorly constructed in the first place and not to a professional standard.

The decision not to remove within the time frame given by ACC is just taking the mickey.

The tarmac path is an approved location by the planning authority.

The fence needs to be removed now as instructed by the planning authority.

A third application for this fence just assumes the local community will forgive the arrogance of the applicant.

Do not approve.

This page is intentionally left blank



## **Aberdeen Local Development Plan (ALDP)**

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy D2 – Landscape
- Policy NE1 – Green Space Network
- Policy NE3 – Urban Green Space
- Policy NE5 – Trees and Woodland
- Policy NE8 – Natural Heritage
- Policy NE9 – Access and Informal Recreation
- Opportunity Site OP17 – Stoneywood

## **Supplementary Guidance**

- Green Space Network and Open Space
- Landscape
- Trees and Woodlands

## **Other Material Considerations**

The recent appeal decision (PPA-100-2105) regarding the previous planning application at the site is a significant material consideration.

ACC Open Space Audit 2010

ACC River Don Corridor Framework 2012

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

This page is intentionally left blank





Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE      100411616-005

The online reference 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:	THE Architecture + Planning		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Daniel	Building Name:	<input type="text"/>
Last Name: *	Harrington	Building Number:	24
Telephone Number: *	01224586277	Address 1 (Street): *	North Silver Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Aberdeenshire
		Postcode: *	AB10 1RL
Email Address: *	daniel.harrington@the-ap.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Woolard &amp; Henry"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Stoneywood Park"/>
Company/Organisation	<input type="text" value="Woolard &amp; Henry Ltd."/>	Address 2:	<input type="text" value="Woolard &amp; Henry"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB21 7DZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="fred.bowden@woolardandhenry.com"/>		

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Woolard &amp; Henry, Stoneywood Park Aberdeen AB21 7DZ"/>
-------------------------------------------------------------------------------------

Northing	<input type="text"/>	Easting	<input type="text"/>
----------	----------------------	---------	----------------------



## Description of Proposal

Please provide a description of your 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)

Installation of Security Fence.

## 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 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 see Review Statement for details of the reasons for seeking a review of the refusal.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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)

Document List is provided within the Review Statement.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

210657/DPP

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

12/05/2021

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

14/12/2021

## 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

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

## 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: Mr Daniel Harrington

Declaration Date: 10/03/2022

This page is intentionally left blank



## Review Statement

Stoneywood Park Industrial Estate Security Fence  
THE-21-0015

Woollard & Henry  
February 23, 2022



## Table of Contents

1	Introduction and site description	2
2	Background	3
3	Design of Fence	5
4	Consideration of Reasons for Refusal	5
5	Previous Application and Appeal Decision (PPA-100-2105)	9
6	Conclusion	10

## 1 INTRODUCTION AND SITE DESCRIPTION

This statement has been prepared on behalf of the Applicant, Woollard and Henry Ltd. To provide detail on the reasons for seeking a Review of application 210657/DPP by the Local Review Body for planning permission for the relocation of a secondary security fence around their premises at Stoneywood Park Industrial Estate as contained in Documents 1-5.

Woollard & Henry own the site and operate a long-standing manufacturing business from the site. They are specialists in paper and pulp services and benefit from the close location to Stoneywood Papermill and their premises are important to the continued success of the business. The nature of the Applicant's business is that there are high value items stored within the premises and the unsocial behaviour being carried out to the rear of the building is of concern to the business and insurance provider. Woollard and Henry produce equipment used in the manufacture of currency and other high security documents. As a result security is imperative and customers will carry out audits to ensure that the site is adequately secure, without this the company would not be allowed to carry out the work and employment could be lost in what is the last remaining company in the UK to undertake this work.

This is a long-standing operation and the site and collections of images of production at the works is recorded by the Royal Commission on the Ancient and Historical Monuments of Scotland (Document 7<sup>1</sup>) Residential development in the area to the south has changed the character of this area.

The building is located within an industrial area and is now surrounded by a designation for Residential Area (OP17) and is also covered by a Green Space Network. Other than the erection of the fence there is no other development proposed by this application.

A fence has been erected at the site, which is does not have permission and an enforcement notice has been served on the owner. Given the ongoing security concerns the applicant seeks to retain this fence in place until a suitable solution to replacement fencing can be agreed.

---

<sup>1</sup> [Dyce, Woollard and Henry, Engineers | Canmore](#)

## 2 BACKGROUND

As a part of the residential development of the Stoneywood estate a 3.2m wide public footpath has been constructed to the eastern boundary of the industrial premises as shown in Figure 1. The path is to the western edge of a wider woodland between the development and the River Don.



Figure 1: Footpath Running Within Close Proximity to Industrial Estate

It is not clear the process for approval being granted for this footpath as all available planning documents related to the residential development identify this path approximately 50m further to the east of its current location. The applicant understands that prior to this footpath there was only a trodden route but no a private way or public footpath to this extent. The location identified in planning documents is identified in Figure 1 and 2. The location as proposed would provide for a more appropriate setting surrounded by woodland on both sides and maintain a



buffer to industrial uses. The applicant is also not aware of having been notified of the proposal to create this formal footpath in such close proximity to their boundary.

With the formal footpath constructed as a departure to the approved Masterplan and with a large residential development this now promotes and brings members of public close to the industrial edge of Stoneywood Park Industrial Estate and in particular the applicant's premises. Its location does therefore have a more industrial feel because of this decision.



Figure 2: Extract from Masterplan for Northern River Park

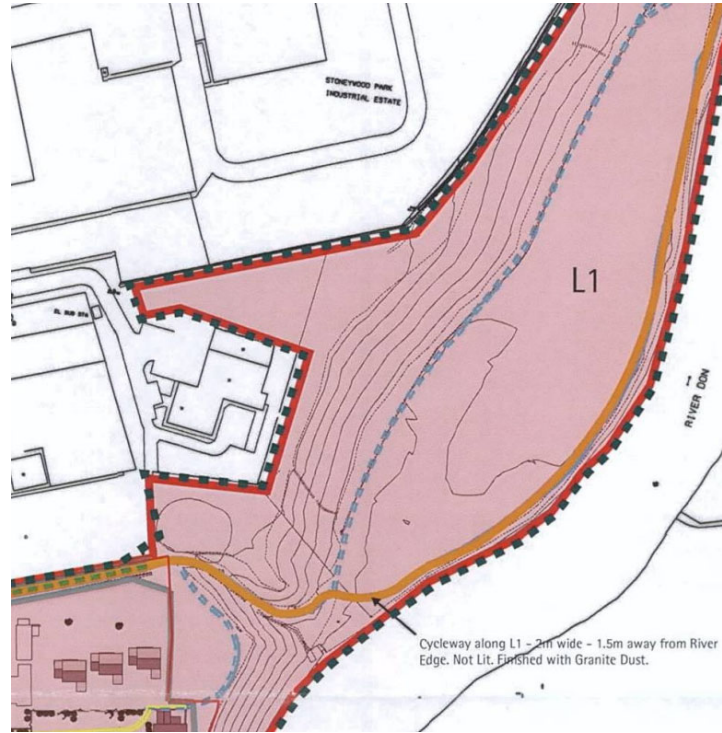


Figure 3: Extract from Paths Plan Approved with P110790

The result of the footpath amendments encourages public access very close to the edge of the industrial area and causes Woollard & Henry security concerns. The installation of a secondary fence will provide for a greater deterrent. Since the construction of the path there have also been issues with people using the land for unsocial behaviour outwith operating hours with several attempts to gain access to Woolard & Henry's premises and this application was seen as an opportunity to reduce this risk.

### 3 DESIGN OF FENCE

The fence design has been amended through proposals to address the concerns outlined in the Appeal Decision. The application is only for the erection of the security fence and there is no application to seek a change of use. The fence line has been chosen to avoid impact on trees.

The fence line proposed in this application has moved further from the view of the surrounding residential areas mostly located behind existing woodland and further from the path and SUDS basin.

The building is currently very close to the footpath at some points and in this area hedge planting is proposed. This planting will provide screening for the proposed fence as well as establish some landscaping that will help visually separate the industrial estate from the woodland walks. This is similar in approach to the design of the boundary treatment along Cedar Avenue as shown in Figure 4.



Figure 4: Land fenced off forms part of Green Space Network on Cedar Avenue

### 4 CONSIDERATION OF REASONS FOR REFUSAL

Application 210657/DPP was refused for the following reasons (Document 8):

- 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 is 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 has 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 is proposed, it is considered that this is not sufficient to warrant approval of the proposal or justify the loss of access to the open space. No replacement public open space is proposed. By preventing public access to existing open space which was required to be delivered as part of the Stoneywood housing development, which is 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.*

- 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.*

The following sections will consider the relevant aspects of these reasons setting out the case for the Applicant.

### **Residential Amenity**

The first reason given relates to the fact that the fence is of an industrial appearance and is not considered suitable within a residential area and the recreational path that runs alongside. It is accepted that the fence in its current position which can be seen from the housing and is located next to the footpath along its length is not appropriate and the Appeal decision confirmed this. What is proposed by this application results in minimal change to the character of the residential area. The proposal is for a secondary fence running a length of 64m off-set by a maximum of 3.5m from the original boundary fence. It is proposed to plant hedging to the east of the fence to further improve security and soften the appearance of the boundary with this area of public open space.

Policy H1 states that development should “not have an unacceptable impact on the character and amenity of the surrounding area.” In terms of its appearance it will be visible, but is of little difference to the existing and other boundaries along the edge of the industrial estate. With the amendments made to the application this fence will only be seen from the remote footpath and will have minimal impact on the character or amenity of the setting of this area.

The Policy also states that the development should not result in the loss of valuable and valued areas of open space. Reference is made within the Report of Handling that this area formed part of the area of public open space associated with the residential development. The proposal results in the enclosure of part of the area of open space extending to 168sq.m. The wider area of open space noted at L1 in the Open Space Plan (Document 9) extends to 50,620sq.m. The area of space affected represents just 0.3% of this space. The proposal only restricts access to the area between the existing fence and the new fence and there would be no detrimental effect on the value of this area of open space. Further consideration of impact on open space is considered in relation to Reason 2.

### **Loss of Access to Green Space**

Policy NE3 deals with the development of Urban Green Space and requires where there is loss of Urban Green Space that it is replaced in the local area. In this case the proposal does not result in the loss of green space only public access to this area. Whilst replacement could be provided to the north of the building this would involve the removal of the existing fence and concrete



posts and relocation within the woodland. The public benefit of this alteration is to be of very little value and not considered of benefit in the context of the potential for damage to trees in relocating the fence.

Whilst it is noted as being applicable to householder developments The Householder Development Supplementary Guidance provides useful guidance on determining applications like this in residential situations. Given the fence is within a zoned residential area it is considered that its guidance is of relevance. Section 3.1.11 of the Householder Development Guide advises that each application is dealt with on its own merits and the following table considers the proposal against the criteria set out.

Criteria	Proposed Development
<p>The proposal should not adversely affect amenity space which makes a worthwhile contribution to the character and amenity of the area. In most circumstances the amenity ground will make a contribution, however sometimes small incidental areas of ground make little contribution to the appearance of the neighbourhood. For instance it may be acceptable to include within garden ground secluded areas that are not visible from footpaths or roads and that do not make a contribution to the wider visual amenity of the area. Similarly it may be acceptable to include small corners of space that can be logically incorporated into garden ground by continuing existing fence lines;</p>	<p>The proposal results in the enclosure of part of the area of open space extending to 168sq.m. The wider area of open space noted at L1 in the Open Space Plan (Document 9) extends to 50,620sq.m. The area of space affected represents just 0.3% of this space. The proposal only restricts access to the area between the existing fence and the new fence and there would be no detrimental effect on the value of this area of open space.</p> <p>It is not considered that there would be an adverse affect on the wider open space resulting from the proposal.</p>
<p>The proposal should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping;</p>	<p>The proposal represents an insignificant proportion of the open space. The consideration against reason 3 Precedent is considered separately.</p>
<p>The proposal should not worsen or create a deficiency in recreational public open space in the area. The less amenity space there is in an area the more value is likely to be placed on the existing amenity space. The Open Space Audit identifies areas of the city where there is a deficiency and should this be the case there will be a presumption against the granting of planning permission;</p>	<p>As noted within the Committee Report for the approval of the residential application it was noted that "Over 20 hectares of public open space would be provided by the application proposals, which is well in excess of current Council standards." Page 3 Document 10)</p>
<p>The proposal should not result in any loss of visual amenity including incorporating established landscaping features such as mature trees or trees that make a significant contribution to the area. It is unlikely the Council would support the incorporation and likely loss of such features, however in</p>	<p>As confirmed in the Report of Handling (Document 8) there is no adverse impact on landscape features and the proposal does incorporate landscaping that will soften the appearance of the boundary to the industrial premises.</p>

circumstances where it is acceptable replacement planting to compensate will normally be required;	
The proposal should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area;	This is a boundary to an industrial area and the boundary is set within woodland. The current boundary line is not so regular that this would have a material affect on the amenity of the surrounding area.
The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths, making them less inviting or safe to use;	The proposal does not create an infringement on any footpath. The fence is located between the industrial estate and a path and is of little difference to the existing and other boundaries along the edge of the industrial estate. With the amendments made to the application this fence will only be seen from the remote footpath and will have minimal impact on the character or amenity of the setting of this area.
The proposal should not prejudice road or pedestrian safety. Areas of amenity space often function as visibility splays for roads and junctions;	No impact on road safety.

### Impact on Green Space Network

Policy NE1 seeks to protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map. The proposed fence does not impact on the ecosystem or trees within this area. The access path to the east of the site remains, as does access to the woodland for the purposes of recreation.

As considered by the Reporter in the determination of PPA-100-2105 (Document 11) there is significant opportunity to exercise meaningful unrestricted public access to the woodland between the footpath and the river. The level of loss of publicly accessible land resulting from the proposal, when taken in its own right, would not be insurmountable when considered on balance against any potential benefits and mitigation. The loss of access to green space network has been further reduced in the revised proposal through the relocation of the fence.

It is noted that the policy expects Masterplans to determine the location, extent, and configuration of the green space network. However, it is because of the path not being in accordance with the masterplan that has created both the conflict with the industrial area and the concerns regarding visual amenity of this path. The presence of a fence does little more to make the user aware of the industrial area to the west than the existing buildings, cranes and storage yards already do.

Around Stoneywood Park Industrial Estate there are other parts of the Green Space Network that are not publicly accessible, but still contribute value to the landscape and biodiversity of

the area. The woodland that separates the industrial estate to Cedar Avenue is both Green Space Network and privately owned and fenced within the industrial estate, see Figure 4. It is considered that the woodland within, but on the edge of the industrial estate in these areas does still provide an important role in separating the land uses and any conflict.

### Precedent of Approval

In relation to the concern regarding precedent this is a consideration set out in the Householder Development Supplementary Guidance. The policy makes it clear that each application is dealt with on its own merits. There are only two other industrial premises with a boundary to this space and a pumping station to the north end. Heading north from the application site the first unit has an outdoor yard storing pipes on the boundary and the second premises is at a higher level and has a landscape buffer along with parking separating the buildings from this open space. These properties do not share the same circumstances as the applicants building which is located close to the boundary with the open space and footpath. This creates security concerns for the ongoing operation of the business not shared by the other premises.

## 5 PREVIOUS APPLICATION AND APPEAL DECISION (PPA-100-2105)

A previous application submitted for the erection of the fence and a change of use of the land from residential to industrial along with the erection of the fence retrospectively was refused by the Planning Authority and subsequently dismissed at appeal (Document 11).

A review of this decision has informed the revised proposals and the following points highlight how the revised proposals have responded to issues of concern from previous application.

- Loss of Trees would be detrimental to the area and insufficient space for compensatory planting – **No trees are affected by the proposal as confirmed in Report of Handling (Document 8)**
- The removal of trees and extension of yard space would erode an element of the green space network – **No longer a concern with this application.**
- The level of loss of publicly accessible land resulting from the proposal, when taken in its own right, would not be insurmountable when considered on balance against any potential benefits and mitigation – **As discussed there is negligible impact on the value of the surrounding open space.**
- Finish of the unauthorised fence clearly makes it incongruous and more prominent a feature than the original black fence – **Landscaping has been proposed to mitigate the appearance of the boundary to the existing industrial estate.**
- The physical proximity of the fence to the footpath has a greater impact than the original fence – **The fence is proposed to be relocated from its current position. The path curves to and from the building, but the fence will be separated by between 2.5m to 7.5m.**
- The relocated boundary fence significantly detracts from the amenity of path users, distinctly changing the character of the open space. The impression of walking through a woodland has diminished with the experience shifting more toward a path which skirts the edge of a woodland, beside an industrial area - **The building is currently very close to the footpath at some points and in this area hedge planting is proposed. This planting will provide screening for the proposed fence as well as establish some landscaping that will help visually separate the industrial estate from the woodland walks. This is similar in approach to the design of the boundary treatment along Cedar Avenue as shown in Figure 4.**



- Not sufficient space between the path and the fence to undertake planting of an effective screen so any screen would need to be positioned beyond the fence within the site itself – **Planting can now be introduced, which also adds to the biodiversity value.**

## 6 GUIDANCE FROM PLANNING AUTHORITY

Document 12 is a letter from the Planning Authority to the Applicant's agent dated 28/08/2019. At this time it was advised that there would be no objection to the creation of the boundary fence. Since the letter was issued there has been no change to the policies of the Local Development Plan applicable to this application. There was a subsequent refusal on appeal, but as set out in Section 5 the matters of concern have now been addressed.

## 7 CONCLUSION

This application seeks permission to amend the design and location of the fence that has been erected without planning permission to the south and eastern boundaries of the existing engineering works within the Stoneywood Park Industrial Estate. The fence has been erected out of security concerns arising from the formal footpath that has been constructed very close to the boundary of the premises not in accordance with the approved Masterplan for the area.

The design of the fence has been sympathetic to seek to achieve the security requirements and retain and enhance through landscaping the visual amenity of the woodland walks.

The fencing does restrict access to a very small area of woodland to people, but the trees are retained, and it will continue to provide a positive contribution to the Green Space Network in the area. The loss of this will have an insignificant impact on the ability of people to use and enjoy the woodland walks for responsible recreational purposes.

Access to this small area of woodland provides no through route and contributes little to the recreation and enjoyment of the woodland in this area. The proposal introduces additional landscaping hedging similar to that along Cedar Avenue, that will add to the screening between the industrial estate along Woollard & Henry's boundary and the path that has been constructed much closer to the industrial estate than originally planned.

It is requested that the Local Review Body take into consideration the reasons set out for seeking a Review of this application.

## 8 DOCUMENT LIST

Document 1 – Location Plan

Document 2 – Site Plan

Document 3 – Fence Detail

Document 4 – Tree Report

Document 5 – Tree Plan

Document 6 – Site Photographs

Document 7 - Canmore Record

Document 8 -Report of Handling (210657/DPP)

Document 9 – Open Space Plan

Document 10 – Committee Report (P110790)

Document 11 – Planning Appeal Report

Document 12 – Planning Authority Letter

# LOCAL REVIEW BODY



211241/DPP – Appeal against refusal of planning permission for:

Formation of linked dormer to rear and replacement windows to front, side and rear

at 57 Blenheim Place, Aberdeen



# Location Plan



# Aerial Photo: Location





# 3D Images

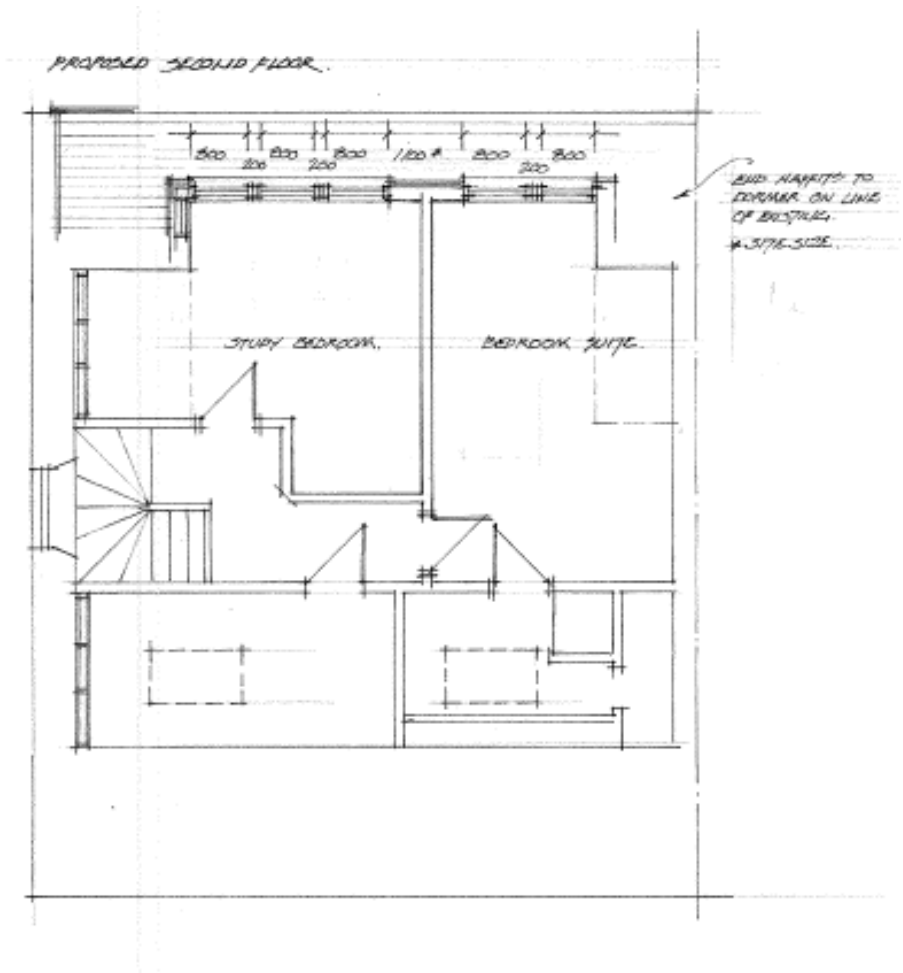
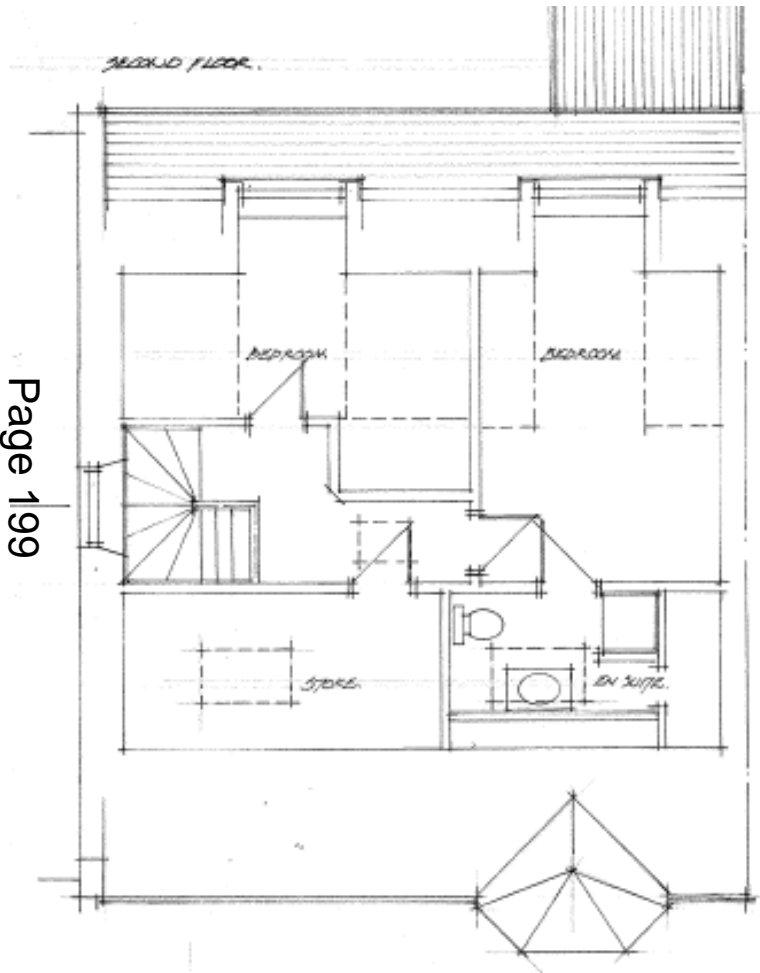


Page 198



# Front Elevation: Existing/Proposed

Page 199



# Rear Elevation: Existing/Proposed

NEW DORMERS TO ROOF  
 FLOOR PLAN 19  
 20/06/02.B 1:50 A.I. DRAWING.

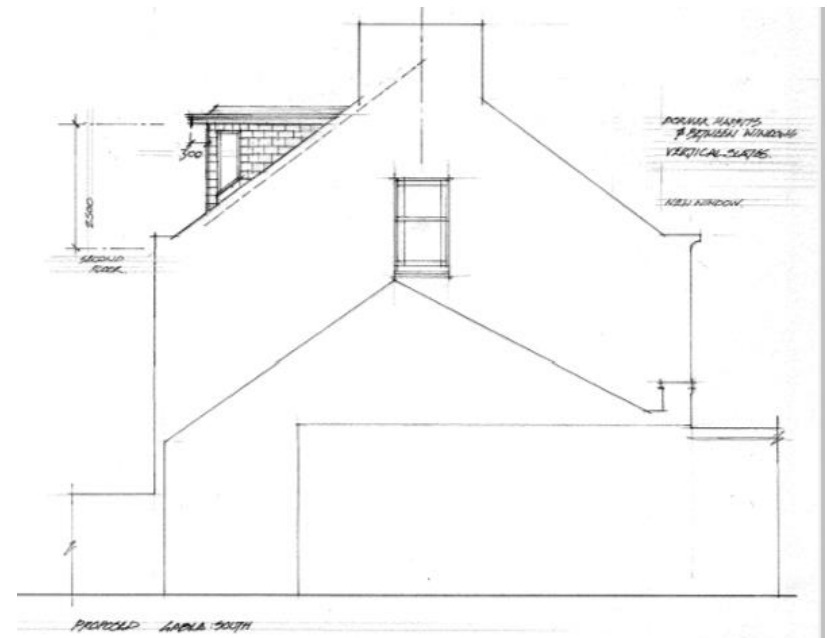
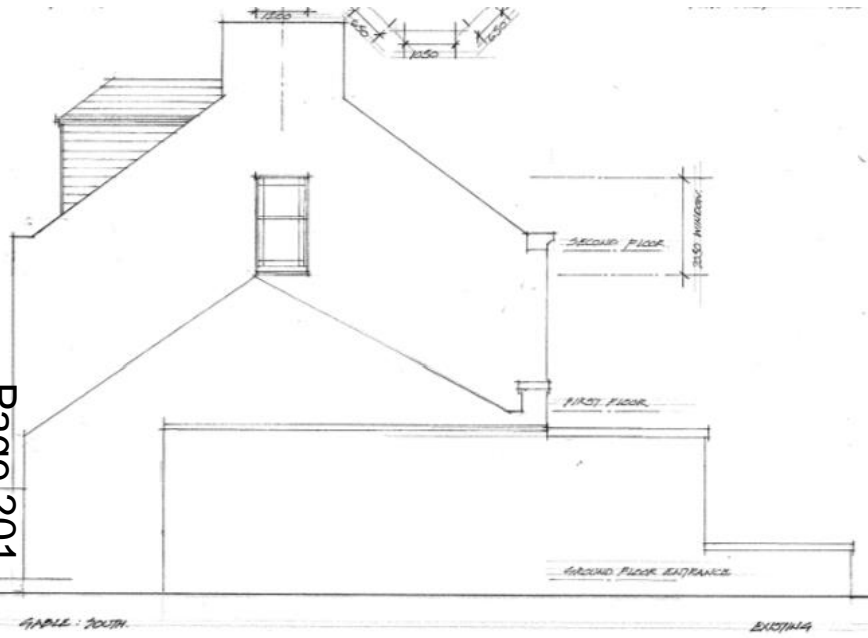
A-PLAN 21 DORMER ADJUSTED  
 B- DCF 21 DORMER ADJUSTED

CALDER DESIGN  
 19 BEECH GROVE TERRACE  
 BARDREAN AB15 5DR



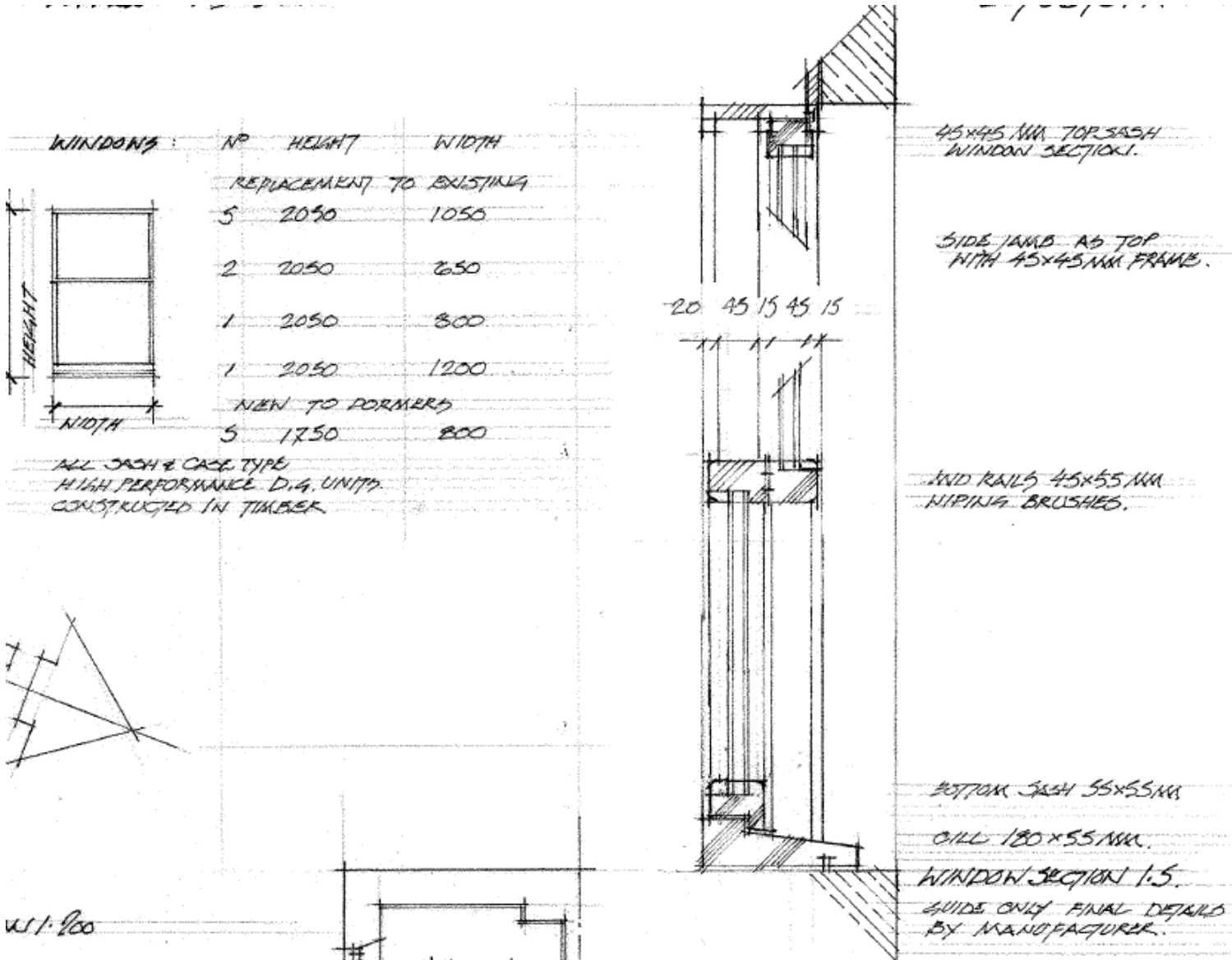
# Side Elevation: Existing/Proposed

Page 201





# Side Elevation: Existing/Proposed



## Reasons for Refusal

- Removal of traditional dormers is contrary to Householder DG and HES's Managing Change: Roofs
- Mass of dormer on roof, which is visible from lane and car park
- Proposal would be at odds with context and with other alterations along nearby rear elevations
- Detrimental impact on CA and therefore with policies on design, residential areas, historic environment and amenity.

# Applicant's Case for Review

- In relation to others locally, view that this is 'unsympathetic' is subjective



# Applicant's Case for Review

- In relation to others locally, view that this is 'unsympathetic' is subjective
- Dormer fits between gables of existing and involves an extra 7m<sup>2</sup> of roof
- Proposed dormer is 24m<sup>2</sup> on roof of 63m<sup>2</sup>, this is not a "considerable mass"
- References made to other alterations, in particular no. 30 Fountainhall Road, and more recent decision at 56 Fountainhall Road
- Householder Design Guide is guidance and should be applied flexibly. Planning Authority advised that any further development to roofscape would be unacceptable, which is intransigent.
- References to application for roof terrace at adjacent office building
- Materials are in keeping with the building and ends of dormers would be retained

# Relevant Planning History

- Application Ref 200660 – Alteration of rear dormers and replacement windows – Refused and upheld at LRB 14.08.20

# SG: Householder Dev't Guide

- Should not adversely affect spaces which make a worthwhile contribution to the character and amenity of an area;
- Proposals should not fragment or, if replicated, be likely to erode larger areas of open space or landscaping.
- Should not worsen or create a deficiency in recreational open space
- Should not result in loss of visual amenity – including loss of, or incorporation into private garden of, existing trees/landscaping



# H1: Residential Areas

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

(e.g. Householder SG)

# D1: Quality Placemaking by Design

All dev't 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”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient

## D4: Historic Environment

- ACC will '*protect, preserve and enhance*' the historic environment, in line with national and local policy and guidance
- High quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural and historic interest of its LBs and CAs will be supported



# Householder Development Guide

## GENERAL

Extensions should:

- Be “***architecturally compatible with original house and surrounding area***” (design, scale etc)
- Should not ‘***dominate or overwhelm***’ the original house. Should remain visually subservient.
- Should not result in adverse impact on **privacy, daylight, amenity**
- Approvals pre-dating this guidance do not represent a ‘**precedent**’
- Footprint of dwelling should not exceed **twice that of original house**
- **No more than 50% of front or rear curtilage** may be covered (anything less than that considered on its merits)

# Householder Development Guidance **DORMERS**

## General Principles

- Proposals should be *“architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale”*.
- No existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.

New dormers should *“respect scale of the building and should not dominate, overwhelm or unbalance the original roof”*;

In terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road);

- On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted
- On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in their detail and position on the roof, on the existing good examples. They will normally be aligned with windows below;

# Householder Development Guidance **DORMERS**

## **Dormer Windows – Older properties of a traditional character: Rear elevations**

- The aggregate area of all dormers should not dominate the original roof slope;
- Dormer hafts should be a minimum of 400mm in from the inside face of the gable tabling;
- The front face of dormer extensions should be a minimum of 400mm back from the front edge of the roof, but not so far back that the dormer appears to be pushed unnaturally up the roof slope;
- Flat roofs on box dormers should be a reasonable distance below the ridge;
- Windows should be located at both ends of box dormers;
- A small apron may be permitted below a rear window; and
- Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.



# Scottish Planning Policy (SPP)

- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.



Aberdeen City Conservation Area Character Appraisals and Management Plan

## Albyn Place and Rubislaw

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

July 2013

**Planning and Sustainable Development**

Enterprise, Planning and Infrastructure

Aberdeen City Council

Business Hub 4 - Marischal College

Broad Street

Aberdeen

AB10 1AB

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

# Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas), including the Householder Guide ?

HES Managing Change : Roofs ?

Impact on the Conservation Area ?

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

**1. Does the proposal comply with the Development Plan when considered as a whole?**

**2. Are there any material considerations that outweigh the Development Plan in this instance?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)



 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
---------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

<b>Site Address:</b>	57 Blenheim Place, Aberdeen, AB25 2DZ
<b>Application Description:</b>	Formation of linked dormer to rear and replacement windows to front, side and rear
<b>Application Ref:</b>	211241/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	25 August 2021
<b>Applicant:</b>	Mr Keith Varney
<b>Ward:</b>	Hazlehead/Queen's Cross/Countesswells
<b>Community Council:</b>	Queen's Cross and Harlaw
<b>Case Officer:</b>	Jemma Tasker

### RECOMMENDATION

Refuse.

### APPLICATION BACKGROUND

#### **Site Description**

The application site is 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 is an upper floor flat that forms part of a traditional granite, 2 storey, semi-detached property. All windows relating to the upper floor flat are white, metal, sash and case units. The rear (west) roofslope contains 2 piended dormers which mirror the adjoining property. The surrounding area is 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 – contain either piended dormers or rooflights. The site lies within the Albyn Place and Rubislaw Conservation Area.

#### **Relevant Planning History**

Application Number	Proposal	Decision Date
200660/DPP	Alteration of rear dormers and new replacement windows	14.08.2020
		Status: Refused. This decision was subject of Local Review Body (LRB) review. The decision to refuse permission was upheld.

120878	Formation of double garage as part of garage construction across whole plot width	08.08.2012 Status: Approved Unconditionally.
--------	-----------------------------------------------------------------------------------	-------------------------------------------------

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed Planning Permission (DPP) is 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 is proposed to infill the area between the 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 is that a large box dormer would be formed.

Consent is 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.

### **Supporting Documents**

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QYE3U3BZN2400>

## **CONSULTATIONS**

**Queen's Cross and Harlaw Community Council** – No comments received.

## **REPRESENTATIONS**

None.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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 requires that special attention shall be paid to the desirability or preserving or enhancing the character or appearance of the conservation area.

### **National Planning Policy and Guidance**

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

### **Aberdeen Local Development Plan (2017) (ALDP)**

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment  
Policy H1 – Residential Areas

### **Supplementary Guidance**

The Householder Development Guide (HDG)

### **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. Policies of relevance include:

Policy D1 – Quality Placemaking  
Policy D2 – Amenity  
Policy D6 – Historic Environment  
Policy D8 – Windows and Doors  
Policy H1 – Residential Areas

### **Other Material Considerations**

Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan (July, 2013)

HES Managing Change in the Historic Environment: Windows and Roofs  
Application Reference 200660/DPP

### **EVALUATION**

Planning permission was refused in August 2020 for alterations to the rear dormers, to form one large dormer, and new replacement windows. This application was essentially the same as the one currently under consideration with the only difference being that the infill panel and haffits were previously to be larch cladding and are now proposed to be slate tiles and the projection of the eaves has been reduced slightly. The application was refused for the following reasons:

*'The proposed dormer creates 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 have been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.*

*Therefore, overall, 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'. The applicant sought to have that decision reviewed by the Local Review Body (LRB). The decision to refuse planning permission was upheld by the LRB.*

### **Principle of Development**

The application site is located in a residential area, under Policy H1 (Residential Areas) of the ALDP and the proposal relates to householder development. The proposal would comply with this policy in principle provided it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; does not result in a loss of open space; and it complies with the associated Supplementary Guidance.

This proposal would not enlarge the built footprint of the property and would not significantly increase the intensity of use on the site; therefore, it would not constitute overdevelopment or result in the loss of open space. Other issues are assessed in the evaluation below.

### **Design and Scale**

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. The six qualities of placemaking referred to Policy D1 requires development to reinforce the established pattern of development and to reflect local style and urban form.

### Replacement Windows

The principle of replacing the existing windows in the property is acceptable, given that they are not original, subject to ensuring that the new windows would be compliant with all relevant Supplementary Guidance and that they would adequately preserve the character and appearance of the surrounding conservation area.

The windows earmarked for replacement are modern metal framed units and are clearly not original or historic to the property. The applicant seeks to replace such windows with double glazed, timber framed, one-over-one sash and case windows, the details of which are considered to be acceptable and in line with the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors', representing an improvement on the basis of reinstating a more faithful window material.

### Dormer Extension

One of the general principles of the Householder Development Guide is that dormers should be architecturally compatible in design and scale with the original house and its surrounding area. The Guide also states, "on traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted". Whilst the drawings indicate that the new dormers would be formed between the existing two outer hafts (thus, it is assumed that those hafts would be retained), the remainder and thus the substantial part of both dormers would be removed, in direct conflict with the stated requirement of the Householder Development Guide that such dormers must be retained.

The rear elevations of the properties on the western side of Blenheim Place (south of Desswood Place) and the majority to the east of Blenheim Place are similar in their appearance and architectural details, and a significant contributing factor to this similarity is that all but two of the properties of this house type in the surrounding area contain pitched dormers, rooflights or nothing at all. While there is no specific uniformity across the roofslopes, any alterations or

additions are sympathetic, subservient, traditional dormer additions or rooflights. This similarity across such a large number of properties – and importantly the omission of flat roof dormers – is a contributing factor to the character and appearance of the area.

Additionally, the rear elevation of the building, despite being of secondary importance architecturally, is clearly visible from several public viewpoints, being prominently visible from the adjacent car park and the rear service lane.

It is considered that the proposed dormer would appear somewhat visually dominant on the roofslope, especially in comparison to neighbouring properties, covering some 44% of the roofslope. The dormer would be a considerable mass compared to neighbouring buildings, which typically contain rooflights, or 1 or 2 piended dormers. Additionally, through the incorporation of a flat roof, it would contrast significantly with that traditional style of the dormers in the immediate area, and thus the non-traditional architectural form would be inappropriate in this particular instance.

Because of its extended form and flat roof design, the proposed dormer would result in the loss of similarity to this line of residential properties and thus would have a significant adverse impact of the character of the surrounding area, in conflict with Policy H1. It would not reflect the established pattern of development and urban form, in conflict with Policy D1 and thus would be detrimental to the character of the surrounding area.

Furthermore, this proposal could set a precedent for similar proposals which could be granted planning permission under current policies and guidance, which cumulatively would be significantly detrimental to the character of the surrounding area.

While the proposed dormer extension would comply with some of the specific guidelines relating to dormers contained within the Householder Development Guide, the overriding determining factor, and statutory duty of the Planning Authority, is the consideration of the impact of the proposal on the character and appearance of the surrounding area, which is also a conservation area. The proposed enlargement to extend the dormer would comprise the removal of the traditional dormers, located in a publicly visible location. It would result in the loss of similarity of this part of Blenheim Place, creating a dormer at odds with the context of the surrounding area. It would therefore be detrimental to the character of the surrounding area, in conflict with Policy H1, it would not conform with the qualities of successful placemaking in conflict with Policy D1 in that it would not reinforce the established pattern of development and reflect local styles and urban form, and it would conflict with the Supplementary Guidance: 'The Householder Development Guide' in that it would include the removal of traditional dormers and would not be architecturally compatible in design and scale with the original building in the context of the surrounding area.

### **Impact on the Historic Environment**

Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS) and Policy D4 (Historic Environment) of the ALDP all seek to ensure that new development in conservation areas either preserves or enhances the character and appearance of the conservation area. An assessment of the impact of the proposals on the character of the area is made in the foregoing evaluation and the same principles apply to the impact of the proposals on the character and appearance of the wider Albyn Place and Rubislaw conservation area.

The replacement windows would see an improvement on the existing situation; therefore, having a positive impact on the character and appearance of the conservation area.

However, the proposed dormer would be in direct conflict with HES's Managing Change Document – Roofs, which states that 'early historic dormers should be retained. The addition of

new features to principal or prominent roofslopes should generally be avoided. New dormers and rooflights should be appropriately designed and located with care'. The enlargement of the existing rear dormer would, in effect, remove the existing traditional design of the dormers and create a considerably large mass on the roofslope which is unsympathetic to the traditional scale and form of the original building. The rear elevations of the surrounding properties on the western side of Blenheim Place do not see any flat roof dormer additions; the vast majority of any existing dormers have been designed, sited and scaled with due consideration for the context of the original properties. In the current context, the proposed enlargement to create a large flat roof dormer to the application property would contribute to the incremental increase in insensitive alterations to roof spaces which would harm the prevailing character and appearance of the Albyn Place and Rubislaw Conservation Area. It is considered that the proposed works would detrimentally affect the character and appearance of the property's rear elevation, prominently visible from the adjacent car park and rear service lane, and that of the wider conservation area. The proposal therefore fails to comply with the principles of SPP, HEPS, Policy D4 of the ALDP and HES's Managing Change Document – Roofs.

### **Impact on Residential Amenity**

The proposal would not adversely impact neighbouring residential amenity in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and the HDG.

### **Proposed Aberdeen Local Development Plan (2020)**

In relation to this particular application, the Policies D1, D2, D6, D8 and H1 in the proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

### **Conclusion**

The proposed windows are considered to be of an acceptable design, scale and materials which would not adversely affect the character and appearance of the building or the Albyn Place and Rubislaw conservation area, in accordance with the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors' and HES's Managing Change guidance relating to windows.

However, the proposed dormer does not address the reasons why the previously planning application was refused (the detrimental impact on the character and appearance of the conservation area and consequent conflict with national and local planning policy and guidance, due to the removal of the traditional dormers and the provision of an unsympathetic dormer extension of considerable mass on the rear elevation of the original building, which is prominently visible from the adjacent car park and rear service lane). The fundamental tensions with policy and guidance have not been addressed and thus remain, with the proposal being essentially the same with only minor changes having been made to its design and external finishes. Therefore, the Planning Authority's position has not changed and, as before, the proposed dormer extension is unacceptable and creates significant tension with the Householder Development Guide and HES's Managing Change guidance, in that the works would be unsympathetic and would impact on the visual amenity and character of the surrounding area. In light of this, and due to the significant conflicts with relevant policies and guidance, the Planning Authority are not on a position to support the proposal.

### **RECOMMENDATION**

Refuse.



**REASON FOR RECOMMENDATION**

The proposed dormer creates 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 have 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 are no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.

This page is intentionally left blank



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100461645-001

The online reference 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.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

To form linked dormer between end haffits of existing pair of dormers.

Has the work already been started and/ or completed? \*

No  Yes - Started  Yes – Completed

## 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:	calder design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Martin	Building Name:	
Last Name: *	Calder	Building Number:	19
Telephone Number: *	01224641859	Address 1 (Street): *	beechgrove
Extension Number:		Address 2:	19 Beechgrove Terrace Aberdeen
Mobile Number:	+447841751490	Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB15 5DR
Email Address: *	caldermartin@hotmail.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Keith	Building Number:	57
Last Name: *	Varney	Address 1 (Street): *	Blenheim
Company/Organisation		Address 2:	Place
Telephone Number: *	01224630491	Town/City: *	Aberdeen
Extension Number:		Country: *	U K
Mobile Number:	07551753204	Postcode: *	AB25 2DZ
Fax Number:			
Email Address: *	keithvarney@gmail.com		

## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

57 BLENHEIM PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2DZ

Please identify/describe the location of the site or sites

Northing

805975

Easting

392466

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Application unlikely to be approved.

Title:

Ms

Other title:

First Name:

Jemma

Last Name:

Tasker

Correspondence Reference Number:

Various emails

Date (dd/mm/yyyy):

16/02/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Martin Calder

On behalf of: Mr Keith Varney

Date: 25/08/2021

Please tick here to certify this Certificate. \*



## Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Martin Calder

Declaration Date: 25/08/2021

## Payment Details

Online payment: ABSP00007211  
Payment date: 25/08/2021 11:00:00

Created: 25/08/2021 11:00

## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997** **Detailed Planning Permission**

Martin Calder  
Calder Design  
19 Beechgrove Terrace  
Aberdeen  
AB15 5DR

on behalf of **Mr Keith Varney**

With reference to your application validly received on 25 August 2021 for the following development:-

**Formation of linked dormer to rear and replacement windows to front, side and rear**  
**at 57 Blenheim Place, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<b>Drawing Number</b>	<b>Drawing Type</b>
211241/01	Location Plan
20/06/01 A	Multiple Floor Plans (Proposed)
20/06/02 B	Multiple Elevations (Proposed)

#### **DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION**

None.

#### **REASON FOR DECISION**

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



The proposed dormer creates 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 have 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 are no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.

**Date of Signing** 22 November 2021



**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any 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 [www.eplanning.scot](http://www.eplanning.scot).

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

## **SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION**

If permission to develop land is refused and 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 that 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.

This page is intentionally left blank



## **Aberdeen Local Development Plan (ALDP)**

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment

## **Supplementary Guidance**

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.pdf>

Repair or Replacement of Windows and Doors

[1.1.PolicySG.WindowsDoors.pdf \(aberdeencity.gov.uk\)](https://www.aberdeencity.gov.uk/sites/default/files/1.1.PolicySG.WindowsDoors.pdf)

## **Other Material Considerations**

Scottish Planning Policy (2014)

<https://www.gov.scot/publications/scottish-planning-policy/>

Historic Environment Policy for Scotland (HEPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1bcfa7b1-28fb-4d4b-b1e6-aa2500f942e7>

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

Managing Change in the Historic Environment:

Roofs

[Managing Change in the Historic Environment: Roofs | Hist Env Scotland](#)

This page is intentionally left blank



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE            100461645-003

The online reference 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:	calder design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Martin	Building Name:	
Last Name: *	Calder	Building Number:	19
Telephone Number: *	01224641859	Address 1 (Street): *	beechgrove
Extension Number:		Address 2:	19 Beechgrove Terrace Aberdeen
Mobile Number:	07841751490	Town/City: *	Aberdeen
Fax Number:		Country: *	scotland
		Postcode: *	AB15 5DR
Email Address: *	caldermartin@hotmail.com		

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

Individual     Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Keith"/>	Building Number:	<input type="text" value="57"/>
Last Name: *	<input type="text" value="Varney"/>	Address 1 (Street): *	<input type="text" value="Blenheim"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Place"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="uk"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB25 2NZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="57 BLENHEIM PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2DZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805975"/>	Easting	<input type="text" value="392466"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

Please provide a description of your 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)

Formation of new dormer set between end haffits of existing dormers

## 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 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.

To answer specific points on refusal "unsympathetic dormer extension" in relation to others installed locally this is a biased/subjective comment, Dormer is fitted between the extremes of the existing dormers and utilises 7sqm extra of roof with overall 24sqm for new dormer on a roof of 63sqm to the rear of the property, hardly a "considerable mass" when viewed against others locally. "Alterations along the other rear elevations" this and other points on added under "Supporting Documents"

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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)

1; Additional comments on refusal document. 2; clients former comparison. 3; clients slide show.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

211241/DPP

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

25/08/2021

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

22/11/2021

## 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 a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

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)

A site inspection is critical to this application in order that the proposals can be seen in context especially in relation to referred to items in our comments which clearly illustrate the disparity between this application and recent approvals locally

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



## 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: Mr Martin Calder

Declaration Date: 20/02/2022

This page is intentionally left blank

ADDITIONAL COMMENTS ON REFUSAL DOCUMENT ;

“Alterations along the other rear elevations nearby have been designed with due consideration” along the rear of Fountainhall road ( area clearly directly related to application site ) there are a considerable number of dormer alterations on existing roofs which have no uniformity and in most cases these have not been designed “ with due consideration for the context of the area “ as alluded to specifically in the refusal. No. 30 in particular is excessive and clearly it dominates the rear elevation of the property, there are other similar dormers within the same group of properties. So much for “detrimental impact “ as also referenced in the refusal

“The proposed dormer creates significant tension with the Householder Development Guide” here the key word is GUIDE! On previous occasions as an Architect I have raised the issue of the planning departments intransigence in respect of the guidance being used as hard and fast rules, they are not, they must of their nature be flexible and open to reasoned questioning. Unfortunately this attitude was borne out by an email of 16<sup>th</sup> February 2021 from Planning at an early stage discussion on these proposals which stated “ it is unlikely that the Planning Authority would be in a position to support any further development on the roofscape “ To say the least a restrictive attitude to both my client and any reasonable development on the property.

In respect to the car park which is referenced in the refusal, this and the adjacent office development ( which are in the conservation area ) were developed with out any regard to my client`s and his neighbours privacy, a recent approval for a roof terrace has been approved which further compromises the overall property at 57/63 Blenheim Place. Where is the sense in such decisions?

Finally in respect of the proposal it should be noted that the materials proposed are all in keeping with the existing building and are retained within the extremes of the existing dormer, thereby minimising the overall massing of the proposals.

Martin Calder Dip ARCH (Abdn)



This page is intentionally left blank

NORTH, SOUTH, EAST, OR WEST - CHOOSE A  
DIRECTION; ANY DIRECTION

**LET'S GO NORTH AGAIN AND LOOK AT  
PLANNING APPLICATION APPROVED FOR:  
56 FOUNTAINHALL ROAD  
(APPROVAL GRANTED AFTER 57 BLENHEIM PLACE LRB#2  
SUBMISSIONS)**

**NORTH (~120m) – 56 FOUNTAINHALL ROAD: FORMATION OF HUGE NEW BOX DORMER; ‘NO’ DORMER CURRENTLY ON ROOF**  
“CURRENT REAR FACING ROOF SHOWING ‘NO’ DORMER”



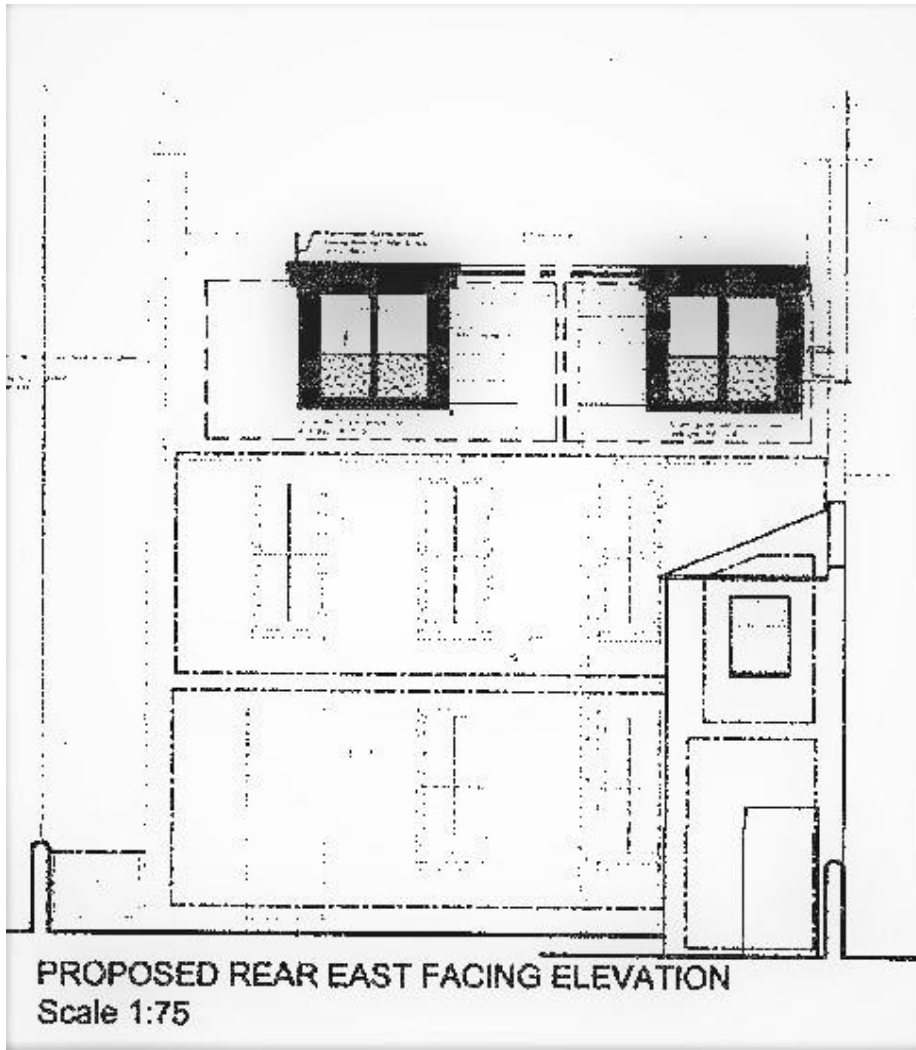
A roof with no dormer (ignore the small dormer to the right, that's on the next house).

And yet planning permission has been granted for a new huge box dormer, taking up most of the roof area; see next page...



**NORTH (~120m) – 56 FOUNTAINHALL ROAD: FORMATION OF HUGE NEW BOX DORMER; ‘NO’ DORMER CURRENTLY ON ROOF**

““EXTRACT FROM PLANS SHOWING PLANNED HUGE NEW BOX DORMER”“



Apologies for poor image quality; I do not have a professional editing programme.

But it is clear that where there was no dormer, planning permission has been granted for the formation of a huge new box dormer, taking up a large proportion of the available roof area.

## Planners' treatment of 56 F. R. vs 57 B. P. applications; what's going on??

	<b>56 Fountainhall Road</b>	<b>57 Blenheim Place</b>
<b>Dormer(s) currently on roof</b>	<b>NO</b>	<b>YES (x2)</b>
<b>Car park adjacent to house + gardens</b>	<b>NO</b>	<b>YES</b>
<b>Large modern office building with roof terrace within 50m of house</b>	<b>NO</b>	<b>YES</b>
<b>Planning permission for enlarged / new dormer refused by Planners</b>	<b>NO (approved 1<sup>st</sup> time)</b>	<b>YES (refused x2)</b>
<b>Increase in 'Mass on Roof' from enlarged / new dormer</b>	<b>INFINITE (no current dormer)</b>	<b>100%</b>
<b>Can be seen from Desswood Place / Blenheim Place</b>	<b>YES</b>	<b>YES (but no more than current dormer)</b>
<b>Why did 56 F. R. obtain planning permission for a completely new huge box dormer at the first time of asking, but 57 B. P. have been refused twice for an enlarged dormer??</b>	<b>I don't know...</b>	<b>You tell me...</b>

# **FINAL, FINAL SUMMARY INCORPORATING THE LATEST UNCONDITIONALLY APPROVED PLANNING APPLICATION FOR A COMPLETELY NEW LARGE BOX DORMER ON THE ROOF OF 56 FOUNTAINHALL ROAD**

- **KEY: FR = Fountainhall Road; OP = Osborne Place; DP = Desswood Place; BG = Blenheim Gate (office building); BP = Blenheim Place; all in the same Conservation Area.**
- **Initially, I thought that this LRB #2 would be decided on the arcane metric of ‘mass on roof’; it is now clear to me that this is not the case, as the Planners’ have approved many developments that have / will result in larger increases in mass on roof than that proposed for 57 BP. The ultimate example is 56 FR where there will be an infinite increase in mass on roof.**
- **Initially, I also thought that this LRB #2 would be decided on the metric of ‘reduction in area of traditional sloping slated roof’. As above, this also cannot be the case as illustrated by the many approved developments resulting in greater reductions in roof areas; especially 59 DP and 56 FR.**



**FINAL, FINAL SUMMARY INCORPORATING THE LATEST UNCONDITIONALLY APPROVED PLANNING APPLICATION FOR A COMPLETELY NEW LARGE BOX DORMER ON THE ROOF OF 56 FOUNTAINHALL ROAD**

- **Initially, I also thought that this LRB #2 would be decided on the issue of the removal or enlargement of existing dormers; again, this cannot be the case as planning permission has been granted for the removal or enlargement of existing dormers at 107 OP, 91 FR, and 59 DP.**
- **So, what am I left with, on what basis will this LRB #2 be decided?? The Planners have effectively designated my roof (57 BP) to be a ‘Listed’ roof, on which no changes can be made. I challenge this designation by the Planners on the basis that the relevant policies and guidelines should be applied equally, equitably, and fairly throughout the same Conservation Area.**
- **I do not believe this to be the case, and have sought to illustrate this by my review of nearby, recently approved planning applications.**
- **I hope that you agree with me; thank you.**

# LOCAL REVIEW BODY

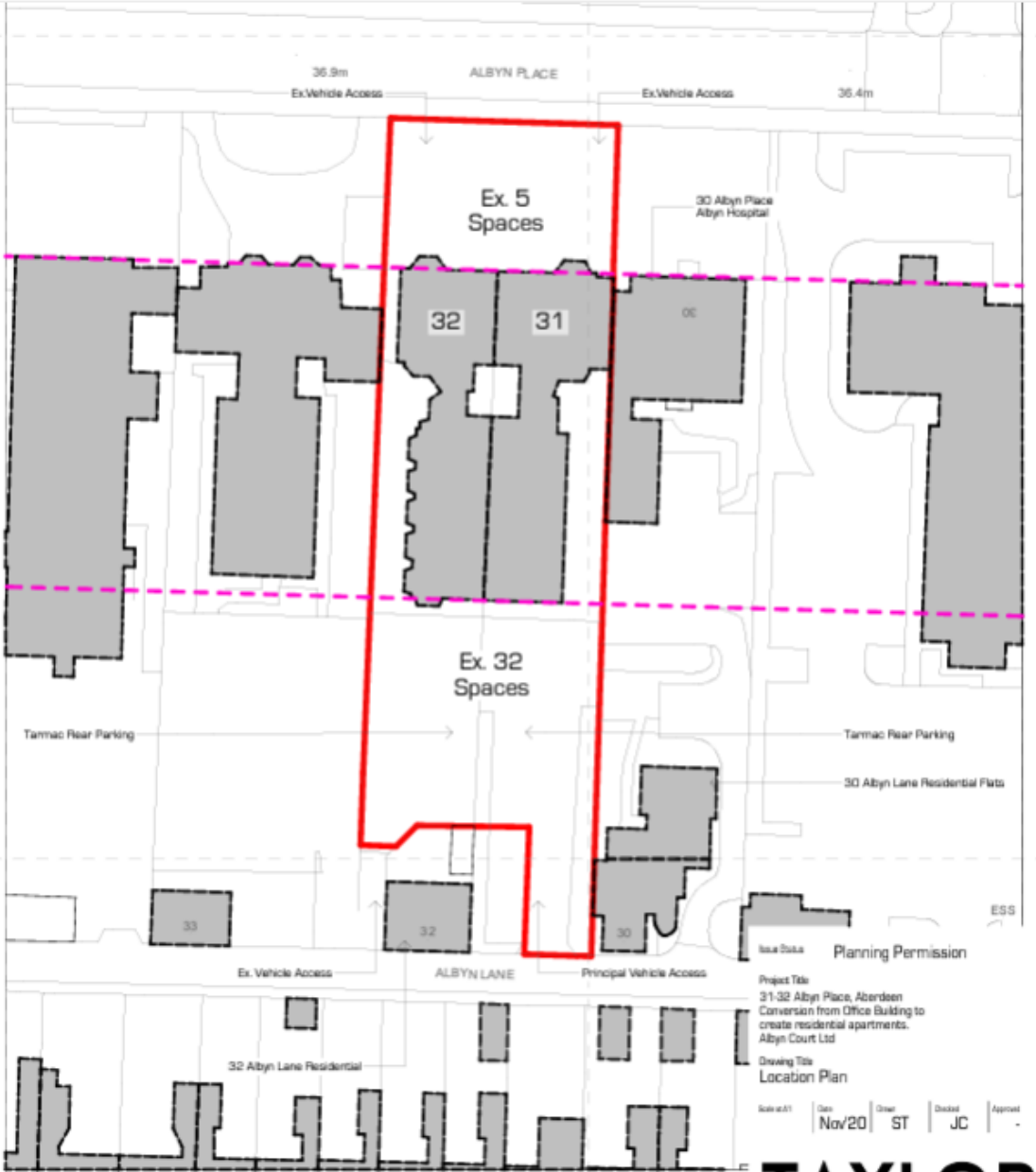


**210311**/DPP – Appeal against the non-determination of:

Change of use from and conversion of offices (class 4) to form 16 no. 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

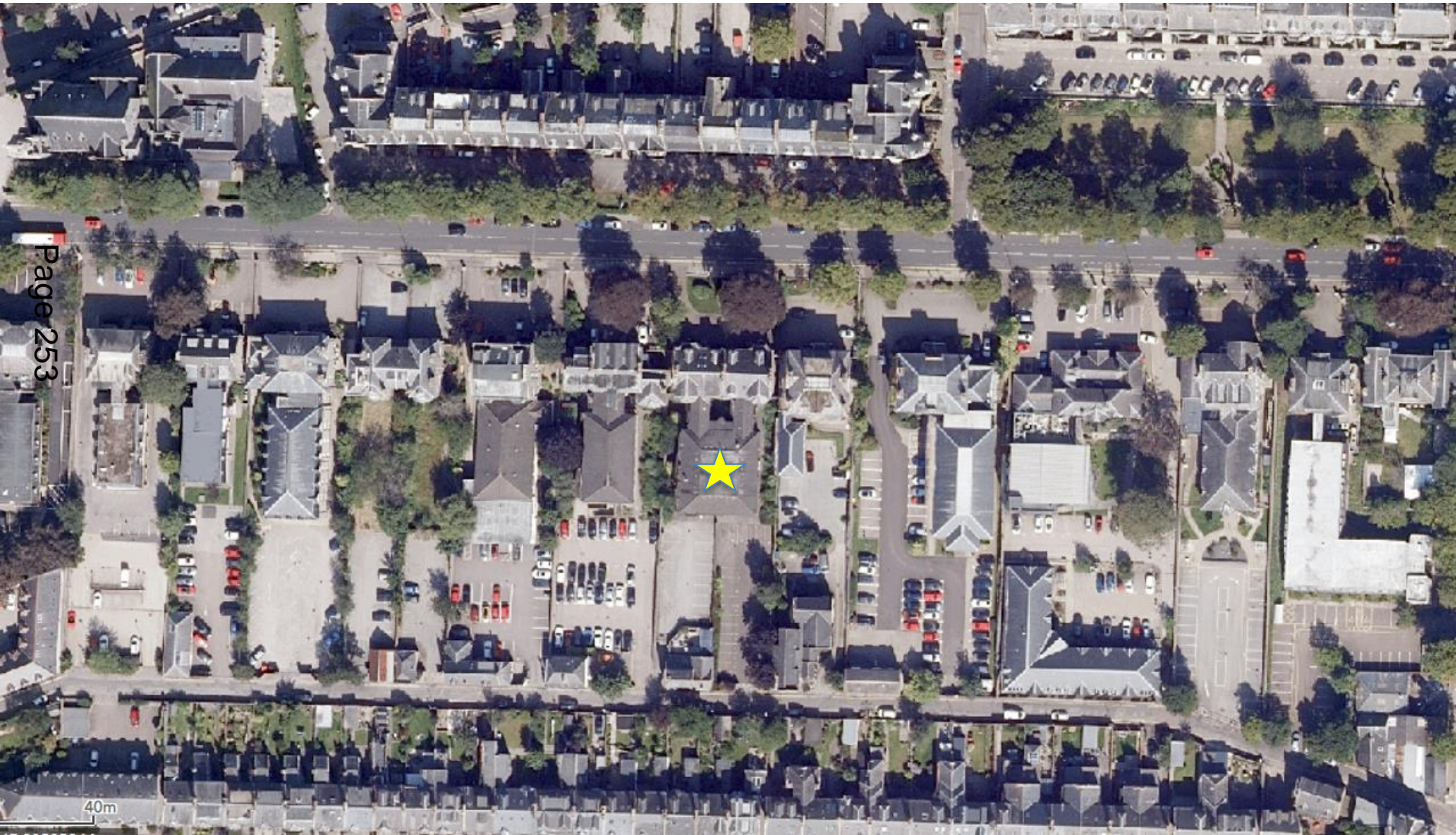
# Location Plan



Issue Status: Planning Permission  
 Project Title: 31-32 Albyn Place, Aberdeen  
 Conversion from Office Building to create residential apartments.  
 Albyn Court Ltd  
 Drawing Title: Location Plan  
 Scale: A1 Date: Nov/20 Drawn: ST Checked: JC Approved: -



# Aerial Photo: Location





# Street view image



Oct 2020

Page 254

Albe  
law, T  
atal  
anc



# Streetview from Oct 2020



Page 2555

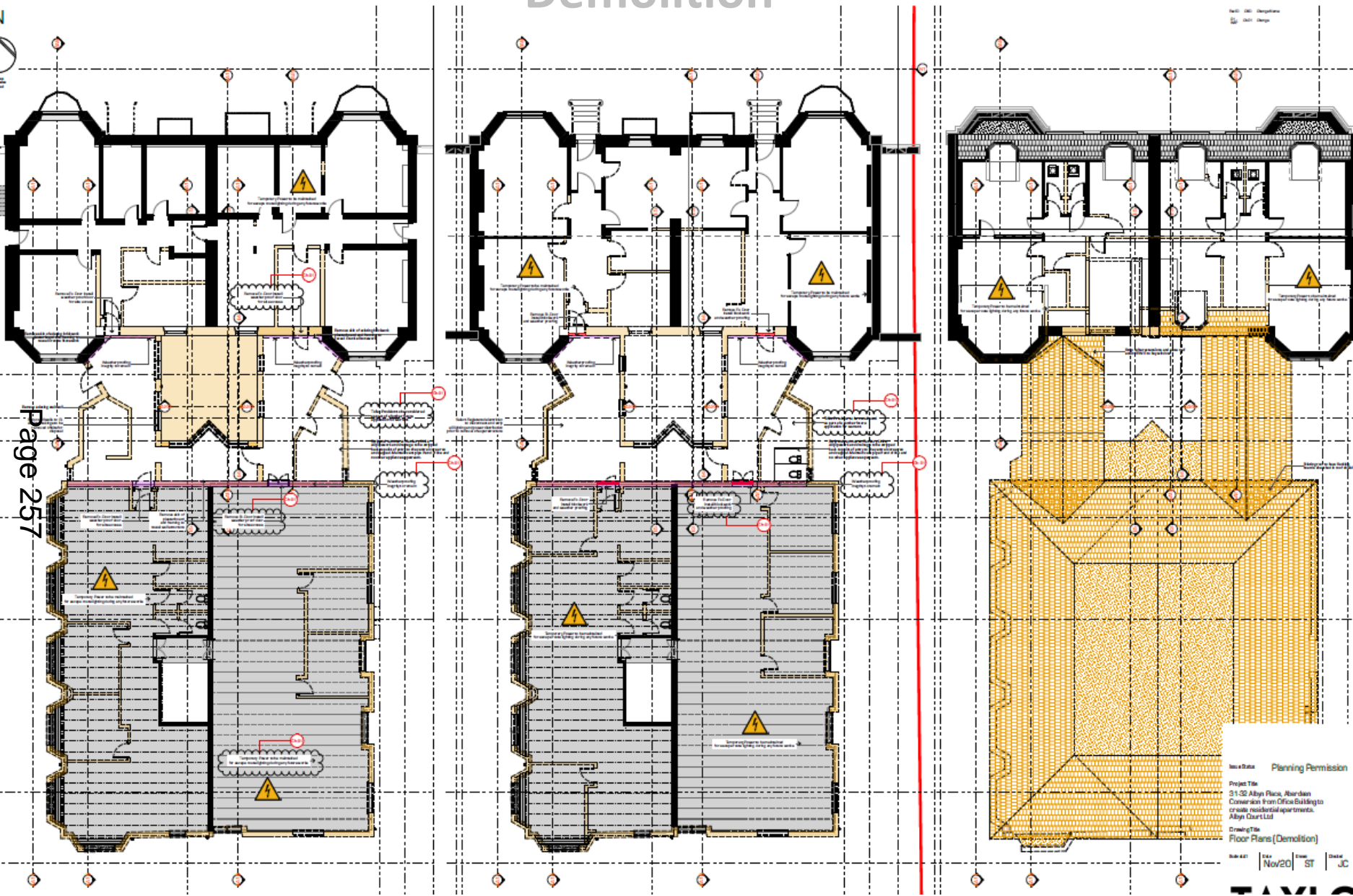


FG Burnett



Google

# Demolition



Page 257

Legend  
[Symbol] [Symbol]  
[Symbol] [Symbol]

Issue: Planning Permission  
Project Title: 31-32 Albyn Place, Aberdeen  
Conversion from Office Building to  
create residential apartments.  
Albyn Court Ltd  
Drawing Title: Floor Plans (Demolition)

Drawn: [Name] Date: Nov/20  
Checked: [Name] Date: 5/11  
Designed: [Name] Date: [Date]



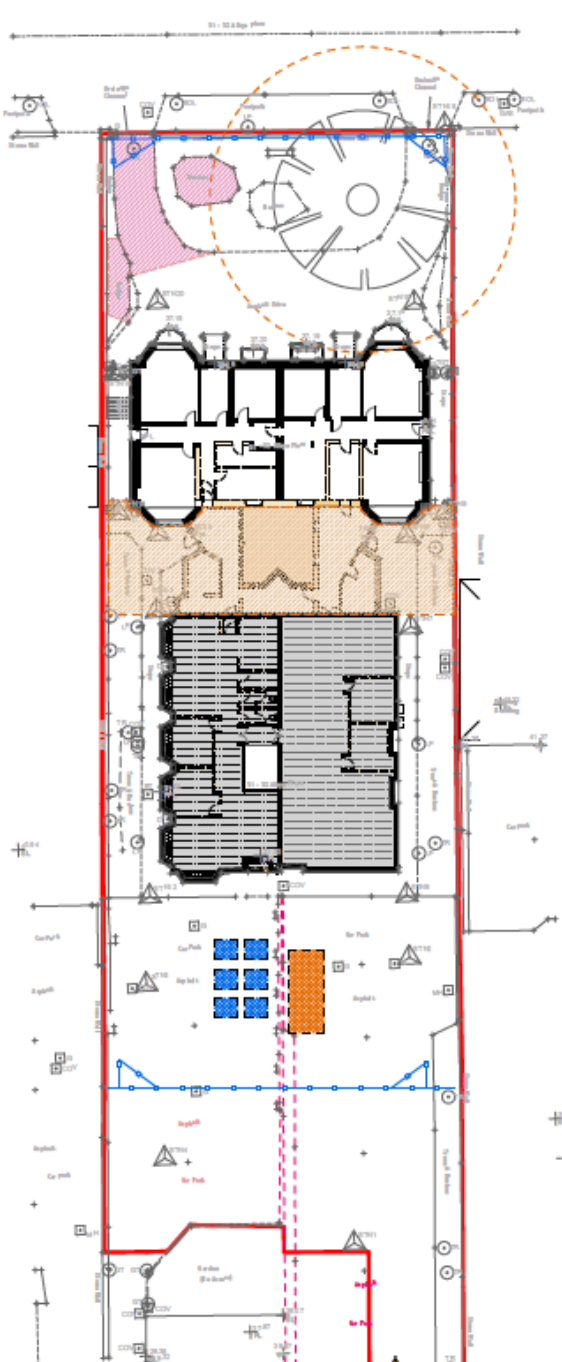




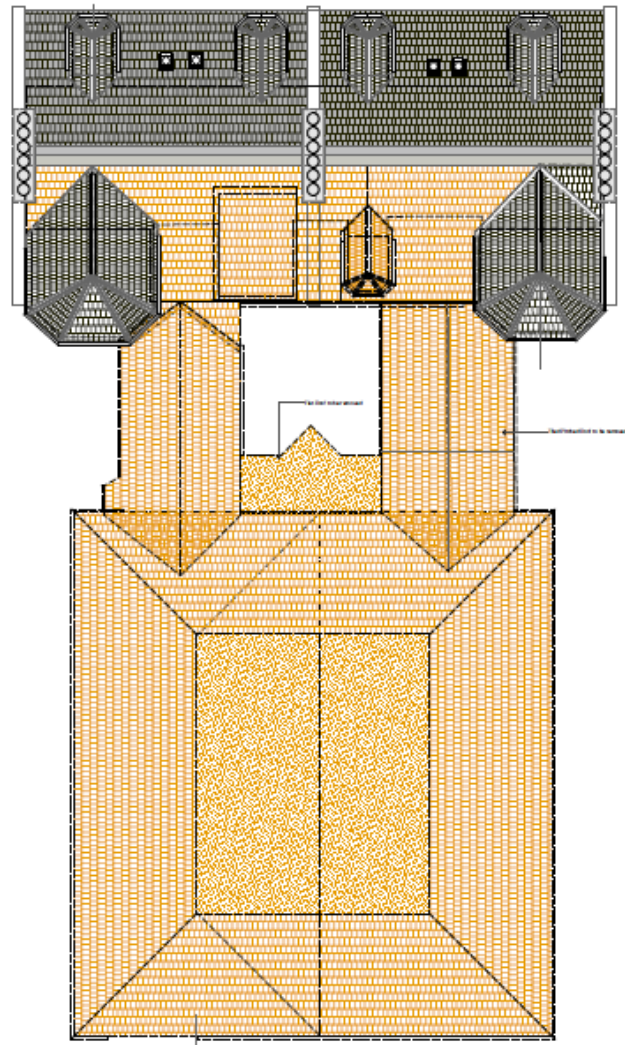


# Demolition Proposed

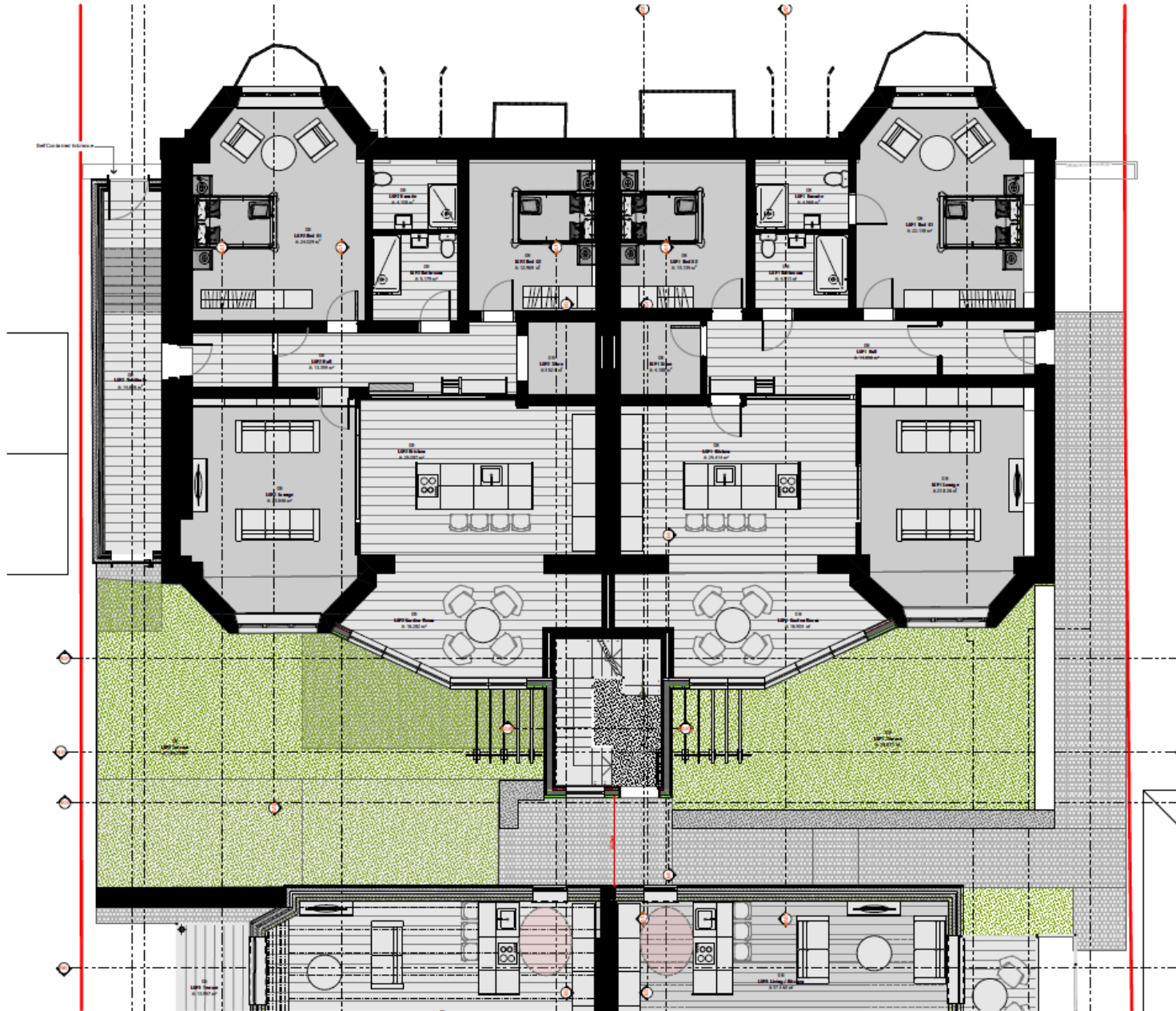
Page 259



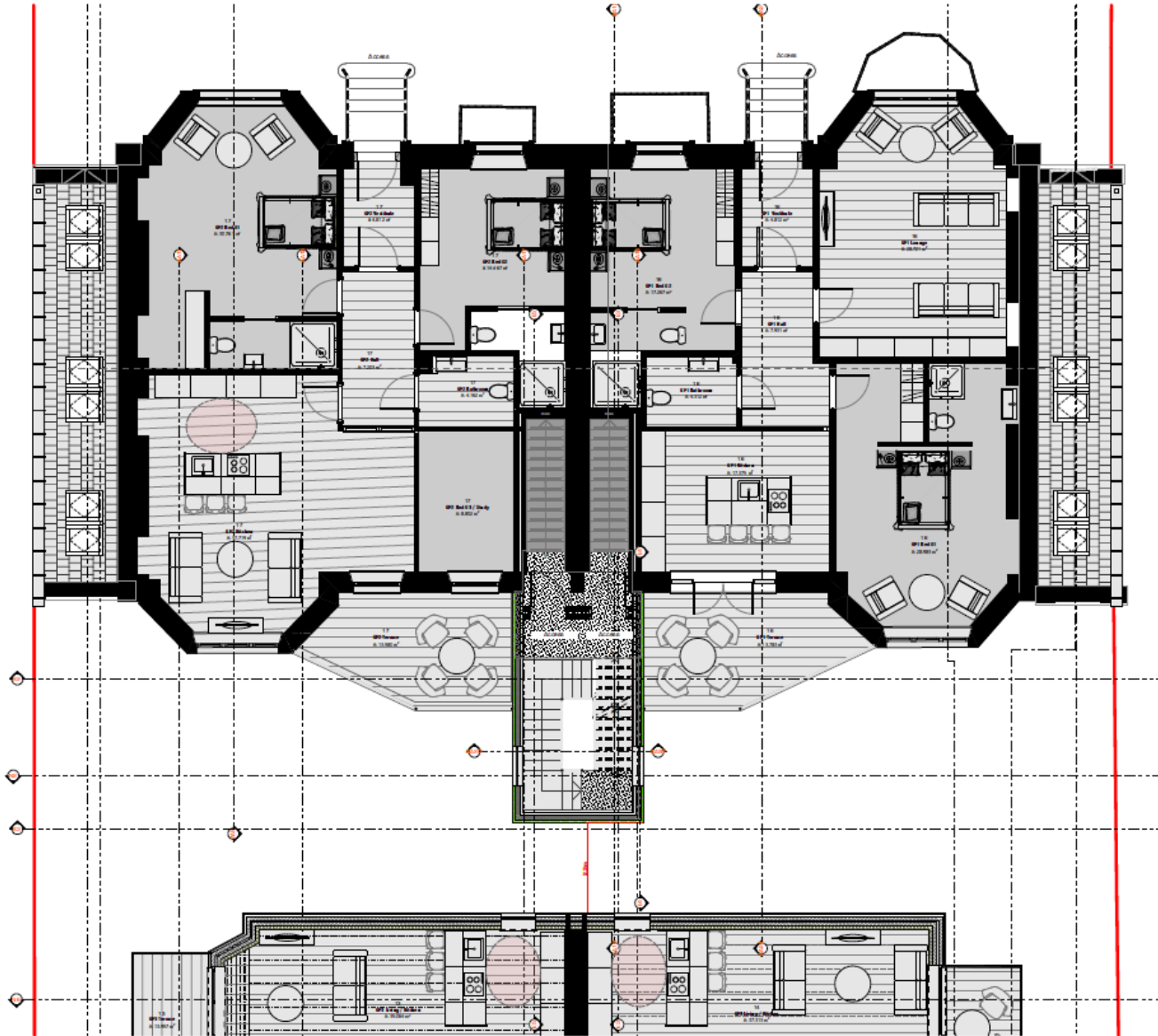
- Steels on Tracing
- Site Office and Mills in Facility
- Material Lay-down Space



# Lower Ground Floor Proposed

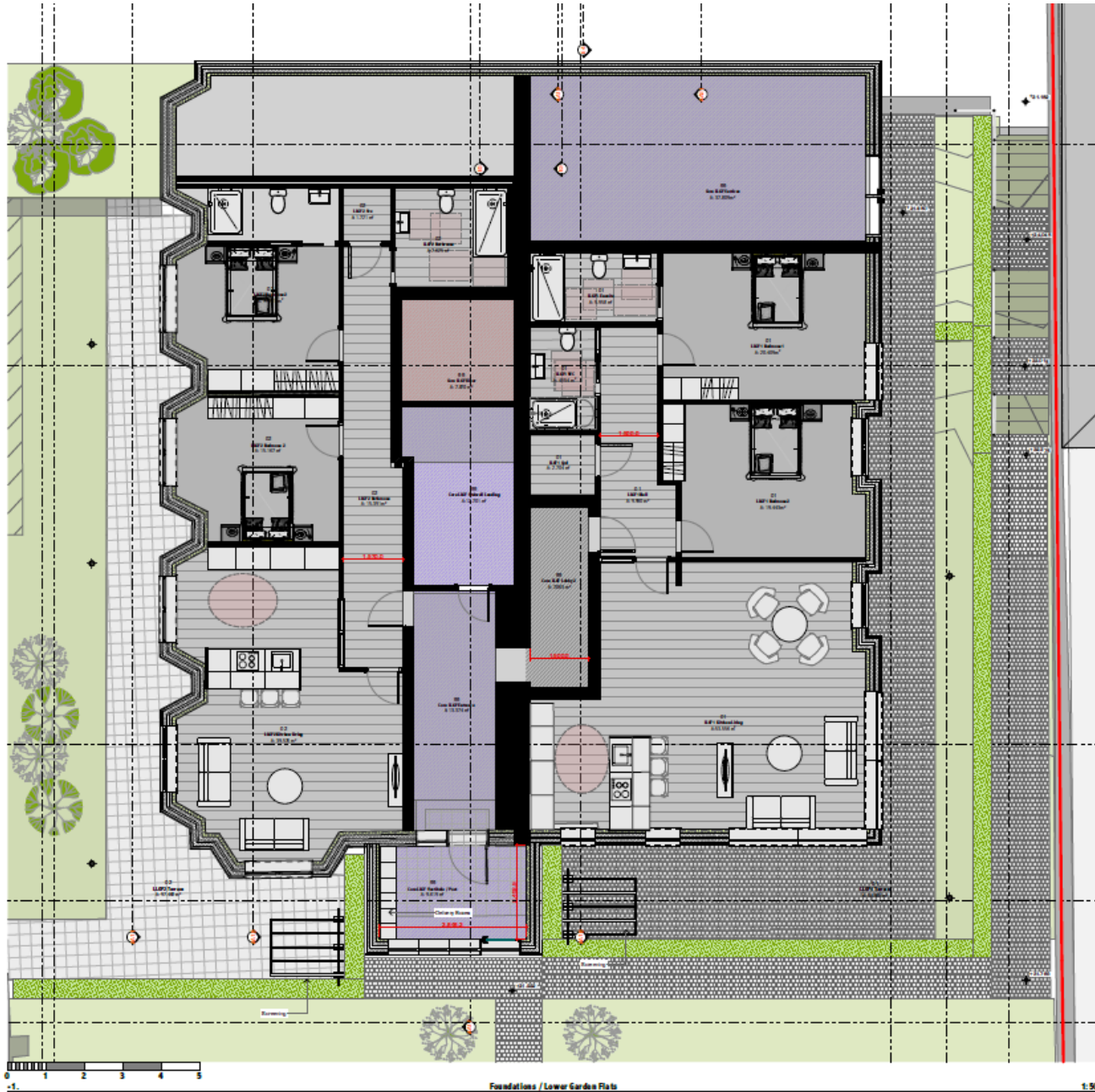


# Ground Floor Plan Proposed

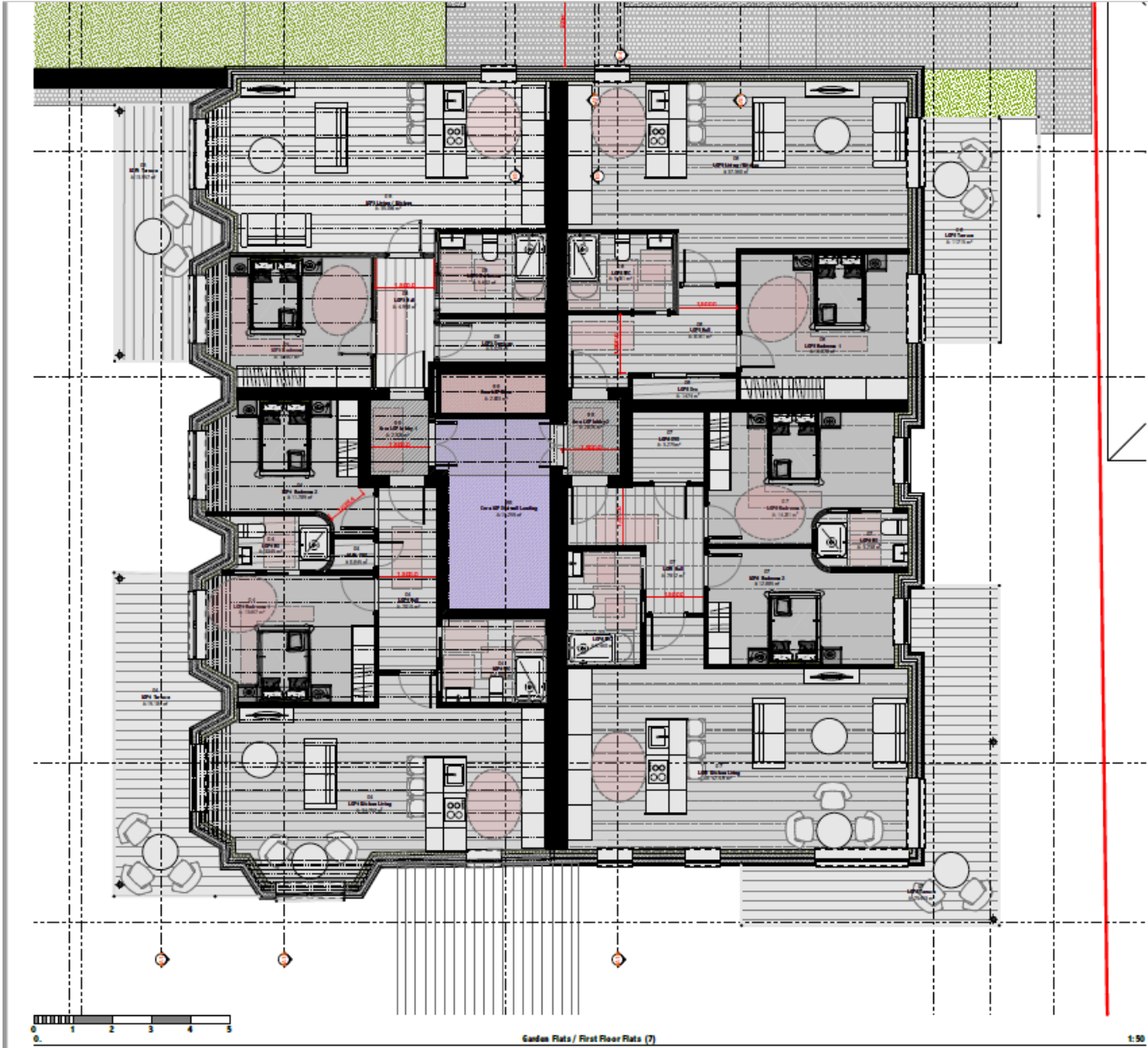




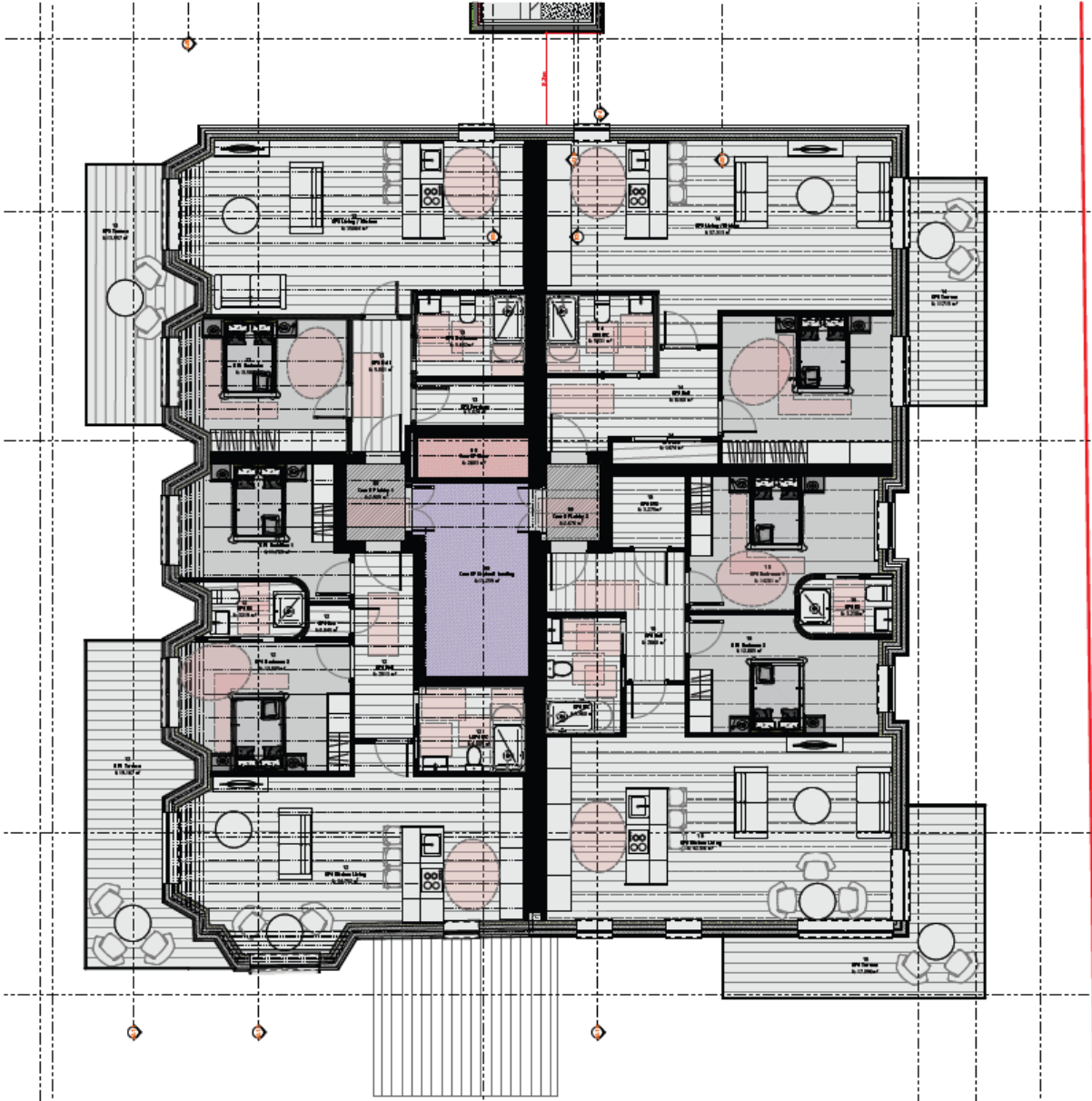
# Ground Floor rear



# First floor rear proposed

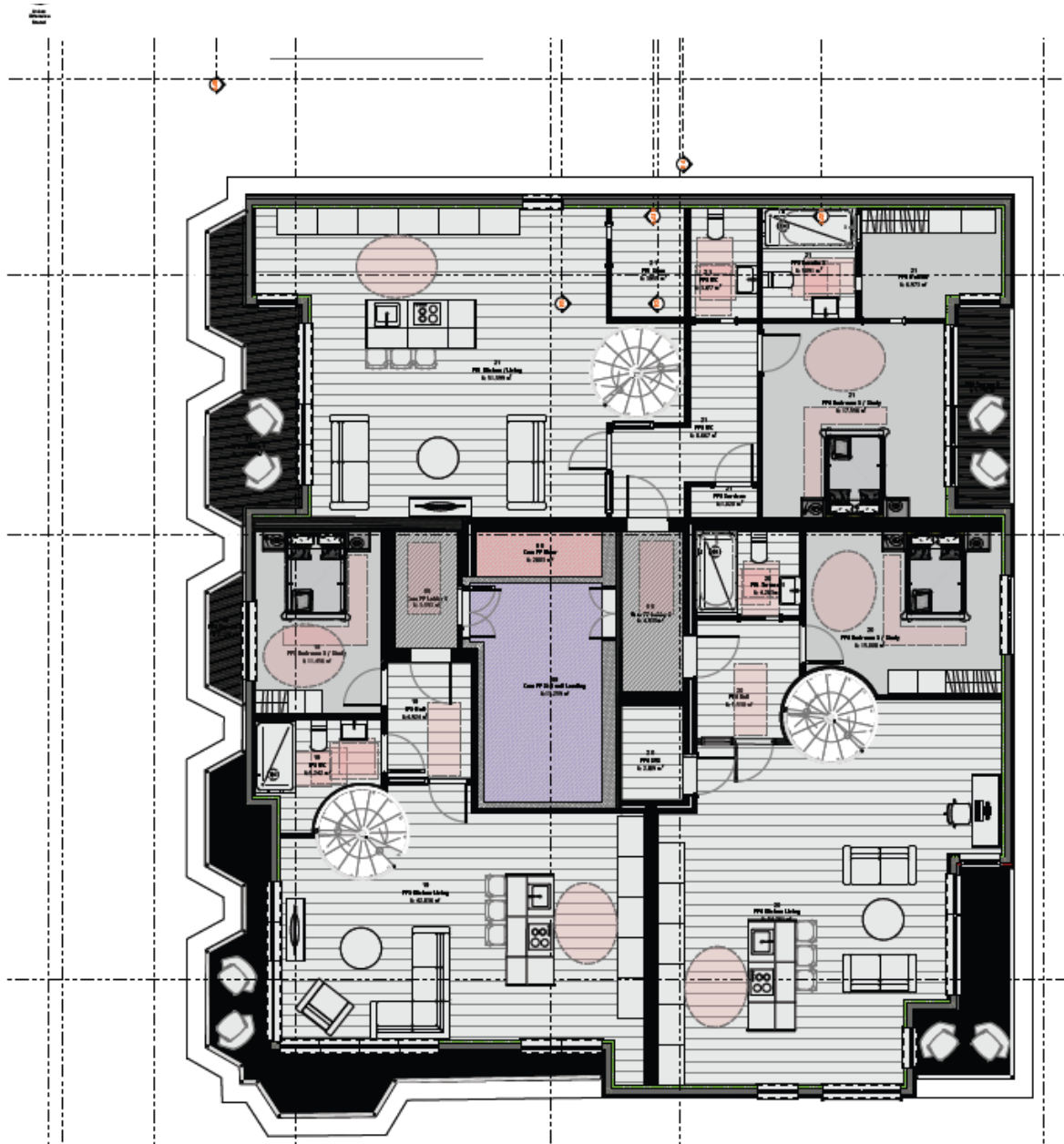


# Second floor rear Proposed

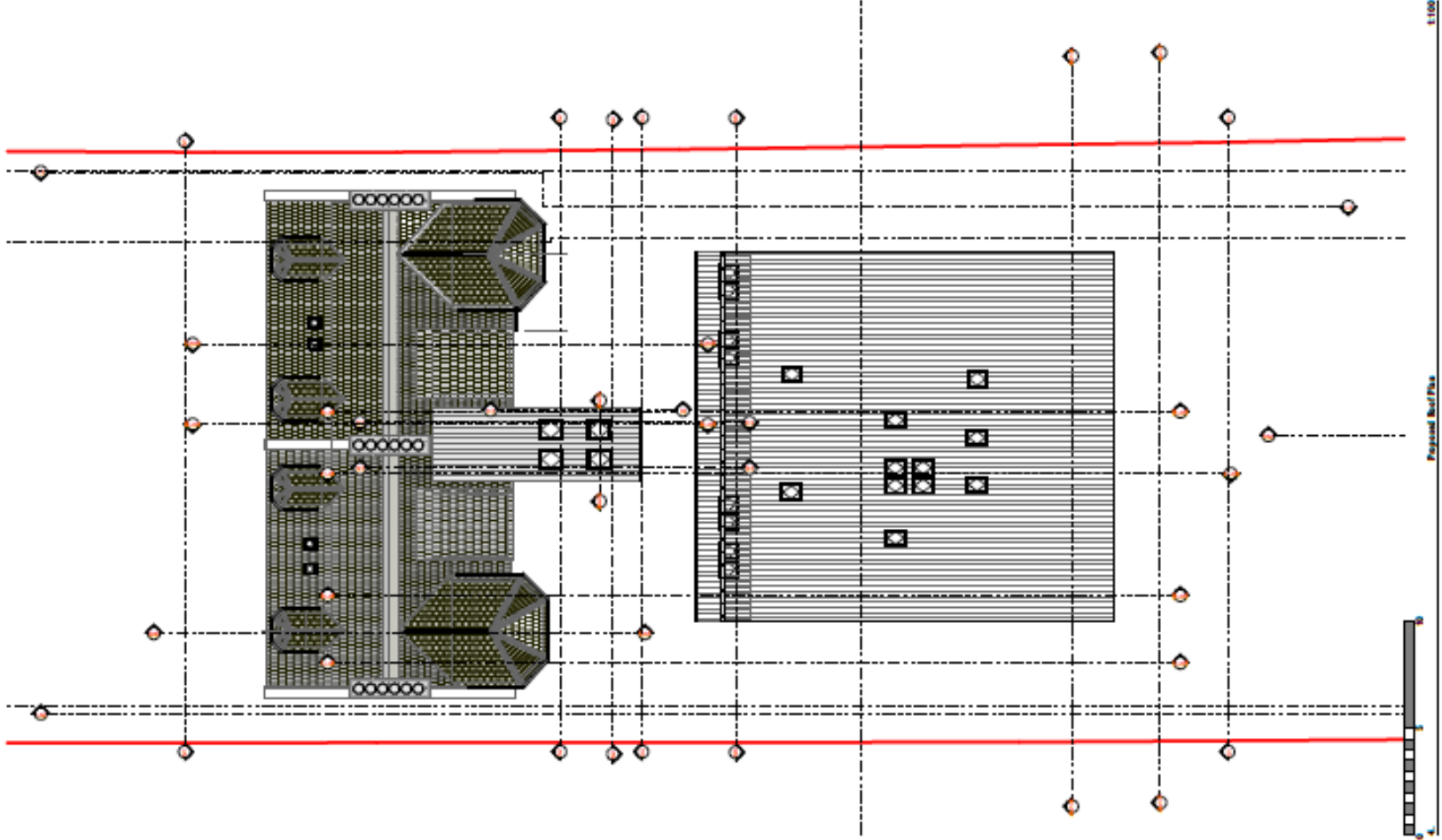




# Third Floor Proposed



# Roof Proposed



Proposed Roof Plan

1:100



# Existing South elevation - demolition



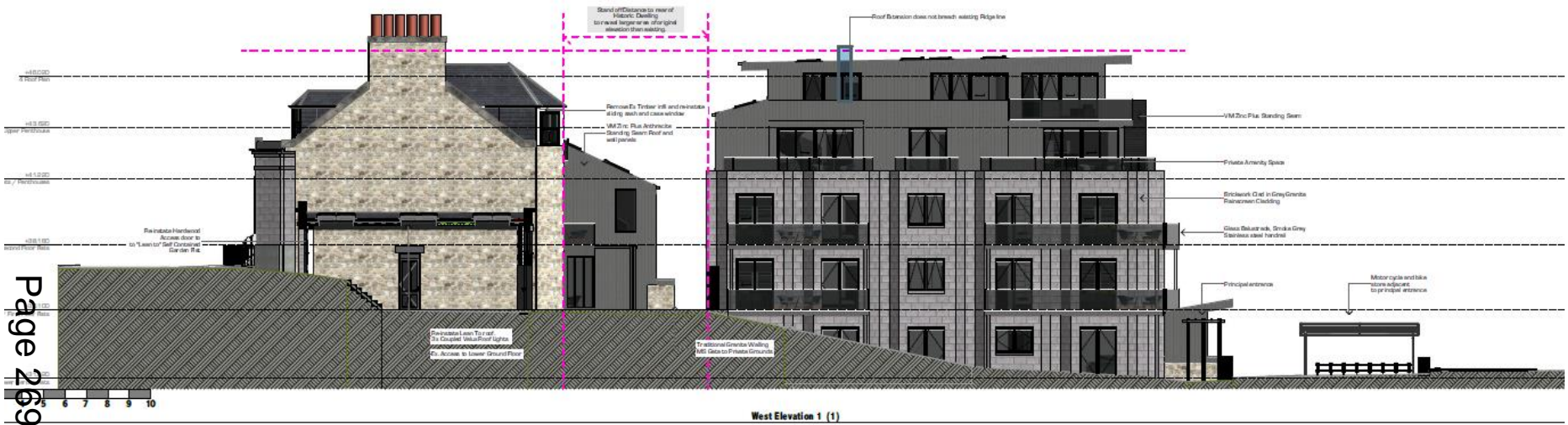


# South elevation front building

Page 268



# Side Elevations Proposed



West Elevation 1 (1)



East Elevation 1 (1)



# Rear elevation proposed

Page 270





# North elevation Proposed

Page 271



Zinc Clad Velux Roof Lights, Inc.  
ADV Controlable next to Principle



Black Planter

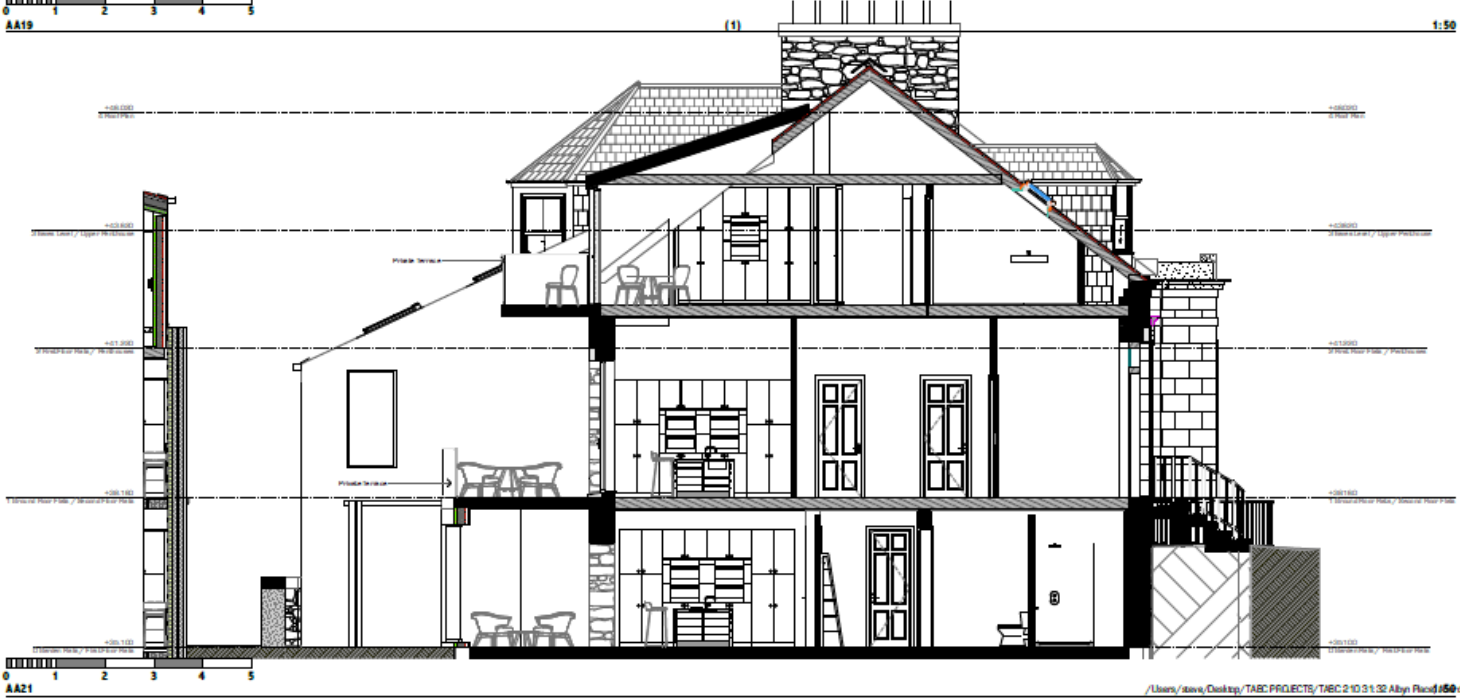
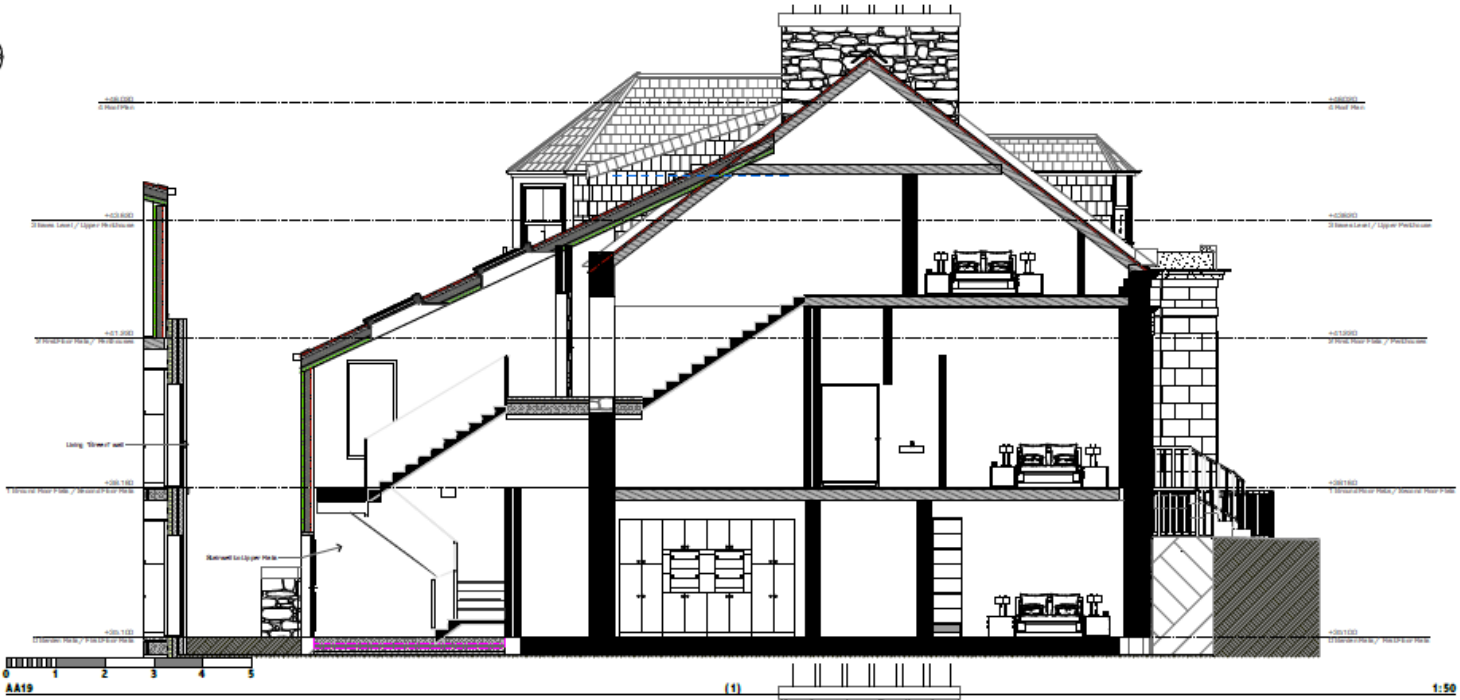


# Albyn Lane elevation Proposed

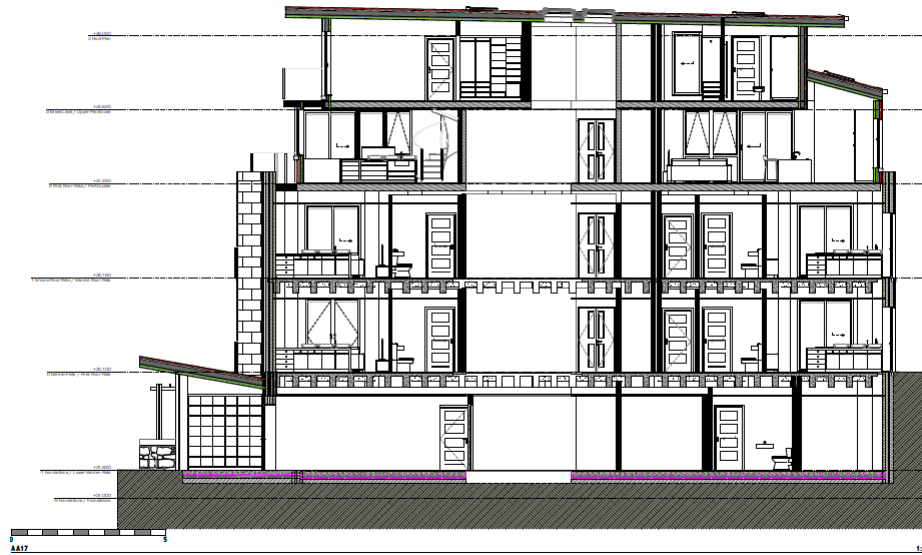
Page 273







# Sections through rear building Proposed



# Site sections Proposed

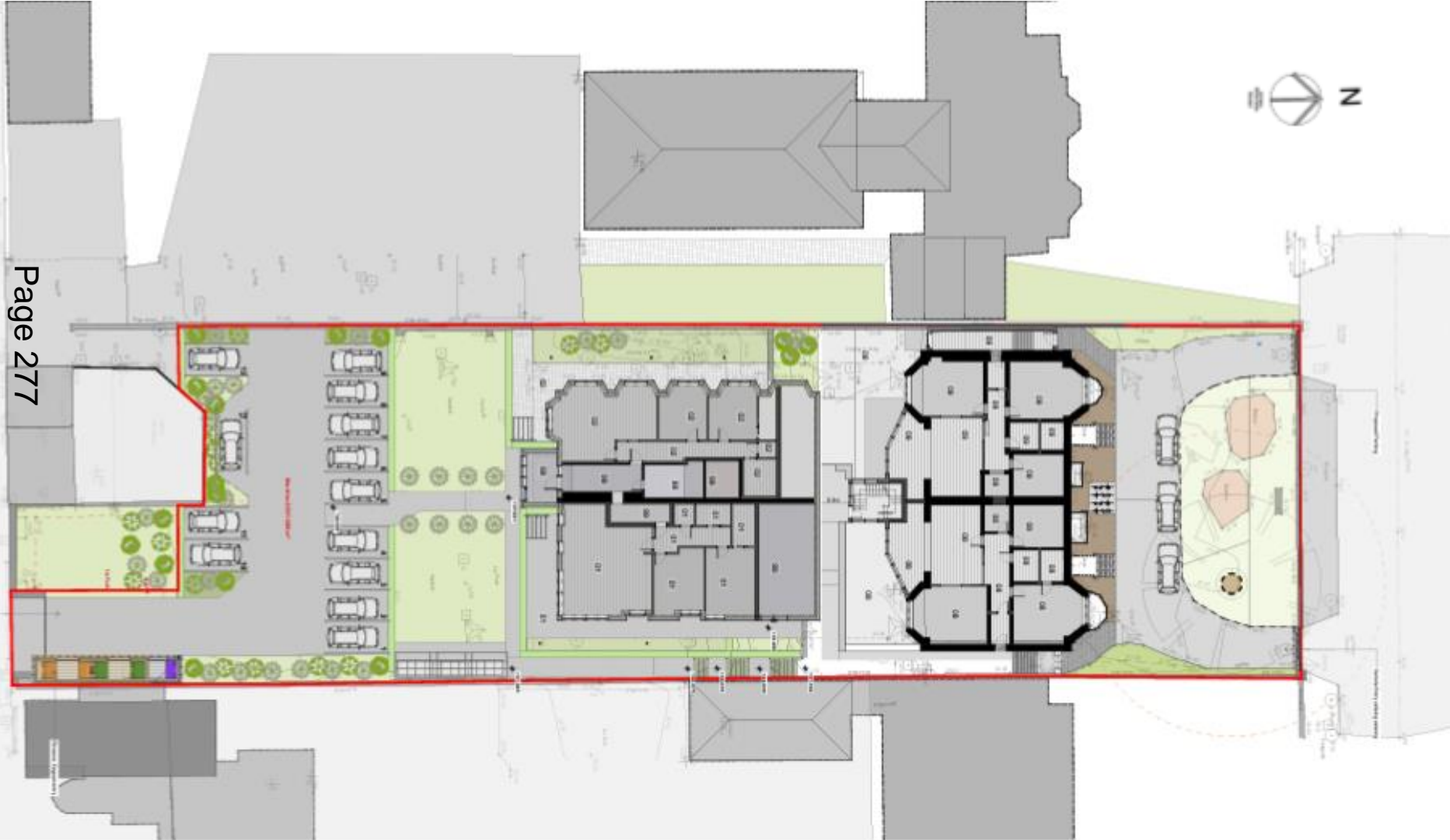


Page 276

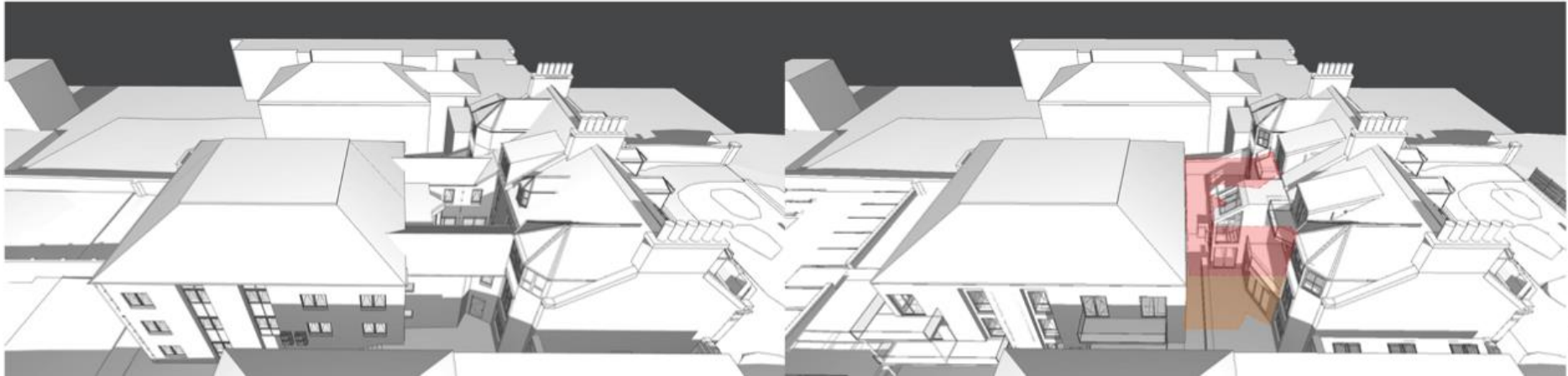




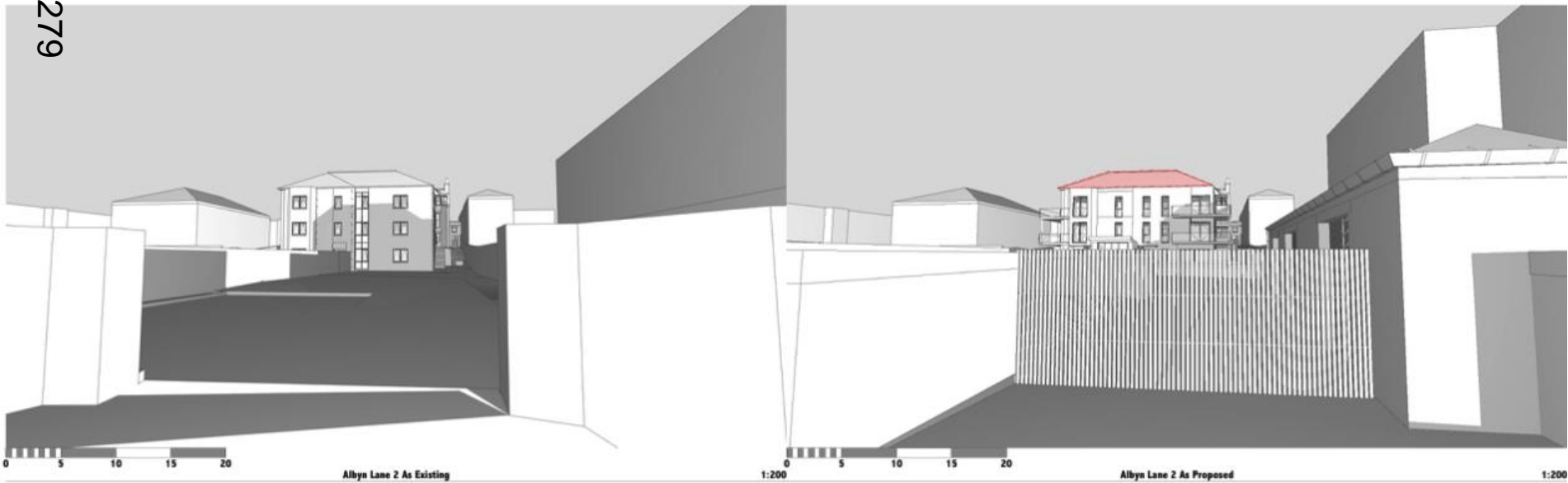
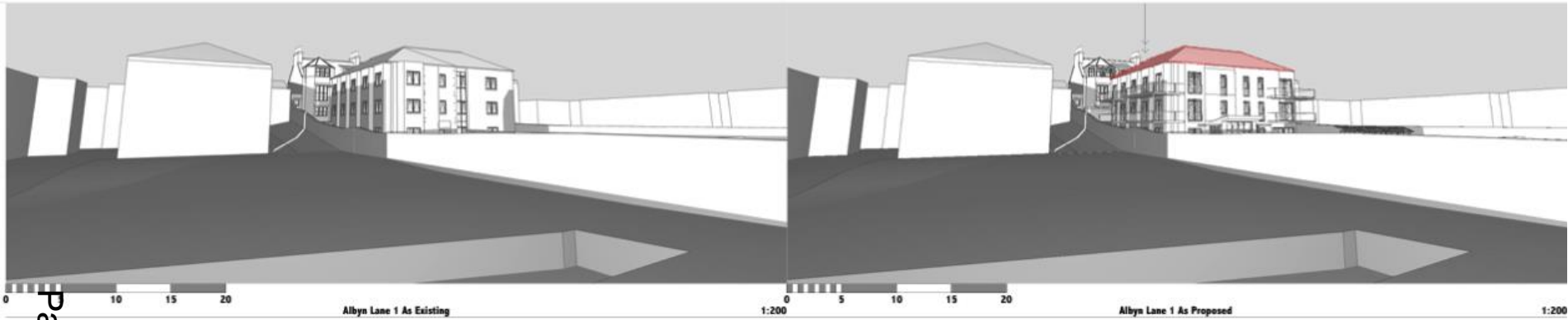
# Block Plan Proposed



# Existing and Proposed Views



# Existing and Proposed Views





# Applicant's Case for Review

- Amendments were made to the proposal in response to case officer's comments
- Proposal would bring back into use vacant buildings. Redevelopment of whole site is necessary to deliver works
- Contributes to 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 has been confirmed as acceptable use
- Site contains an existing substantial modern extension visible only from the rear. It would be re-clad 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
- New garden area, landscaping, car and bike parking and bins storage would be provided

# Applicant's Case for Review

- Concerns have been noted as level of amenity for future residents and impact on character of CA
- Amenity: all flats would have external space, be dual aspect and have windows looking onto landscaping; most would have south facing windows
- This is a city centre location and amenity levels should be judged accordingly, as per Harmony of Uses Sg
- Opaque windows to north would protect privacy of neighbours
- Sun studies show all flats would have some direct sunlight
- There are no objections; only support, from neighbour

# Consultations and Representations

- Waste Team – bin requirements
- Developer Obligations – contributions to core paths, healthcare, open space and community facilities. Affordable Housing Waiver Zone
- Environment Policy Team – tree survey
- Roads Team- parking, walking, cycling, public transport
- Queens Cross and Harlaw Community Council
  
- 2 letters of support from same person:
  - Mix of uses happily exist in area
  - Design is sympathetic
  - Parking is sufficient
  - Amendments improve scheme
  - Existing building is ugly and this would be improvement
  - No concerns re construction works



## Policy B3

- Supports office development
- Residential to be considered on merit

## Policy H1

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

# D1: Quality Placemaking by Design

All dev't 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”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient

## D4: Historic Environment

- ACC will '*protect, preserve and enhance*' the historic environment, in line with national and local policy and guidance
- High quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural and historic interest of its LBs and CAs will be supported



# Policy D5 (Our Granite Heritage)

## Policy D5 - Our Granite Heritage

Throughout Aberdeen the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary walls,

Proposals to demolish any granite building, structure or feature, partially or completely, that is listed or within a Conservation Area will not be granted Planning Permission, Conservation Area Consent and Listed Building Consent unless the Local Authority is satisfied that the proposal to demolish meets Historic Scotland's Scottish Historic Environment Policy (SHEP) test for demolition.

Where the retention and re-use of a granite feature, building or structure, in whole or part, is unviable then the visible re-use of as much of the original granite as is practically possible as a building material within the development site is required.

- ACC seeks the retention and appropriate re-use, conversion and adaptation of all granite features... Including granite kerbs and granite boundary walls
- Partial demolition of any granite building or structure within a CA will not be granted consent unless the planning authority is satisfied that the proposed demolition meets HES tests.
- Where the retention and re-use of a granite feature is not viable, then the visible re-use of as much granite as a building material will be required.

# Policy T2 (Managing the Transport Impact of Development)

## Policy T2 - Managing the Transport Impact of Development

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.

# Policy T3 (Sustainable and Active Travel)

## Policy T3 - Sustainable and Active Travel

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the Supplementary Guidance.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

- Emphasis on encouraging active and sustainable travel (e.g. walking, cycling, public transport)
- Need to protect existing links and form new ones where possible
- Scope to also encourage car sharing and low-emissions vehicles, with associated infrastructure



# Policy R6 (Waste Management Requirements for New Development)

## **Policy R6 - Waste Management Requirements for New Development**

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste. Further details are set out in Supplementary Guidance.

For proposals where we believe the potential savings on construction or demolition materials for recycling or reuse is likely to be significant, we will ask developers to prepare a Site Waste Management Plan as a condition of planning consent.

# Policy R7 (Low and Zero Carbon Building and Water Efficiency)

## Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

### Low and Zero Carbon Buildings

All new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology.. This percentage requirement will be increased as specified in Supplementary Guidance.

This requirement does not apply to:

- 1 Alterations and extensions to buildings;
- 2 Change of use or conversion of buildings;
- 3 Ancillary buildings that are stand-alone having an area less than 50 square meters;
- 4 Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
- 5 Buildings which have an intended life of less than two years.

### Water Efficiency

To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. The level of efficiency required and types of efficiencies are detailed in Supplementary Guidance.

Further guidance on compliance with this policy is contained in existing Supplementary Guidance and future Supplementary Guidance on Sustainable Design.

# Supplementary Guidance: Replacement Windows & Doors

- 4.8: New openings must be carefully located to avoid disruption to the characteristics of the surrounding external and internal context. Where the building forms part of a larger grouping, it may be necessary to consider the wider impact.
- Table at part 4 (extract below) indicates that new window openings generally not permissible on LBs and on the public elevation of unlisted buildings within a Conservation Area

Action	Listed Building	Unlisted Buildings in Conservation Area: Public Elevation
Use of traditional putty/modern butyl based putty/window beads	✓	✓
Replace original/historic frames with uPVC frames	X	X
<b>New or widening existing openings – with exceptions</b>	<b>X</b>	<b>X</b>
Through Astragals	✓	✓
Plant on / Sandwich Astragals	X	X
Visible Ventilators	X	X
Horns	X	X
Colours – consider uniformity with the street scene/building	✓	✓
Blocking up	See relevant section	See relevant section
Re-opening	See relevant section	See relevant section
Special cases – Industrial/institution/early modern metal/early casement	See relevant section	See relevant section



# Scottish Planning Policy (SPP)

- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.



ABERDEEN  
CITY COUNCIL



Aberdeen City Conservation Area Character Appraisals and Management Plan

## Albyn Place and Rubislaw

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

July 2013

Page 293

**Planning and Sustainable Development**

Enterprise, Planning and Infrastructure

Aberdeen City Council

Business Hub 4 - Marischal College

Broad Street

Aberdeen

AB10 1AB

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

# Points for Consideration:

Zoning: Does the proposal comply with B3 (West End Office Area) ?  
And the tests set out in policy H1 (Residential Areas)? – Amenity of neighbours

Does the proposal preserve and enhance the conservation area

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

**1. Does the proposal comply with the Development Plan when considered as a whole?**

**2. Are there any material considerations that outweigh the Development Plan in this instance?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)



 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling</p>
---------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------

<b>Site Address:</b>	31-32 Albyn Place, Aberdeen, AB10 1YL,
<b>Application Description:</b>	Change of use from, and conversion of, offices (class 4) to form 16 no. residential flats (sui generis), including the removal of existing link to form separate building, various alterations, the formation of parking to the rear and the installation of railings to the front.
<b>Application Ref:</b>	210311/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	11 March 2021
<b>Applicant:</b>	Albyn Court Ltd
<b>Ward:</b>	Hazlehead/Queen's Cross/Countesswells
<b>Community Council:</b>	Queen's Cross and Harlaw
<b>Case Officer:</b>	Laura Robertson

### **RECOMMENDATION**

**Refuse**

### **APPLICATION BACKGROUND**

#### **Site Description**

The property at 31-32 Albyn Place comprises 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 are not covered by a listing designation. The property sits 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 has been extended to the rear with a significant extension. The original doors and windows are still present within these properties. Metal railings are 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 is 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 have now been removed by the applicant. The site extends to 2520sqm. The rear office building is 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, 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 is 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 is given over to hardstanding for parking except for a small, planted bed.

This rear area has shared pedestrian and vehicular access off Albyn Lane and this access is not proposed to be altered. To the rear of the site and in separate ownership is a mews style house. The historic feu boundary wall between Nos. 31 and 32 is 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 are 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 is a large extension running approximately 14m along the boundary and half the length of the extension at Nos. 31-32. This extension is built on the boundary wall and has a high blank gable facing into the site. This extension is 2 storeys in height, but due to underbuilding and thus elevated floor levels, it is only slightly lower to that at Nos. 31-32. To the west, at No. 33 Albyn Place is another large extension currently in office use. That extension is more comparable in height, scale and projection to that of Nos. 31- 32. The extension at No. 33 has a 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.

### **Relevant Planning History**

---

None

### **APPLICATION DESCRIPTION**

#### **Description of Proposal**

The proposal is 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 3 storey, office structure to the rear is proposed for retention and reclad in granite though the link connecting it to the original buildings is proposed to be removed. The rear structure is proposed to be converted to 10 flats being - 2 flats on ground floor and 4 flats on each of the first and second floors. Two of the flats on each of the first and second floors would have their bedroom and main living spaces facing east or west, directly onto adjacent properties. Balconies would be added to each of the flats to provide private amenity space. The balconies would vary in size from around 12sqm for flat 6 to around 25sqm for flat 7. The traditional properties to the front are proposed for conversion into 6 flats, two in the basement, two in the main ground floor and two in the second floor attic. The ground floor flats would retain the original front stepped access with the two basement and two attic flats proposed to be accessed from the side and new rear stairwell respectively. For the flats on Albyn Place the proposal is to include private amenity space for these flats in the form of either balconies or patios in between the historic property and the rear building 5 metres distant to the closest point and 6.5 metres from the furthest. The new stairwell is approximately 2.3 metres from the rear structure. For the flats in the rear structure private amenity space is in the form of patios and balconies largely to the east and west.

To the rear 13 parking spaces would be provided with a further 3 informal spaces available to the Albyn Place front. No changes are proposed to the ingress/egress to the front and the entrance to the rear is also per existing situation. The site would also provide bike storage including additional visitor cycle parking provision and bin and waste provision. Located between the parking court and the rear structure would be a communal area of amenity measuring around 200 sqm in size. There would also be a few planted flower and shrub beds on the edges of the property feu.

### **Amendments**

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 is 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.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QPQU9XBZHFD00>

### **CONSULTATIONS**

#### **ACC - Waste and Recycling**

There is the requirement for the following bin store provision as follows:

The 16 flats will be provided with:

- 2 x 1280l general waste container 128CM W X 145CM H X 100CM D (90cm minimum clearance to manoeuvre bins)
- 2 x 1280l co-mingled recycling container 128CM W X 145CM H X 100CM D 90cm minimum clearance to manoeuvre bins.
- 1 x food waste container. 62CM W X 129.8CM H X 74CM D (80CM X 80CM (90cm minimum clearance to remove internal bin from front opening casing)
- 16 x kitchen caddy and caddy liners (one for each flat)

When planning bin stores, please take these measurements into account to ensure ease of use residents and collection for crew.

The following costs will be charged to the developer:

- Each 1280l bin costs £413.60
- Each food waste container costs £514.49
- Kitchen caddy and caddy liners £0.00
- A delivery of 10 or less bins will incur a £30 delivery fee.

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

#### **ACC - Developer Obligations**

Were consulted on the original scheme but the revised scheme DO contributions would be as follows:

- Core Path Network - £4,613



- Healthcare Facilities - £7,155
- Open Space - £2,269
- Community Facilities/ Sports and Rec - £3,100

In this instance, no affordable housing contribution is required given the temporary waiver which is applicable to all new planning applications within the defined City Centre Affordable Housing Waiver Zone.

### **ACC - Environmental Policy Team**

In April 2021 a tree survey (listed on the plans but not submitted by the applicant at that stage) was requested given the likely impact any work within its vicinity would have on the tree. The tree survey was received in November 2021 and though there were contradictions in the report it was deemed that the proposal to add additional, formal car parking spaces to the front would still have a detrimental impact on the long-term health of the tree. The specification thought reasonable was not appropriate in the context circumstances. The proposal would have caused medium to longer term impacts for root compaction that would have resulted in the decline of the tree. The scheme to the Albyn Place front curtilage was thereafter revised and the proposed alterations removed.

### **ACC - Roads Development Management (DM) Team**

Consulted on the original scheme and on the revised scheme. Their comments are as follows:

There have been fundamental changes in number of units and design from previous, therefore the latest proposals shall be responded/commented on below:

**Walking and Cycling** - Direct access for pedestrians onto the adopted public footpaths along Albyn Place. The site will be served by the on-road cycle lanes along Albyn Place which connects into further recommended cycle routes by ACC and Aberdeen Cycle Forum and into shared bus/cycle lanes and the National Cycle Route 1 in the city centre.

**Public transport** - Site is well services by public transport with regular bus routes connecting in/out of the city centre and other areas of the city. Bus stop 100m east heading in either direction.

**Parking** - Site within inner city boundary, as per ACC guidance the associated parking ratio should be 1.5 spaces per 2/3 bedroom flat/unit. This would equate to 24 spaces for the 16 units. Though the site would be a shortfall as per the standards it is confirmed this would be considered acceptable given the proximity to the city centre boundary and Union Street itself and well as sustainable transport and cycle parking provision. This said per the previous comments the disabled space requires to be additional space over and above the 16. There is also the requirement to delineate the three spaces to the front. Finally plan 210 L[90]101 F shows a coach pick up/ drop off annotation that would not be required for a residential development.

Parking spaces must meet the dimensions 2.5m x 5.0m and a minimum aisle width of 6m. this would appear to be acceptable at the rear and previous comments have been taken onboard

### **Queen's Cross and Harlaw Community Council**

Following the submission of the amended proposals, the Community Council submitted a letter of support to encourage Planning Service to look favourably on the proposal. The Community Council considers that if this development does not go ahead, no better alternatives are likely to ever come forward and the deterioration of the built estate will accelerate to the detriment of the Queen's Cross and Harlaw Community Council area and the physical and visual amenity of the residents.

## **REPRESENTATIONS**

2 representations from the same person have been received (as a result of renotification and revised scheme submission) - 1 in support and 1 neutral. The matters raised can be summarised as follows –

- Have lived in the lane for 30 years and it is an interesting mix of residential and commercial, which co-exist happily,
- Impressed with the design and layout of the proposal. The design is sympathetic to the surrounding and vastly improves the existing building and makes a positive addition.
- Parking on and around the lane is always an issue. The council made improvements to the lane that improve the parking issues but when there are too many cars parked, bin lorries have issues. This scheme should have sufficient parking within the development.
- Upon considering the initial concern expressed by the consultee/interested party the applicant reduced the number of dwellings/flats by 5, which included 3 proposed mews buildings adjacent to my property. Resulting in less parking requirement and usage. *(NB it is unclear what this comment relates to because no proposal such as this was submitted to planning for consideration by the applicant)*
- No objection to the first set of plans but note that the alterations are much improved. The lower skyline is more in keeping with the surrounding buildings and welcomed from their vantage.
- an ugly building will be transformed into an attractive residential development
- no concerns regarding the construction works

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **National Planning Policy and Guidance**

Scottish Planning Policy

Historic Environment Policy for Scotland (HEPS)

### **Development Plan**

Strategic Development Plan

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

### **Local Development Plan**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning &

Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, cognisance should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- Policy B3 (West End Office Area)
- Policy CI1 (Digital Infrastructure)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy D5 (Our Granite Heritage)
- Policy H1 Residential Areas
- Policy R6 (Waste Management Requirements for New Development)
- Policy R7 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)

#### **Supplementary Guidance and Technical Advice Notes**

- The Repair and Replacement of Windows and Doors SG
- Transport and Accessibility SG
- Resources for New Developments SG  
Repair and reinstatement of cast iron railings
- Materials TAN
- Development along Lanes TAN

#### **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The following policies in the proposed Plan are considered relevant:

- CI1 – Digital Infrastructure
- D1 – Quality Placemaking



- D2 – Amenity
- D6 – Historic Environment
- D7 – Our Granite Heritage
- H5 – Affordable Housing
- I1 – Infrastructure Delivery and Planning Obligations
- NE5 – Trees and Woodland
- R5 – Waste Management Requirements for New Development
- R6 – Low and Zero Carbon Buildings, and Water Efficiency
- T2 – Sustainable Transport
- T3 – Parking

### **Other Material Considerations**

- Albyn Place/Rubislaw Conservation Area Character Appraisal (CACA)
- Historic Environment Scotland's Managing Change in the Historic Environment:
  - Boundaries, Doorways, External fixtures, Setting and Windows.

## **EVALUATION**

### **Principle of Development**

The proposal is for the redevelopment of Nos. 31-32 Albyn Place and its associated rear office block into residential use for 16 apartments. The site is located within the Albyn Place/ Rubislaw Conservation Area. The previous use of the buildings was offices though the site has been vacant since 2017. A large extension was added to the rear at a time when office development of this type was in demand and deemed appropriate. These extensions are evident along this whole street and unfortunately have been built to the detriment of the Conservation Area in varying styles, scales and quality of materials and design. However, at that time, and for office use, the provision of large rear extensions preserved the general Albyn Place frontage and feel of the valued historic properties that comprise and contribute to the Conservation Area.

### **Change of Use/Principle of Residential Development**

Within the Aberdeen Local Development Plan 2017, Nos. 31-32 Albyn Place is located within the West End Office area (Policy B3) which principally supports office development. This policy does also confirm that any application for residential development will be considered on its own merits, and therefore Policy H1 – Residential Areas is relevant to the extent that this sets the criteria for 'high quality'. Within the Proposed Local Development Plan 2020, it is acknowledged that this area is changing and promotes it as suitable for mixed-use development, including high quality residential use that respects, protects and enhances the Conservation Area as one of Aberdeen's valued places.

The principle of reuse to residential of the building is welcomed and can be met within consideration of Policy B3 and given the downturn in recent years of the office market within Aberdeen, the change of use for residential purposes should be acceptable if the criteria within Policy H1 are met, and in consideration of a number of other policies and guidance that require to be complied with for it to be deemed acceptable.

### **Matters effecting conservation**

It is noted that none of the statements submitted by the applicant make reference to the retention and re-cladding of the rear building as being the correct solution in terms of the Conservation Area or indeed design and good placemaking. The Heritage Statement notes that "*The contribution to the landscape value at the rear of the property is negative. The office block and car park are detrimental to significance*". It goes on to classify the extension as Detrimental to the Significance and states "*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 as determined in the 2013 Conservation Area Character Appraisal.*" This statement does not necessarily say the brick finish on the structure is the issue, but it is the structure itself has a detrimental impact. The Planning or Design and Access Statements have failed to respond to this issue, and no justification is provided. The statements only suggest recladding in a granite, increasing window sizes and adding metal balconies as the solution.

The Heritage Statement does suggest that any historic fabric within the site should be protected and preserved including the boundary walls. In the brochure submitted with appendix 1 of the Planning Statement it shows a boundary wall between Nos. 31 and 32 Albyn Place. It does not appear on any of the plans, but from on-site inspection it appears to have been largely removed. The loss of this wall is unauthorised, is disappointing and its removal contrary to policy given that it was historic fabric. It is also noted that the links between the original buildings and the extension have also been removed. This work and that of the removal of the boundary wall should not have been carried out without first obtaining the required consents and thus could lead to enforcement proceeding if planning permission is refused.

Based on the submitted information there is a lack of consideration and justification for the impact this existing structure makes to the Conservation Area. The submitted Heritage Statement asserts that *"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 as determined in the 2013 Conservation Area Character Appraisal,"*. As such the application cannot be supported in terms of ALDP Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment).

The proposal is to retain, reclad and convert the large building to the rear into 10 flats. This large brick clad structure, was at one point an extension to the properties to the front but the connecting links have, as noted above, already been removed, resulting in a large standalone building in close proximity to the rear of the two traditional properties which compromises their aspect, daylight and sunlight receipt for conversion into dwellings. The building is clad in red/brown brick with windows on the east, south and west elevations. This large structure currently detracts from the character of, and over dominates, the traditional buildings and detracts from the wider conservation area as a whole. This fact is acknowledged in the submitted Heritage Statement. All additions to the rear of buildings between the junction of St Swithin Street and Albyn Grove are extensions and not separate buildings. Only No. 28 includes a separate building, but this is at the bottom of the historic feu abutting Albyn Lane of a similar position to other mews developments along the lane. The materials, form, proportions and scale of this structure are not in keeping with those of the historic buildings. This is because the building was erected at a time of buoyant office demand capitalising on the quality of the historic environment for its 'kerb appeal' and utilising the feu depth and topography to accommodate the office floor area needed. It is noted that a number of large extensions, largely in office use, are present along this lane but that does mean the scale, siting and location of this one does not detract from the Conservation Area. The redevelopment into residential use therefore will fix this form of development indefinitely, with the consequential long-term harm to the character of the Conservation Area.

It is also considered that with the amount of structural modelling proposed for the large rear building is not considered a wholly sustainable approach to re-use but is to try to capitalise on an existing form of development created to serve a less permanent office use. This large rear building is around 4.7m distant from the eastern feu boundary and also 4.7m distant from the façade of the adjacent eastern property, given it is built right on the boundary. Furthermore, it is 4.3m from the western boundary and 12m from the adjacent western building.

Policies, in particular where they relate to the historic environment, have evolved over the years in order to protect the historic environment and its special character, and in recognition of the entire

building envelope rather than simply a focus on primary elevations. Existing large extensions, that were consented a many years ago, do not provide justification for a development proposal which would otherwise fail to comply with current policy and guidance, and for residential use being different in its requirements to that of office accommodation. This existing extension would not meet current policy and any new proposal must take into consideration and comply with current national and local policy and guidance regardless of the existing situation onsite.

Within the updated Planning Statement submitted reference is made that the ACC Development Along Lanes TAN is irrelevant because the proposal does not include mews buildings. The site is served by Albyn Place and Albyn Lane and the TAN identifies and responds to a context for change specifically written to give a direction to the Albyn Place/Rubislaw and Bon Accord Conservation Areas where historic property is coming onto the market because of the wider oversupply of office accommodation within the city. As such the TAN promotes a form of development that replicates an historic building type that could be successful in comprehensive feu redevelopment. The TAN encourages a respectful approach to reuse of valued historic properties for residential use than might have been the case a few decades ago to ensure that that property and its amenity are safeguarded. The Development Along Lanes TAN, and that on Materials, were not referenced in the original Planning Statements submitted with the proposal and even within the revised statements they have not been reflected upon as local planning context for redevelopment within this site.

As such, no justification has been submitted in terms of how the proposal considers or complies with the Development along Lanes TAN or why the retention of the structure is appropriate in terms of Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) and how this design solution is the most appropriate for the site or the wider conservation area.

It is noted that recladding the building may make a slight positive visual change, but it is unclear where the granite would be sourced from and how it would match in, and importantly the scale of the building in proximity of the historic properties at Nos. 31 and 32 Albyn Place remains, along with the close proximity of the adjacent properties east and west of the site and the compromise that they represent for over-looking and overshadowing. Initial consideration of the Technical Advice Note on Materials could have provided guidance on a more sympathetic redevelopment proposal for the site. However, the guidance and advice are not given as prescriptive but have led to approval and successful development in similar contexts.

The Materials TAN also goes on to state that *“Whilst imported granite could be seen as an obvious material choice for new buildings in the city, it is important to note that its use could actually dilute, rather than reinforce, the city’s granite heritage. Instead, alternative materials can often be a more appropriate choice to help preserve and enhance the status and setting of the city’s existing, locally quarried granite.”* It is also likely that the granite would have to be imported which dilutes any argument of sustainability. Many cladding materials could make a better contribution to the site context than the existing red/brown brick building which does not make a harmonious addition to the place

It is considered that there is no justification for the retention of the rear structure and no explanation on why this is the most appropriate solution for the site, beyond the fact that it is already there. It would require significant reworking and represents a significant negative impact to the redevelopment of the historic property for quality residential use. As such, the proposal does not comply with the Development Along Lanes or Materials TAN or Policy D4 (Historic Environment). Policy D1 Quality Placemaking by Design states that 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. From the



submitted statement and the proposed site layout it is evident that this has not been considered, particularly the context given the proposed change of use of the site to residential.

### **Amenity and light**

The submitted Planning Statements have included the reference to the importance of Scottish Planning Policy (SPP) and the sustainability arguments. Also, within SPP in its policy principles it states that policies and decisions should also be guided by the following principles:

- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Amenity and the protection of privacy are material considerations within the planning process to secure quality development that offers attractive places to live in Aberdeen. It is important that these aspects are considered for any future residents but also existing uses within adjoining properties. The importance of amenity is reflected in Policy D1 which seeks to avoid unacceptable impacts on adjoining use and the impact on privacy. The importance of amenity for residences, particularly within and close to the city centre is evident with the proposed new policy in the emerging Local Development Plan, specifically Policy D2 – Amenity. This policy also states the need to *“ensure that occupiers are afforded adequate privacy”* which given the proximity of the adjacent office block, will not be the case. In terms of residential development where parking is provided, Policy D2 makes it clear that development should provide *“no less than 50% useable amenity space while it is necessary to provide car-parking within a private court.”* The rear area measures around 788sqm and as stated previously the rear amenity area of 200sqm is well under 50%. It is noted that balconies and patios are included too, but given the overlooking and overshadowing of a number of these their useability could be questionable. Finally, this policy also states that occupiers should be *“afforded adequate levels of amenity (including) immediately outlook”* which is clearly not achieved in the majority of flats.

The proposal also raises significant concerns with regard to ‘the borrowing of amenity’ from the adjacent properties and the overlooking. To the west, the office building is 4.3m from the boundary with large windows and a window-to-window distance of around 12m. The typical rule of thumb for window-to-window distance between habitable rooms is 18m. It is noted that the office building does not technically contain a “habitable room,” but the 18m distance is still relevant because the windows of the office, where people can sit all day, will look directly into the proposed residential accommodation, including main living areas and bedrooms. The principle of this policy is to protect privacy, which given the proximity of the office adjacent, would not occur. The flats proposed in the first and second floors would be compromised by the position of adjacent property and its directly overlooking windows, and those at the ground floor, though they would have the aspect over the communal garden to the south they would also have windows facing east and west onto the boundary walls in very close proximity which affords very little outlook. There are no other positive factors for these properties that would mitigate this issue or can be taken into consideration.

The rear extension at No. 30 Albyn Place is built to the boundary and there are no windows to cause a loss of privacy, however the proximity is approximately 4.7m at best and therefore provides overshadowing for the morning sun and ensures no aspect other than looking directly onto a blank wall from the main living accommodation and bedrooms. The outlook from a number of the flats’ habitable rooms, including the main living space are thus very poor, in some cases,

looking out onto a high blank wall at very close quarters (to the east). Also, any residents here would look directly into the rear parking area of No. 30 Albyn Place. Though not residential, it is part of Albyn Medical Practice and this proposal would be borrowing amenity from here. If this proposal was consented, it would ultimately sterilise the future use of this area for anything other than parking, due to the proximity of the windows and the projecting balconies, which would provide the ability to sit outside and overlook the site to within 2.6 metres of the boundary.

It is noted that though not 'technically' single aspect, flats 5, 6, 13 and 14 have a small single window their north elevation for the kitchen. These windows, however, include opaque glazing, so will provide no outlook and given the fact it is north facing, the proximity to the building opposite and being 2.3m away from the proposed new stairwell it will also afford very little light. As such no benefit is gained from these north facing windows and as such by all intents and purposes the properties are single aspect. This layout provides very little opportunity for a varied outlook and in some flats (5 and 6) very little outlook at all.

The original granite buildings have at basement level flats 8 and 9. These buildings have windows to the front and rear facing North and South (though compromised by the rear structure, which is around 6m away). To the front the basement is below the street level and daylight is afforded via the windows which are within external basement lightwells. The master bedrooms would have very little light from these north facing sunken windows. The second bedrooms in flats 8 and 9, according to the plans, would have no windows, but, from site inspection, there would appear to be a window in each room. This said again they would have a very small area where the lightwell would allow light in. There would be no outlook and the north facing lightwells would afford very little light as such these flats would not have an appropriate level of light or amenity afforded to them.

The principle living room of flats 8 and 9 in the basement would be located to the rear and the lounge/ kitchen area is afforded a reasonable space with large south facing windows. Unfortunately, the retention of the large building interferes with any potential solar gain, outlook or in effect will likely compromise the daylight receipt into the principle living space in either of these flats. This issues of lack of light would be further exacerbated with the overshadowing from the two adjacent properties, boundary walls and their extensions. There would be private amenity areas for both flats to the rear but again these will be heavily overshadowed and over dominated by the existing rear building. Finally, the projecting stairwell would add further overshadowing to the rear dining area if any light had been able to get in. As such these properties would not have sufficient amenity or light.

Flats 16 and 17 (although only 16 flats are proposed this is the annotated number of the plans, likely unchanged since the flat numbers have been reduced) are located on the first floor of Nos. 31-32 Albyn Place. The rooms to the front in these flats are acceptable given they have windows as well as light, though not direct sunlight given their north orientation. To the rear the balconies will provide acceptable outdoor space and should afford some daylight all be it again overshadowed by the stairwell at times of the day. Finally, flats 22 and 23 (as per the note above) will have reasonable outlook, daylight and sunlight and the small outdoor balconies to the rear will provide amenity space. There is no issue of overlooking to this flat.

Sun path diagrams were submitted and they do appear to show some light entering all the rooms in the south elevation of the Albyn Place properties. This said it is a very small amount for the lower flats and that is 1<sup>st</sup> September not the winter months. No detail or evidence was provided in relation to the light that the flats in the rear building are afforded. The simulation also shows that the private amenity space between the two buildings will get very little direct light also.

Policy D2 – Amenity of the Proposed Aberdeen Local Development Plan states that development will be designed to

- ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook;

it also goes on to state that residential development will also:

- ensure minimal shading of external private and public spaces;
- ensure that occupiers are afforded adequate levels of privacy;

This scheme to convert the front building falls short within the basement level on all of these elements and does not provide sufficient light, sunlight or privacy within the development.

The supporting documentation states that all but 4 of the 16 flats have a south facing aspect. This is technically correct, but the large modern office structure does not allow for the benefit of this aspect to 4 of the flats within the properties to Albyn Place. So, 8 of the 16 flats do not benefit from the south facing orientation of the historic building because of the proximity to the large building to their immediate south.

### **Proposed flats within the rear building**

To the rear the retained building would also provide poor amenity and outlook for some of the properties. The ground floor flats (flat 1 and 2), cover the length of the building with aspects to either the east or west and to the south. This south elevation would afford excellent light and solar gain which 6 of the main living accommodations would benefit from. The bedrooms to the east would look out onto a boundary wall around 4.5m away and to the west 4m away, resulting in very little outlook or daylight receipt. There would also be further overshadowed and over dominated by the balconies of the properties above.

To the first floor there are four flats proposed (flats 4, 5, 6 and 7). Flats 5 and 6, as stated, above would have poor outlook and amenity. There would also likely be issues of overshadowing from the east and west here. Flat 5 on the west would also have issues with overlooking from the office property, a mere 12 metres away. This includes into the principle living space, the bedrooms and the proposed terrace. The addition of the balconies would bring the residents 2m closer to the adjacent windows, a mere 10m away. Furthermore, flat 6, would look onto the blank gable of the adjoining extension again 4.5m away (2.5m from the balconies). Flats 4 and 7 are afforded better light and outlook with the principal accommodation looking south. This said, again the property on the west side would be significantly overlooked by the adjacent office. The balconies proposed for these properties are directly above those on the floor below and would also provide an element of overshadowing to the rooms and their outdoor amenity space.

On the top floor the flats will be afforded a good amount of light. This said, like the floor below the top floor will both be overlooked by the adjacent office extension as well as causing an element of overshadowing on the flats below. It will also again look into the adjacent properties and in particular the rear area of Albyn Medical Practice next door.

In terms of amenity this development falls so significantly shorter than is required and as such is contrary to Policy D1 – Quality Placemaking by design as well as Policies D1 – Quality Placemaking and D2 – Amenity of the Proposed Local Development Plan.

### **Overdevelopment**

The provision of 16 flats within the site, has resulted in a large area to the rear still being given over to parking provision. The South facing communal garden area would be very small and only



measures around 200 sqm in size which, given some of the properties will have very little sunlight afforded to their private amenity areas, is insufficient. The Planning Statement states there is around 500sqm of communal and private spaces in the form of terraces and private gardens is proposed which is apparently 20% of the site. A number of these areas appear to be planted beds and areas which will be largely overshadowed but in the absence of any landscape scheme it is not clear how the communal areas will be laid out. Given the parking court and access to the rear take up around 590sqm, almost three times the communal grassed area, it is disappointing that more was not made of the garden area and the south facing aspect. Only 6 properties of the 16 really benefit from the south facing aspect. The front garden off Albyn Place presents an attractive formal setting to the property, however given its street prominence is unlikely to be a place where residents would be comfortable using for recreation.

The reinstatement of a larger section the rear garden area would have been more appropriate given the lack of amenity some of the flats are afforded. The Heritage Statement makes significant reference to the fact that a previous owner was a horticulturalist and commercial gardener, but no reference or consideration has been given to this when laying out the garden area. The number of flats proposed within the site has resulted in the poor internal and external amenity being afforded to a number of the flats.

### **Landscaping**

No details of the proposed landscaping scheme, planting, or the hardstanding have been provided with the application. A green wall is noted but no detail of what this would consist of is available. There is no reference to clothes drying areas or use of the spaces. As it sits, it does not appear that much consideration has gone into the landscaping scheme. ALDP Policy D2 Landscape states that developments should have a strong landscape framework which improves and enhances the setting and visual impact of the development. It goes on to state that "quality development will:

- be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;
- conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;
- create new landscapes where none exist."

This proposal does not consider the existing context to the rear. Unfortunately, the boundary wall that was present is no longer there and the proposal does not try to restore any features that are evident in the Design and Access Statement historic maps plans or as referenced in the Heritage Statement and does not create any interest in the new landscape that replaces the existing parking area. As such the proposal does not meet the requirements of Policy D2 Landscape of the ALDP.

### **Main buildings conversion**

The proposal is for the division of the two properties into 6 flats, one within each floor with separate side access for the 2 on the lower ground floor, 2 on the ground floor accessing through the original front doors, and a proposed communal rear stairwell access 2 flats on the first floor via a side passage from the front.

The proposed works to the original semi-detached properties to Albyn Place respect the historic structure and the wider Conservation Area and its special character. Though not listed, the proposed window refurbishment as well as the gentle cleaning proposed (consent not required if per statement) would all provide a positive change to the buildings within the Conservation Area

and the kerb appeal of the building. The proposal to repair the windows is welcomed. This said the Design and Access Statement notes that damaged windows would be replaced. Adequate justification for any replacements, would be required in accordance with the Repair and Replacement of windows and Doors Technical Advice Note, this has not been provided. The retention and repair of windows is the preferred option in accordance with the TAN.

Internal changes are also respectful of the building's fabric, though not listed and as such not requiring of planning consent. The proposal aims to retain feature that are still present which is welcomed.

Proposals for the rear wall of 31-32 Albyn Place and the rear roof slope is not fully explained or justified within either the design and access, planning or heritage statement. Though the building is not listed the proposal appears to remove a large area of granite wall from the rear of the buildings and the majority of the rear roof slope which would affect the special character of the building and the wider conservation area. It is unclear from the plans and elevations what exactly is proposed for demolition and it would appear that there are inconsistencies in the information submitted.

Drawing 210 L(00)104 Elevations (demolition) appears to show the link between the two buildings being removed to leave the natural stone walling exposed. However drawing 210 L(00)102 Rev A Floor Plans (demolition) appears to show the removal of the back wall of the existing historic building as well as the link structure. Drawing 210 L(00)100 also appears to show the removal of the majority of the rear roof slope of the historic building. This said it is not clear given there is no key on the drawings and the drawings vary. The Design and Access statement shows the rear wall of the traditional building remaining. The inconsistencies in the plans as well as the demolition itself is not explained, clarified or justified in any of the statements submitted.

Policy D5 Our Granite Heritage states proposals to demolish granite, buildings, structure or feature, partially or completely, that is within a conservation area will not be granted planning consent. The proposed demolition of this rear wall is unclear and unjustified. Furthermore, no detail is provided to explain how it would be rebuilt or the granite reused. Given the lack of clear information on these proposed works they would not be acceptable, due to the potential detrimental effect it would have on the building and the character of the conservation area.

The design of the proposed stairwell to the rear of Nos. 31-32 Albyn Place looks incongruous to the existing building and as an addition within the Conservation Area, albeit a small addition, would require further consideration. Its design also causes overshadowing of the property's balconies either side.

### **Front curtilage**

To Albyn Place the original vehicular 'in' and 'out' arrangement currently exists. The original proposal was to alter this arrangement and provide additional parking in this area. This had an impact on the mature tree as well as the visual amenity of the Conservation Area and was contrary to the Supplementary Guidance document of Transport and Accessibility. This element of the scheme was revised to retain the historic movement pattern, remove the new parking spaces and as such is now deemed acceptable.

Part of the proposal is to reinstate railings to the Albyn Place frontage. This is welcomed; however,

the design of the proposed railings does not appear to have taken into consideration the Council's adopted Technical Advice Note on Repair or Reinstatement of Cast Iron Railings which states *"Where the original railings have been completely removed, the new railings should be as faithful a copy of the original railings, as possible. If none of the original railings can be obtained for use as a guide, then photographic or other archive evidence should be obtained to ascertain the nature of the original railings"*. There are railings present onsite on the stairs and lightwell but again they do not appear to have been considered when designing the new railings. As such the design of the new railings is not in keeping with the Repair or Reinstatement of Cast Iron Railings TAN.

### **Parking**

Though the parking standards are not fully met, ACC Roads DM team are satisfied that there are sufficient spaces available for general parking. This said there is the requirement for an additional space for disabled parking beyond the 16 spaces which has not been provided and it is unclear where it could be provided without being to the detriment to the front area. An additional space to the front would not be supported. Roads DM also ask for delineated spaces to the front which would have to respect the character of the conservation area and for example use setts to delineate the ends and corners of the spaces.

### **Rear curtilage**

The scheme provides additional planting to the rear as well as a small, grassed area which is welcomed. This said, the Heritage Statement makes significant reference the previous rear garden, the complex use of the layout, how they would have had large gardens and its association with horticulturalist and commercial gardener Benjamin Reid. With this important association identified it is surprising to see the rear area given over to a small area of grass with some trees planted in the side beds. Had less flats been provided; less car parking spaces would be required and more space could have been given over to garden ground. There are also no details of a landscaping scheme provided so it would appear that little consideration has been afforded to this element. The Heritage Statement confirms *"The contribution to the landscape value at the rear of the property is negative. The office block and car park are detrimental to significance,"* but the proposal does very little to remedy this highlighted issue.

On the site plan, an area at the entrance off Albyn Lane is shown to be planted, but appears to be outside the redline boundary. It is assumed this does not contribute to the communal open space within the site, given it would appear to be in different ownership.

The area between the traditional property and rear structure, which would be largely in shadow, was originally proposed to be hardstanding but it appears that on the plans submitted as part of the LRB process, that this now includes grassed areas. Either way it is a very over shadowed, over dominated area of land with little amenity value.

Finally, a green wall is proposed on the northern elevation of the existing brick building, presumably to provide a slightly more aesthetic outlook from the traditional flats. there is no detail of how this would be planted, the species proposed or how this proposal would be successful. Again, the lack of consideration to the landscape of the site is of concern and is unacceptable.

### **Sustainability**

The principle for the reuse of this prominent historic building is welcome. The proximity to the City Centre and the Council's aspirations to reuse these historic buildings as residential properties supports the principle of this scheme. There is a strong and welcomed sustainability argument for the reuse of the historic buildings to the front.

With regard to the rear building, the proposal for this part of the site is described in the Design and



Access and Planning Statements as sustainable re-use of the existing built fabric and form of development. The building currently on site is a three-storey brown brick clad building under a concrete tile pitched roof and of a form and design that, according to the submitted heritage statement, in no way either preserves or enhances the Conservation Area. The extension was approved at a time when design quality and placemaking were not firmly within the remit of planning.

Within the submitted documents the justification for the retention of the rear structure appears to be sustainability grounds which is an important factor to consider but this alone as a reason does not justify the retention of this large structure which compromises the site and context. At the time of construction, the building regulations would have been much less restrictive than they are now. The rear extension would not meet current standards and as such it is clear that the structure will have to be completely, or substantially, gutted, insulated, re-clad, and according to the demolition plan largely demolished. If this is the case it brings into question the sustainability of this proposal. If this eyesore of a structure had been demolished, an appropriately designed solution could have been found that would have met the policies within the ALDP, contributed positively to the Conservation Area, been of a high design quality and allowed for the appropriate level of amenity for the residents.

As stated above, from the demolition plan 210L(00)102A it is assumed (given no key is provided) the orange colouration shows areas of demolition which appears to be internal walls and whole roof structure, as well as the rear of the roof and wall on the original house. This said, given the lack of clarity on the drawings, it cannot be ascertained with certainty that the walls of the rear structure are not included in the demolition proposal. This makes it difficult to argue that the retention of the original structure is being done on sustainability grounds when there will be very little of said original structure left.

Finally, the granite for recladding is likely to be imported and as such again how sustainable is this for the proposal, although it is appreciated that local granite can be sourced.

#### **Other issues**

Policy H5 would normally require the contribution of 25% affordable housing but the applicant has requested the Affordable Housing Waiver applies. If the application were approved, it would require a Direction added to be the decision notice requiring the planning permission to be implemented within one year.

Given the significant issues with the original proposal, no assessment was provided on the elevations. The original scheme was such a concern that no architectural dressing could resolve the form and volume of development to achieve a harmonious addition to the site and cannot be said to 'preserve and enhance' the wider area status beyond the principle of re-use. It is noted that the two additional storeys were removed, reducing the over-development but no additional engagement was sought from the agent and a request for determination was made. Had further discussions been entered into, significant changes would have been sought on other elements of the proposal including the elevational and design elements proposed on the rear structure.

The design of the proposed stairwell to the rear of Nos. 31-32 Albyn Place looks incongruous to the existing building and as an addition within the Conservation Area, albeit a small addition, required further consideration. Its design also causes overshadowing of the property's balconies either side.

The replacement of the traditional dormer to the rear with a larger dormer which will be situated on

the wall head is not in accordance with policy. But given the wider benefit and the fact that it will allow for private amenity space for the flats and the fact that its design is of an appropriate scale in this instance it is deemed acceptable.

It is unclear from the drawings where ventilation for the bathrooms is proposed. New slappings in the historic principal elevation of the properties would need to be fully considered.

### **Notice of Review Supporting Statement**

It is noted that changes were made to the proposal but as per the details and considerations above this did not go far enough to make the scheme acceptable and in accordance with Policy. Had the agent been open to discussions, as suggested in the statement, then an acceptable solution could have likely been found for the reuse of the site for residential use. However, at no stage, either prior to the planning application being submitted, or during its consideration, did the applicant, or his appointed agent, engage with the Planning Service, or did they show any willingness to do so.

On page 5 of the statement, it notes no material change would be made to the physical appearance of the existing built development and as such there would be no negative impact on the streetscape or the character of the Conservation Area. This statement is contrary to the submitted Heritage Statement which clearly states that *"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 as determined in the 2013 Conservation Area Character Appraisal."* Furthermore, the statement is actually inaccurate because the recladding and addition of balconies would materially change the physical appearance of the building.

The points raised in the statement in relation to private external space, dual aspect, south facing orientation, daylight and sunlight receipt have been addressed elsewhere in this report.

The Supplementary Statement comments in paragraph 2.6 that there is a *"need to take a holistic view of the amenity which residents would enjoy, with people specifically choosing to live close to the city centre because of the amenity benefits this delivers in terms accessibility and proximity to the services, facilities and employment opportunities this has to offer, and accepting that the amenity this affords is different from that provided in a more suburban residential area."* The last experiences of the previous 2 years have taught and reminded society of the necessity and requirement for private amenity space and clear meaningful direct access to quality external space for our everyday needs. Though this site is located close to the City Centre, and indeed the amenities that the city centre offers, it is not constrained in terms of the provision of outdoor space. If a proposal was designed to an appropriate scale and design, this site has ample space to allow for both private and communal amenity space as well as appropriate level of light and outlook had the proposal considered the site, its context and the relevant policies and representing a high-quality residential environment befitting the site place status within the Conservation Area and its connectivity to the city centre.

The Planning Statement poses the case for the development in terms of SPP and justification for the proposal in terms of sustainable development. It is noted that the location is sustainable as is the reuse of the traditional building and the building on brownfield land. This is all agreed in principle, and had a more appropriate scheme been proposed, that met other policies which are designed to protect and provide the appropriate amenity for residents then it would likely have been supported. It is also noted that the requirement for office accommodation of this type is no longer favoured but again that is not a reason to not comply with the other relevant policies of the plan, guidance and legislation.

Also, within SPP as stated above, its policy principles make it clear that policies and decisions should also be guided by the following principles:

- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Paragraph 3.6 of the Notice of Review Statement argues that it should be approved on sustainability terms because there is, *“no adverse impacts which would ‘significantly and demonstrably’ outweigh these benefits have been identified, with regards to which the Planning Statement, Supplementary Statement and paragraphs 2.5 to 2.8 above clearly demonstrate that is the case in respect of:*

- *the character of the Conservation Area;*
- *the amenity of existing or future residents”*

As per the content of this report this is an inaccurate statement and the importance of amenity as well as the character of the Conservation Area have clearly been overlooked.

Finally, SPP states that where an LDP is more than 5 years old *“the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.”*

The Notice of Review Statement states *“it is submitted that the proposed development would deliver a high-quality residential environment which complies with all relevant policies of Development Plan and is supported by other relevant material considerations, in particular the presumption in favour of development that contributes to sustainable development set out in SPP.”* How the development contributes to sustainable development has been considered as part of the scheme and had been afforded a significant material weight. This said, based on the information provided and the submitted plans it is evident that this proposal does not in fact meet the policies of the Development Plan, and material considerations, and that there are in fact significant concerns that significantly and demonstrably outweigh the benefits of the scheme in terms of sustainable development.

### **Precedent**

This proposal is one of the first of this type which has been submitted along this stretch of Albyn Place. It is likely that the decisions taken here will have an impact on other properties and development along the street, which is one of Aberdeen’s finest pieces of historic townscape planning. Precedent is not normally a factor to consider but there is the potential for a cumulative impact if this application were approved and thus it becomes an important and relevant material consideration. Approval would set a precedent whereby here and on other centrally located sites it could allow for other development with very poor amenity, outlook, sunlight and privacy and a detraction to the quality of the built historic environment. The proposal also raises significant concerns with regard to ‘the borrowing of amenity’ from the adjacent properties and the overlooking to the west in particular. Solutions could have been found and this issue avoided had the agent worked with ACC planning on this scheme.



### **The Basis of the Notice of Review for Non-determination of the application**

The following paragraphs explain why the Planning Service did not make a determination of the planning application, which led to the Notice of Review against non-determination being submitted by the applicant. This primarily arose for two reasons; the late submission of necessary information by the applicant and the re-notification of neighbours and re-advertising of the application following the submission of the revised proposal.

As noted earlier in this report, there was no engagement by the applicant, or his appointed agent, with the Planning Service on this proposed development. Planning Service has a formal pre-application process in place, which potential applicants for developments of this type and scale are strongly encouraged to go through. This would have given the agent and applicant a clear steer on what information and supporting documentation and reports were required and a clear indication of what level of development may be appropriate for the site. They chose not to go through this process and submitted an application for the conversion of the existing building, recladding of the rear structure, erection of 2 additional storeys to the roof of the rear structure and a number of other alterations. Unfortunately, the applicant chose not to use this service to get, which at that time, was free advice on the scheme. It may be that had this agreed process been followed, issues of concern as set out above, particularly in terms of overdevelopment and amenity issues, for the development, would have been provided at the time and could have been resolved/discussed prior to an application even being submitted.

At time of submission of the application there was a significant amount of information and relevant documentation missing including Design and Access Statement, as well as an assessment on the proposal within the context of the Albyn Place/ Rubislaw Conservation Area. The agent was advised of these omissions within days of the submission of the application. Furthermore, there was no information provided which considered the large tree at the front of the site, information that should have been provided when the application was lodged. It was not possible or appropriate to begin to fully assess this application without all the relevant supporting information being received. A number of the outstanding documents were submitted in April 2021, but the tree/arboriculture survey was not submitted until November 2021, more than 7 months after the planning application was lodged.

After full consideration of the submitted Design and Access Statement, it was determined that it did not properly or fully explain, consider or justify why the proposal was the most appropriate design response for the site and its context within a conservation area. To address these deficiencies, the agent was advised in May 2021 that this was best addressed through a Heritage Statement, which would assess the proposal in the context of the Conservation Area (front and rear) and surrounding listed buildings. The Heritage Statement was subsequently submitted in September 2021. The relevant consultations took place with colleagues and an assessment of and comments on the proposal were sent thereafter to the agent. This could not have been done in any comprehensive or meaningful way until we had received all relevant documentation/reports, the last of which was the tree/arboriculture survey in November.

Upon the submission of the revised proposal, it was apparent that the proposal and thus the description of the application had changed significantly, in that the number of residential flats was changed and the addition of the two storey to the rear extension had been removed. Accordingly, the decision was taken by the Planning Service to re-notify neighbours, to re-advertise the proposal and to re-consult relevant consultees to ensure their comments related to the most recent application and plans. When revised proposals are submitted by applicants, para. 4.63 of Scottish Government Planning Circular 3/2013 'Development Management Procedures' states that "*It is for the planning authority to decide what notice they give to other parties regarding any such variation*". Due to the date of the submission of the revised proposal, in the lead-up to the

Christmas holidays and also the lead-in time for placing advertisements in the newspaper, meant that the renotification and re-advertising did not take place until mid to late January.

During the period that the planning application is subject to renotification of neighbours and re-advertisement and thus open for interested parties to submit written representations, it would be unlawful for the planning authority to determine the application. However, the applicant submitted the Notice of Review before the expiry of the advertisement period and thus before a lawful determination of the application could be made by the planning authority.

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

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given. Furthermore Policy D2 Amenity is a relevant consideration for this application.

### **RECOMMENDATION**

#### **Refuse**

#### **REASON FOR RECOMMENDATION**

The site is 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 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".

DRAFT



This page is intentionally left blank



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100375138-001

The online reference 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.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

To convert the redundant Office Building to form 19 Residential Apartments.

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## 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:	Taylor Architecture and Building Consultants Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Steven	Building Name:	
Last Name: *	Taylor	Building Number:	24
Telephone Number: *	07500026150	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newmachar
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB21 0PJ
Email Address: *	Steven@taylorarchitecture.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	C/O Mr K Rattray
First Name: *	Kevin	Building Number:	10
Last Name: *	Rattray	Address 1 (Street): *	10 Thistle Street
Company/Organisation	Albyn Court Ltd	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB101XZ
Fax Number:			
Email Address: *	steven@taylorarchitecture.co.uk		



## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

31-32 ALBYN PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 1YL

Please identify/describe the location of the site or sites

Northing

805755

Easting

392696

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Call to Introduce the project and to discuss; Principle of development, Parking, Amenity Space, Developer Contribution, Tree Survey, Noise Assessment, Architectural Features, Drainage Impact and Transport.

Title:

Mr

Other title:

First Name:

Jamie

Last Name:

Leadbetter

Correspondence Reference Number:

Date (dd/mm/yyyy):

10/02/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

2521.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Offices

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting 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 change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting 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?

32

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

19

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

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

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Purpose Built Bin store to the rear of the Site on Albyn Lane.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

19

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

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.



## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Steven Taylor

On behalf of: Albyn Court Ltd

Date: 09/03/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |                                                                                        |                                         |                                         |
|----------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------|
| A copy of an Environmental Statement. *                                                | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A            |
| A Flood Risk Assessment. *                                                             | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A            |
| Drainage/SUDS layout. *                                                                | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan                                                  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A            |
| Contaminated Land Assessment. *                                                        | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *                                                                      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *                                                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Planning Supporting Statement. Tree Survey

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Steven Taylor

Declaration Date: 09/03/2021



# MEMO

Strategic Place Planning

## Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Michael Cowie, Engineer, Roads Development Management		
E-mail	<a href="mailto:MiCowie@aberdeencity.gov.uk">MiCowie@aberdeencity.gov.uk</a>	Date	109/02/2022
Tel.	01224 523761	Our Ref.	210311/DPP
Fax.	-	Your Ref.	

**Planning Application No. 210311/DPP – Change of use from and conversion of offices (class 4) to form 16no. 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 AB10 1YL.**

I have considered the above planning application and have the following observations:

### 1 Development Proposal

- 1.1 It is noted this application is for a change of use and conversion of existing office space to allow the formation of 16no. residential units with various associated works at 31-32 Albyn Place, Aberdeen AB10 1YL.
- 1.2 It is noted the site is located in the inner city boundary and also lies within the controlled parking zone (CPZ N).
- 1.3 It should be noted that this is the second iteration of Roads Development Management comments, the previous comments were submitted May 2021. There has been fundamental changes in number of units and design from previous, therefore the latest proposals shall be responded/commented on below.

### 2 Walking and Cycling

- 2.1 It is noted this site shall be served by direct access into the existing network of adopted public footpaths along Albyn Place, which shall provide connectivity to the wider area and into the city centre to the east of the site.
- 2.2 In terms of nearby cycle provision the site shall be served by on-road cycle lanes along Albyn Place which provides connection to further recommended cycle routes by Aberdeen City Council and Aberdeen Cycle Forum, then further shared bus/cycle lanes and 'National Cycle Route 1' within the city centre.

### 3 Public Transport

- 3.1 It is noted the site shall be well served in terms of public transport given that Albyn Place forms part of regular bus routes connecting in/out of the city centre and other areas of the city.
- 3.2 Bus stops for aforementioned services are located within approx. 100m of the site to the east for heading in either direction.

### 4 Parking

- 4.1 It is noted that as the site is located in the inner city boundary, as per ACC supplementary guidance, the associated parking ratio should be 1.5 spaces per 2/3-bedroom flats/units. This would equate to an associated provision of 24 spaces given proposal for 16no. units.
- 4.2 However, it is noted that the site proposes to provide 16no. spaces which would equate to 1 parking space per flat/unit, while this is a shortfall as per or standards it is confirmed this would be considered acceptable provision given the proximity to the city centre boundary and Union Street itself, links to sustainable transport and providing adequate cycle parking provision.
- 4.3 That being said, and as per previous comments, it is noted the proposed volume of 16no. spaces includes 1 space to be marked for disabled/accessible use and 1 space marked for 'coach drop off/pickup'. Such provision for both should be on top required general parking provision (i.e. 16no. spaces and additional 2 spaces). Therefore, it is requested the applicant reviews and revises this provision in light of these comments, it is also queried the requirement for a 'Coach drop off/pick up' space?
- 4.4 In terms of the proposed car parking layout, to the front and back, spaces shall require to meet the dimensions of 2.5m x 5.0m and have a minimum aisle width of 6.0m. This would appear to be provided and it is confirmed that the layout to the rear would be accepted with the 1no. parallel space and previous comments taken on board in regard to buffer/stub along western boundary to allow increased maneuverability in/out of these spaces. In terms of the 3no. spaces proposed to the front of the property, while acknowledged this is existing arrangement it is requested that these spaces become more formalised and tidied up, because as you shall see within the drawings this space overhangs at either end and could impede cars getting through this looped access back onto Albyn Place.
- 4.5 It is noted that the that there is also nearby 'Car Club' provision located on Stanley Street within 100m of the site and on Albyn Place further to the east which shall allow future residents the opportunity to utilize such scheme and potentially reduce any requirement for private car ownership.
- 4.6 It is noted that the site and application proposes to provide the necessary cycle parking/storage provision in the form of a designated secure cycle lockers serving 12 bikes with Flats 1 & 2 have storage within the private garden extents and then Flats 7 & 8 have a secure vestibule to secure to store a bike. Additionally, the applicant now proposes to provide an additional visitor cycle parking provision to the front of the property. Confirmed adequate provision is provided in this regard.

## 5 Site Vehicular Access

- 5.1 It is noted the site proposes to retain the same vehicular access arrangement as per the existing, to the north of the site (front) it now proposes to retain the two accesses allowing for an in/out operation which is acceptable and to the rear via existing onto Albyn Lane.
- 5.2 It is noted that there does not appear to be any amendments to the two accesses onto Albyn Place and given the volume and visibility at these accesses this is considered acceptable. However, the access to the rear onto Albyn Lane it is requested this be widened to accommodate two-way vehicular access and increase visibility (as per previous comments) given the narrow nature of Albyn Lane and avoid conflicts.

## 6 Travel Plan Frameworkd (Travel Plan/Residential Travel Pack)

- 6.1 It is noted this comment is the same as per previous comments and as follows:-  
It is noted that within the supporting 'Transport Statement' the applicant has provided details of a proposed Travel Pack for future residents which outlines localised sustainable modes and provisions while providing realistic objectives.

## 7 Conclusion

- 7.1 There are some minor outstanding issues in respect of this planning application as per the comments above. Should these comments be provided/amended as per requested then it would be confirmed that Roads Development Management would be minded to have no objection to this application.

Michael Cowie  
Engineer  
**Roads Development Management**

This page is intentionally left blank



# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Laura Robertson	<b>To:</b> ACC - Waste And Recycling
<b>E-mail:</b> lrobertson@aberdeencity.gov.uk	<b>Date Sent:</b> 22 February 2022
<b>Tel.:</b> 01224 522246	<b>Respond by:</b> 15 March 2022

<b>Application Type:</b> Detailed Planning Permission
<b>Application Address:</b> 31-32 Albyn Place Aberdeen AB10 1YL
<b>Proposal Description:</b> Change of use from and conversion of offices (class 4) to form 16 no. 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
<b>Application Reference:</b> 210311/DPP
<b>Consultation Reference:</b> DC/ACC/R7PAQRBZ03400

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

## Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	<b>Y</b>
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

## COMMENTS

As I understand, the development will consist of **16 residential apartments**.

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

**Please note** the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

The 16 **flats** will be provided with:

- **2 x 1280l general waste container** 128CM W X 145CM H X 100CM D (90cm minimum clearance to manoeuvre bins)
- **2 x 1280l co-mingled recycling container** 128CM W X 145CM H X 100CM D 90cm minimum clearance to manoeuvre bins.
- **1 x food waste container.** 62CM W X 129.8CM H X 74CM D (80CM X 80CM (90cm minimum clearance to remove internal bin from front opening casing)
- **16 x kitchen caddy and caddy liners (for each flat)**

**When planning bin stores, please take these measurements into account to ensure ease of use residents and collection for crew.**

The following costs will be charged to the developer:

- **Each 1280l bin costs £413.60**
- **Each food waste container costs £514.49**
- **Kitchen caddy and caddy liners £0.00**
- **A delivery of 10 or less bins will incur a £30 delivery fee.**

No garden waste will be provided for **flat residences** as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

It is pertinent to note that these services will be provided taking account of the following:

### **General points**

- **No excess** should be stored out with the containment provided. This is fly tipping.
- If the bin store will be **locked and/ or involve a barrier, 8 keys must be provided for each store**, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.
- Large item collections can be arranged by visiting [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied** this is to ensure that bins are on site prior to residents moving into properties and to give enough time to register addresses on the CAG (Council Address Gazetteer) to allow for the development to be added to the refuse vehicle routes.
- A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- Bin purchases are VAT free. Please do not include VAT in your PO
- Please submit a PO for the bins you require.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer: L Todd

Date: 23/02/2022

Email: [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk)

# Comments for Planning Application 210311/DPP

## Application Summary

Application Number: 210311/DPP

Address: 31-32 Albyn Place Aberdeen AB10 1YL

Proposal: Change of use from and conversion of offices (class 4) to form 16 no. 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

Case Officer: Laura Robertson

## Customer Details

Name: Mr Sandy Stephen

Address: 72 Rubislaw Den South, Aberdeen AB15 4AY

## Comment Details

Commenter Type: Community Councillor

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:After reviewing the proposals for 31 - 32 Albyn Place, QXHCC decided to send this letter of Support to ACC Planning Department encouraging the Planning Department to look favourably on the proposed development. This decision was based on pragmatism and the realities of the property situation in the QXHCC area. If such a development does not go ahead, no better alternatives are likely to ever come forward and the deterioration of the built estate will accelerate to the detriment of the QXHCC area and the physical and visual amenity of the residents.

QXHCC - 27th January 2022

This page is intentionally left blank



**DEVELOPER OBLIGATIONS:  
Assessment Report RevA**



<b>DATE:</b>	3 <sup>rd</sup> February 2022
<b>APPLICATION REF:</b>	210311/DPP
<b>DESCRIPTION:</b>	Change of use from and conversion of offices (class 4) to form 16 no. 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
<b>ADDRESS:</b>	31-32 Albyn Place, Aberdeen, AB10 1YL
<b>TO:</b>	Albyn Court Ltd, c/o Steven Taylor, Taylor Architecture and Building Consultants Ltd
<b>COPIED TO:</b>	Laura Robertson, Case Officer

## **BACKGROUND AND DEVELOPMENT PLAN BASIS**

This Developer Obligations Assessment Report sets out the obligations that are necessary to address the impact of your development proposal on local infrastructure as well as requirements for affordable housing provision.

Policies covering both of these elements are included in the [Aberdeen City Local Development Plan 2017](#), which your application is assessed in accordance with.

The relevant policies from the Local Development Plan are: Policy I1 (Infrastructure Delivery and Planning Obligations); and Policy H5 (Affordable Housing).

Detail on the methodologies used for calculating obligations is set out in [Supplementary Guidance: Planning Obligations](#) and further guidance on the provision of affordable housing is included in [Supplementary Guidance: Affordable Housing](#). The supplementary guidance forms part of the statutory development plan for decision making purposes.

This Assessment Report will set out the basis for any agreement you enter into with Aberdeen City Council.

## SUMMARY OF OBLIGATIONS

OBLIGATION	LEVEL OF CONTRIBUTION
<b><u>Infrastructure</u></b>	
Transportation	To be advised direct by the Transportation Team
Core Path Network	£4,613
Primary Education	Nil
Secondary Education	Nil
Healthcare Facilities	£7,155
Open Space	£2,269
Community Facilities / Sports & Recreation	£3,100
<b><u>Affordable Housing</u></b>	
Affordable Housing Contribution	See text below

### BREAKDOWN AND CALCULATION OF OBLIGATIONS

This section of the report outlines how the obligations above have been calculated.

#### **Calculation of Standard House Unit Equivalent (SHUE)**

Applications are generally assessed on the basis of standard house unit equivalents, with a three bedroomed house taken as a Standard House Unit Equivalent (SHUE). Section 4 of Supplementary Guidance: Planning Obligations provides more detail on the calculation of SHUEs.

This application for Detailed Planning Permission comprises:

- 3 x 1 bed units
- 12 x 2 bed units
- 1 x 3 bed units

This equates to a SHUE of 12.4. This assessment is therefore based on 12.4 standard house unit equivalents, except in the case of education contributions where 1 bed units are excluded from the calculations.

**Please note that any change to the SHUE may have an impact on the level of obligations.**

#### **Infrastructure**

##### **Transportation**

Any transportation requirements will be identified and confirmed direct by the City Council's Transportation Team.

##### **Core Path Network**

Core Paths and links to the Core Path Network are an infrastructure facility necessary for the purposes of recreation and sustainable active travel. New developments are required to install or upgrade Core Paths that are designated within the site and contribute towards addressing any cumulative impacts on surrounding core paths.

In this instance, a contribution will be required towards the enhancement of Core Path 96, which is located in close proximity to the application site.

**Contribution: 12.4 x £372 = £4,613**

### Primary Education

The application site is within the catchment area for Ashley Road Primary School.

Factoring this development into the 2018 school roll forecast shows that the proposed housing units will not result in the school going over capacity and mitigation will therefore not be required.

Contribution: Nil

### Secondary Education

The application site is within the catchment area for Aberdeen Grammar.

Factoring this development into the 2018 school roll forecast shows that the proposed housing units will not result in the school going over capacity and mitigation will therefore not be required.

Contribution: Nil

### Healthcare Facilities

Infrastructure requirements have been calculated with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by the proposed development. Contributions are calculated using nationally recognised space standards and build costs, based upon the population requirements for GP surgeries, dental chairs and community pharmacies.

In this instance, a contribution will be required towards internal reconfiguration works to increase capacity at the Albyn Medical Practice or other such healthcare facilities serving the development, as existing

facilities in the vicinity of the development are currently operating at or over capacity.

Contribution:  $12.4 \times \text{£}577$   
(reconfiguration rate) =  $\text{£}7,155$

### Open Space

Where there is insufficient open space provided as part of the proposal in reference to [Supplementary Guidance: Green Space Network & Open Space](#), or where the Council's Open Space Audit demonstrates that the minimum quantity and accessibility standards are met by existing provision, then a contribution towards raising the quality of existing provision may be necessary.

In this instance a contribution will be required. The contribution will be used towards the enhancement of existing open spaces in the vicinity of the development. The contribution may also be used to support community food growing.

Contribution:  $12.4 \times \text{£}183 = \text{£}2,269$

### Community Facilities / Sport & Recreation

In order for occupants of the proposed development to fully utilise community facilities, improvements will be necessary. The development is not required to address existing shortcomings in community facilities. However, the cumulative impact of development will put additional pressure on local facilities and this will require mitigation.

In this instance, contributions have been identified towards Rosemount Learning Centre. Works are proposed to increase capacity by the creation of shower rooms at the gym enabling

more use of the downstairs and upstairs gyms.

Contribution:  $12.4 \times £250 = £3,100$

### **Affordable Housing**

Policy H5 seeks a minimum of 25% of any development of 5 or more dwelling units to be provided as affordable housing.

In this instance, no affordable housing contribution is required given the temporary waiver which is applicable to all new planning applications within the defined City Centre zone.

Contribution: Nil

James Welsh  
Developer Obligations Team Leader



## REMITTANCE OF OBLIGATIONS

Remittance of financial obligations can be undertaken either through entering into a Section 69 agreement (in the case of upfront payment) or a Section 75 agreement (in all other cases). In all cases, the relevant legal agreement is required prior to release of the Planning Decision Notice.

Where there is a requirement for affordable housing on site, in kind provision and/or the amount of developer obligations for infrastructure is such that an upfront payment may be considered prohibitive, a Section 75 agreement will be required. Please note that Applicants are liable for both the costs of their own Legal Agent fees and the Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

The provision of an upfront payment will allow a planning consent to be issued promptly.

In the case of upfront payment, a Planning Decision Notice cannot be issued until a payment in respect of developer obligations has been made. Prior to remitting funds the applicant should check with the Planning Officer that the payment is the only outstanding matter. The Planning Officer will be informed directly by the Planning & Monitoring Officer when funds have cleared.

### Management of Funds

Contributions are currently held in the Council's balance sheet in a unique account to which notional interest is added on a monthly basis. In the event of a repayment of contribution the

interest added will be calculated to reflect, in addition, compounding on an annual basis.

Unless otherwise specified in the relevant legal agreement, the Council undertakes to spend contributions received in respect of an appropriate project or projects in line with the detail of this assessment within 7 years of the date when planning permission is implemented (evidenced through the notice of initiation of development). In the event of the contribution or part of it not being spent within this time period the contribution or part will be refunded to the applicant or their nominee along with relative interest accrued.

## REMITTANCE ADVICE: Upfront Payments

Payment for developer obligations should be made using the Council's **online payment portal** at <http://www.aberdeencity.gov.uk>

Click on the pay it tab and select Developer Obligations from the payment portal. Paying online is the quickest way to secure planning consent where developer obligations are required.

If you cannot use the payment portal, payment can be made through a BACS transfer.

### **BACS Payments**

Bank Details for Payment by BACS:  
Aberdeen City Council General  
Account  
Sort Code 82-60-11  
Account No. 80009421  
I - Ban no.  
GB38CLYD82601180009421  
BIC no. CLYDGB21350  
Aberdeen City Council General  
Account BACS Payment

To make a BACS payment, email [developerobligations@aberdeencity.gov.uk](mailto:developerobligations@aberdeencity.gov.uk) and the Planning Officer to confirm that you are making a payment via BACS and to confirm the full amount due and planning application reference. Failure to advise the team that you are making payment will significantly delay the issue of your planning consent.

Please ensure that your planning application reference is included as your BACS reference in the following format: P000000.

### **Receipts**

All payments made will be acknowledged as received by way of email.

### **Non Payment**

Applicants and Agents should be aware that where all other planning issues have been resolved and only the payment of developer obligations is preventing the release of the Decision Notice, non-payment may result in the application being subsequently recommended for refusal as contrary to the relevant policies in the Local Development Plan.

## REMITTANCE: Under Section 75 of the Town and Country Planning (Scotland) Act

### Indexation

Unless otherwise specified, payments will be index linked to the BCIS All In Tender Price Index at Q1 2022.

### Phasing of Obligations

Unless otherwise specified and agreed with the Development Obligations Team, payments of obligations will be billed quarterly in arrears based on completions in the previous quarter, as evidenced through building control completion certificates and also as advised by the developer. An initial payment will also normally be required prior to the commencement of development.

In the event of the contribution or part of it not being spent within the time period specified in the legal agreement, the contribution or part will be refunded to the Applicant or their nominee along with relative interest accrued.

### Preparation of Legal Agreement

The Applicant is cautioned that the costs of preparing a Section 75 agreement from the Applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own Legal Agent's fees Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 agreement. The Applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service on this issue.

### Instruction of Legal Agreement

Please note that should you wish to proceed via this route the legal agreement can be instructed as soon as Heads of Terms (items for which contributions have been sought, overall level of contributions and number, tenure and mix of affordable housing) as set out in this Report have been agreed with the Developer Obligations Team and you have advised of the details of your Legal Agent.

The Planning Officer is responsible for the instruction of the legal agreement following confirmation from the Developer Obligations and Transportation Teams that Heads of Terms have been agreed.

This page is intentionally left blank



Aberdeen City Council  
Town & County Planning  
Aberdeen City

Tracey Lefevre  
32 Albyn Lane  
Aberdeen  
23/03/21

**Development Address** 31/32 Albyn Place Aberdeen Ab10 1YL

**REF 210311/DPP**

Dear Sir /Madam,

I refer to the above and thank you for the Notice. I am the owner of the property nearest to the development and take a keen interest in all developments on Albyn Lane.

I have lived on the Lane for almost thirty years and enjoy this unique little part of Aberdeen. It is an interesting mix of residential and commercial properties which happily co-exist. It is also a busy thoroughfare with cars, delivery vans, lorries, and pedestrians.

I have had the opportunity to look at the plans for the above and I am really impressed with the design and layout of this residential development. The design is sympathetic to the surroundings and VASTLY improves the existing building and I think it can only be a positive addition to the area.

**Considerations:**

Parking on and around the lane is always a live issue!

The improvements the Council made to the lane years ago with reduced parking really, really helped with congestion.

Refuse bins are collected from both Stanley Street and Albyn lane residents as well as commercial properties. Therefore, both Council and Private refuse lorries must have access and often when there are too many cars parked on the lane it causes real difficulties for these larger vehicles.

It would then follow that adequate parking within the new development should be carefully considered and provided.

It should be noted that following my initial expression of concern to the Applicants on this aspect and on the number of units proposed my comments were taken on board resulting in their reducing the number of proposed flats by 5 which included 3 proposed for a mews building adjacent to my property. This will result in less parking demand and vehicle usage.

I am happy to take the time to discuss any of my points with planning if required.

[Redacted signature]

Yours faithfully

[Redacted signature]

This page is intentionally left blank

# Comments for Planning Application 210311/DPP

## Application Summary

Application Number: 210311/DPP

Address: 31-32 Albyn Place Aberdeen AB10 1YL

Proposal: Change of use from and conversion of offices (class 4) to form 16 no. 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

Case Officer: Laura Robertson

## Customer Details

Name: Miss Tracey lefevre

Address: 32 Albyn Lane, Queens Cross Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Aberdeen City Council Tracey Lefevre

Town & County Planning 32 Albyn Lane

Aberdeen City Aberdeen

25/01/22

Development Address 31/32 Albyn Place Aberdeen AB10 1YL

REF 210311/DPP

Dear Sir /Madam,

I write to confirm that I have had the opportunity to review the new proposals regarding the above Development.

As I'm sure you are aware I had no objections to the first set of plans, but I must say that the new alterations are much improved. The lower skyline seems more in keeping with the surrounding buildings and is much better from my vantage!

I am looking forward to seeing a rather ugly building being transformed into what looks like a very attractive residential development however I am a little put out that it is taking so long. Having got used to the idea of building works being carried out it seems like we have been waiting an age for the works to start.

I hope my comments are of some assistance.

Your faithfully





# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Laura Robertson	<b>To:</b> ACC - Waste And Recycling
<b>E-mail:</b> larobertson@aberdeencity.gov.uk	<b>Date Sent:</b> 13 April 2021
<b>Tel.:</b> 01224 522246	<b>Respond by:</b> 4 May 2021

<b>Application Type:</b> Detailed Planning Permission
<b>Application Address:</b> 31-32 Albyn Place Aberdeen AB10 1YL
<b>Proposal Description:</b> Change of use from and conversion of offices (class 4) to form 19 no. residential flats (sui generis), including the removal of existing link to form separate buildings, the construction of two additional storeys to the rear building, various alterations and extension to rear, the formation of parking to the front and rear and the installation of railings to the front
<b>Reference:</b> 210311/DPP

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the pre-application reference number (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

## Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	<b>Y</b>
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

## COMMENTS

As I understand, the development will consist of 19 flats.

I have consulted with colleagues across the waste operations team and I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

**Please note** the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

As per 19 properties allocated communal bins:

- **2 x 1280l general waste container** 128CM W X 145CM H X 100CM D (plus 90cm minimum clearance to manoeuvre bins)
- **2 x 1280l mixed recycling container** 123CM W X 133CM H X 72CM D (plus 90cm minimum clearance to manoeuvre bins)
- **1 x food waste container for each bin store.** 62CM W X 129.8CM H X 74CM D (plus 90cm minimum clearance to remove internal bin from front opening casing)
- **1x kitchen caddy and caddy liners (for each flat)**

**When planning bin stores, please take these measurements into account to ensure ease of use for residents and collection crew.**

The following costs will be charged to the developer:

- **Each 1280l bin costs £413.60**
- **Each food waste container costs £514.49**
- **Kitchen caddy and caddy liners £0.00**
- **A delivery of 10 or less bins will incur a £30 delivery fee.**

No garden waste will be provided for **residences** as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

It is pertinent to note that these services will be provided taking account of the following:

### **Specific concerns for communal storage:**

- If the bin store will be **locked and/ or involve a barrier, 8 keys must be provided for each store**, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.

### **General points**

- **No excess** should be stored out with the containment provided. This is fly tipping.
- Large item collections can be arranged by visiting [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

### **Specific development completion points:**

- **Developers must contact Aberdeen City Council [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk) a minimum of ONE month before properties will be occupied.**
  - This is to ensure that the properties be registered on the CAG (Council Address Gazetteer). Without this registration, we cannot add to our in-cab waste vehicle systems for collections to be made.
  - This is to ensure that bins are ordered and delivered in time for residents moving in. Bins must be on site prior to residents moving into properties.

- A Purchase Order should be raised with Aberdeen City Council using the above pricing details and we will provide further guidance for purchasing the bins.
- Bin purchases are VAT free. Please do not include VAT in your PO
- Please submit a PO for the bins you require. No calls offs please.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer:

Date:

Email:

Ext:

This page is intentionally left blank



## **Aberdeen Local Development Plan (ALDP)**

[Aberdeen Local Development Plan | Aberdeen City Council](#)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment
- Policy B3 – West End Area
- Policy D5 – Our Granite Heritage
- Policy R6 – Waste Management
- Policy R7 – Low and Zero Carbon and Water Efficiency
- Policy T2 - Managing the Transport Impact of Development
- Policy T3 – Sustainable and Active Travel
- Policy CI1 – Digital Infrastructure

## **Supplementary Guidance**

[Supplementary guidance and technical advice | Aberdeen City Council](#)

Repair or Replacement of Windows and Doors  
Transport and Accessibility SG  
Resources for New Developments SG  
Repair and Reinstatement of Cast Iron Railings  
Materials Technical Advice Note  
Development Along Lanes TAN

## **Other Material Considerations**

Scottish Planning Policy (2014)

<https://www.gov.scot/publications/scottish-planning-policy/>

Historic Environment Policy for Scotland (HEPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1bcfa7b1-28fb-4d4b-b1e6-aa2500f942e7>

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

Managing Change in the Historic Environment: [Publications](#) | [Leading Public Body for Scotland's Historic Environment](#)

Boundaries, [Managing Change in the Historic Environment: Boundaries](#) | HES

Doorways, [Managing Change in the Historic Environment: Doorways](#) | HES | History

External fixtures [Managing Change in the Historic Environment: External Fixtures](#) | HES

Setting [Managing Change in the Historic Environment: Setting](#) | HES | History





Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE            100532728-001

The online reference 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:	Aurora Planning Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Pippa	Building Name:	
Last Name: *	Robertson	Building Number:	22
Telephone Number: *	07985 703268	Address 1 (Street): *	Rubislaw Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB10 1XE
Email Address: *	pippa@auroraplanning.co.uk		

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

Individual     Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o agent"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
Company/Organisation	<input type="text" value="Albyn Crt. Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@auroraplanning.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="31-32 ALBYN PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 1YL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805755"/>	Easting	<input type="text" value="392696"/>
----------	-------------------------------------	---------	-------------------------------------



## Description of Proposal

Please provide a description of your 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)

Change of use from and conversion of offices (class 4) to form 16 no. 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

## 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 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 see separate statement of reasons attached

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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 see Appendix One to the Statement of Reasons

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

210311/DPP

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

10/03/2021

## 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

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

## 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: Miss Pippa Robertson

Declaration Date: 15/02/2022



**NOTICE OF REVIEW  
UNDER  
S.43A(8)(c) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

in respect of

**NON-DETERMINATION OF PLANNING APPLICATION REFERENCE 210311/DPP**

for

**CHANGE OF USE FROM AND CONVERSION OF OFFICES (CLASS 4) TO FORM 16 NO. 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  
AB10 1YL**

**STATEMENT OF REASONS**

on behalf of

**ALBYN CRT. LTD**



## 1 Introduction

- 1.1 Planning application reference 210311/DPP was submitted to Aberdeen City Council on 10 March 2021 seeking planning permission for a “*change of use from and conversion of offices (class 4) to form 16 no. 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. The application was validated on 11 March 2021 and the statutory determination deadline would have been 10 May 2021, although the applicant agreed to the Council’s request to extend this, first to the 15 October 2021 and, subsequently, to 17 December 2021 [Documents D1a and D1b]. However, the Council has not yet issued a decision on the application and, as such, the applicant now seeks a review of the failure to determine the application within the extended time period agreed.
- 1.2 It should also be noted that, while changes to the proposed plans were made following submission of the application in response to initial feedback from the case officer (further details on which are provided in section 2 below), the revised plans were submitted on 13 December 2021, with the Council having had 2 months since then to consider these, as well as having the rest of the application documents for some considerable time before this and no changes having been made to these since they were submitted.
- 1.3 Importantly, in terms of the applicant’s right to appeal the non-determination of the application, S.43a(8)(C) of the Town and Country Planning (Scotland) Act 1997 states that the right arises if the appointed case officer:
- “...has not determined it within such period as may be prescribed by regulations or a development order or within such extended period as **may at any time be agreed** upon in writing between the applicant and the person so appointed”* [emphasis added].
- 1.4 Any such appeal must then be submitted within three months of that agreed date.
- 1.5 Within this, there is nothing to stipulate when the extended period must have been agreed (indeed, it is clear that such an agreement can be made at any time), or to otherwise preclude the making of an appeal at any time within the three month period following the end of the extended period that has been agreed. As such, the timescales in which the extended time period was agreed, revised plans were submitted, and re-notification of the application was carried out are not relevant to the applicant’s right to appeal non-determination of the application, with this being based purely on an appeal being made within three months of the end of the agreed determination period (i.e. within three months of the 17 December 2021, given that the applicant agreed to the Council’s request to extend the determination period to this date as set out above).





1.6 The above is particularly important in this case as, having received the revised plans on 13 December 2021, the Council re-notified neighbours of the application on 19 January 2022 (over a month after the plans were submitted), and re-advertised this in the press on 26 January 2022, with a site notice not placed until 28 January 2022, thus effectively extending the time required for the case officer to determine this until after the expiry date for further representations to be made as part of this process (18 February 2022). As highlighted above though, this does not preclude the applicant appealing non-determination in this time, and indeed is all the more reason for them to do so, with this compounded by the facts that:

- the revised plans reduce the scale of the development from that which was originally proposed to address feedback received from the case officer, with the changes raising no new material planning considerations as a result, and there therefore being no real need for the application to be re-notified;
- no neighbours objected to the application during the original period for representations to be made, with the only response being a letter of support from the nearest neighbour (for further details on which, see paragraph 2.8 below), in addition to which the application was also previously re-notified on 21 April 2021 with no objections received following that either, such that there would be no reason to expect that the reduced proposals would cause neighbours any concerns now;
- at the date of submitting this appeal (15 February 2022), the only representations that have been received are letters of support (further details on which are provided in paragraph 2.8 below) and, should any further representations be submitted in the remaining 3 days, these will of course be before the Local Review Body at the time they determine the appeal, with this not therefore being a reason for any further delay;
- in the course of the Council deciding to re-notify the application in January 2022, almost seven weeks passed between the date the revised plans were submitted (13 December 2021) and the date of the site notice being placed (28 January 2022), to the prejudice of the timescale for the application to be determined; and
- while the applicant could have opted not to agree to the Council's request to extend the determination deadline to 17 December 2021, and to have appealed non-determination prior to 13 January 2022 on the basis of the previously agreed date of 14 October 2021, they sought to act in good faith in terms of allowing the Council time to consider the revised plans, reflecting their desire throughout the planning application process to work with the Council to achieve a positive outcome in respect of this application. The re-notification and re-advertisement of the application in January 2022 has though introduced a further delay, as a result of which the applicant has since been advised by the case officer that the earliest a decision might realistically be expected is 11 March



2022 and, in the absence of there being anything that the applicant can do to expediate this process, this has prompted their wish to seek this review.

- 1.7 A full list of the application documents, together with relevant policy documents and other material considerations referred in this statement, is provided at Appendix One.

## **2 Application**

2.1 The application drawings [Documents A2 to A53] should be considered in conjunction with the Design and Access Statement (parts 1, 2, and 3) [Document A59 to A61], Planning Statement [Document A62], Heritage Statement [Document A63], and Supplementary Statement [Document A64] submitted in support of the application, which together set out the design process that has been followed, the principles that have informed this, and the justification for the development now proposed. Notably, as highlighted above, a number of changes were made to the proposed development in response to feedback from the case officer after the application was submitted, with the Planning Statement, Design Statement and Heritage Statement reflecting the original scheme and full details of the changes provided in the Supplementary Statement, which was submitted to the Council with the revised drawings on 13 December 2021. In doing this, the applicant has demonstrated their willingness to be flexible and to work with the Council to deliver a high-quality residential development on the application site, with the key drivers behind the application being:

- to bring the currently vacant buildings on the site back into use in a way that makes a positive contribution to the area in which this is located, including through restoring the historic fabric of the original building at 31-32 Albyn Place, with the redevelopment of the site as a whole being necessary to deliver these works; and
- to contribute to the realisation of the Council's express aspirations to see more people living in and around the city centre as set out in the Planning Statement, the Supplementary Statement, and in section 3 below.

2.2 In summary, and as described in more detail in the supporting documents listed above, the existing buildings on the application site comprise:

- the original building at 31-32 Albyn Place, which was used as offices before being vacated in 2017 and, despite active marketing (for details of which, see paragraphs 2.1 and 2.2 of the Planning Statement) has been vacant since then, with little or no prospect of this being returned to office use in the near to medium term future due to supply of this type of office accommodation significantly exceeding demand at present (as evidenced by the vacant office audit submitted with the application [Documents A56a and A56b]) and the



condition of the building now deteriorating as a result (as illustrated in the site audit submitted with the application [Documents A54 and A55]);

- a substantial modern stock bridge extension to the rear of the original building, which is visible only from Albyn Lane; and
- link sections connecting the extension to the original building, with a courtyard area formed between the original building, these link sections, and the main body of the extension.

2.3 The remainder of the application site is largely laid in tar macadam for use as parking.

2.4 Against this starting point of the existing built development on the site, this application seeks to convert the existing buildings to 16 flats, with the retention of existing landscaping to the front of the building and minimal physical interventions as follows:

- restoration of the historic fabric of the original building, using traditional methods;
- removal of the modern link section between the original building and the extension, thus revealing more of the rear of the original building;
- recladding the extension with granite cladding to improve the appearance of this;
- adding a stairwell to the rear of the existing building to replace the existing stairwell (which is located in the link section which is to be removed in the interest of improving the visual appearance of the site as a whole as set out above), the design of which has been amended since the application was submitted to make it more transparent in appearance as set out in the Supplementary Statement, in addition to which it should be noted that this would be located on part of the original building of which there are currently no public views, and which would continue to be obscured from view by the existing extension; and
- creation of new garden areas and landscaping to the rear along with car parking, bicycle storage, and bin storage for residents of the proposed flats.

2.5 As set out in the Supplementary Statement, feedback from the case officer has confirmed that that residential development in this location is supported in principle and that proposed works to the original historic buildings are acceptable. The only concerns raised during their assessment of the application then related to the level of amenity that residents of the proposed flats would enjoy, and the impact that the proposed development would have on the Conservation Area in which it is located. These concerns have though also been addressed



in detail in the Supplementary Statement, in terms of which it should in particular be noted that:

- the proposed works would not materially alter the physical appearance of the existing built development on the site, such that there would be no negative impact on the streetscape or the character of the Conservation Area as a result, as illustrated on the existing and proposed streetscapes and views submitted with the application [Documents A18, A19 and A20]. Indeed, the only impact on the historic environment would be positive as a result of the removal of the link revealing more of the rear of the original building, and the carrying out of restoration works to the original building as set out in the Heritage Statement; and
- residents of all flats would benefit from a good level of amenity, with –
  - all residents having access to private external space, as well as communal garden areas,
  - all flats being dual aspect,
  - all windows looking out onto an area of landscaping,
  - all but four of the flats having at least one south facing window,
  - windows on the northern elevation of the building to the rear of the site having opaque glass, such that there would be no overlooking of the southern elevation of the original building, or of the private amenity spaces of flats within this from here, and
  - sun studies [Document A65] demonstrating that all flats as well as associated external amenity spaces would benefit from direct sunlight at some time during the day throughout the year.

2.6 The Supplementary Statement also highlights to the need to take a holistic view of the amenity which residents would enjoy, with people specifically choosing to live close to the city centre because of the amenity benefits this delivers in terms accessibility and proximity to the services, facilities and employment opportunities this has to offer, and accepting that the amenity this affords is different from that provided in a more suburban residential area. The policy support for this approach is highlighted in paragraph 3.7 below.

2.7 The proposed development would also have no impact on neighbouring residential amenity, with the building line of the dwelling to the south being more than 68m away. And it should





be noted that there have been no objections to the application from any neighbouring residents.

- 2.8 Indeed, there have been no objections to the application from any consultees or members of the public, with the only representations that have been received being letters of support from the owner of 32 Albyn Lane (the closest existing residential property) [Documents B1 and B2 and from Queens Cross and Harlaw Community Council [Document B3]. In particular, these highlight the negative visual appearance of the site at present, the extent to which this would be improved by the development proposed in terms of this application, and the potential harm that would be caused to the area as a result of the existing buildings deteriorating further if the proposed development does not go ahead. This support requires to be taken into account in favour of the application being approved.

### **3 Policy context**

- 3.1 In determining the application, it should be remembered that the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, with the adopted Development Plan in this case comprising the Aberdeen City and Shire Strategic Development Plan (2020) (SDP) [Document C1] and the Aberdeen Local Development Plan (2017) (ALDP) [Document C2]. The Planning Statement and Supplementary Statement together address all relevant provisions of the Development Plan and other material considerations as at the time these were submitted, demonstrating how the proposed development complies with these, and the application should be approved for the reasons given in those Statements.
- 3.2 In particular, due weight needs to be given to the benefits that the development would deliver and the local support for this, all as set out above, and which should be taken into account as material considerations in support of the application, with it being necessary to take a positive approach to development such as that proposed in terms of this application if the Council's desire to see more people living in and around the city centre is to be realised.
- 3.3 It should though be noted that there have been a number of changes to the policy context since the application was submitted, with these lending further support to the proposed development as set out below.

#### **Proposed Aberdeen Local Development Plan (2020) (PLDP) [Document C3]**

- 3.4 As part of the process of preparing the next ALDP, the PLDP was submitted to the Scottish Ministers for Examination in July 2021 and, as the settled view of the Council on the format and content of the next ALDP, this constitutes a significant material consideration in the determination of the application. Of particular relevance, the PLDP replaces the current West



End Office Area designation (which includes the application site) with a new West End Area designation, within which it is stated that the Council will encourage and promote development for a mix of uses, including residential. Proposed **Policy VC5 West End Area** then expressly states that the principle of change of use from office to residential will be supported accordingly. When due weight is given to these provisions of emerging plan, the starting point in respect of this application should therefore be that the proposed development should be encouraged and supported.

### **Scottish Planning Policy (SPP) [Document C8]**

3.5 Amendments made to SPP in December 2020 were quashed by the Court of Session in July 2021, such that the presumption in favour of development that contributes to sustainable development (as it now is) once again becomes elevated to a significant material consideration in cases where a development plan is more than 5 years old, as is the case in this instance with the ALDP exceeding 5 years of age on 20 January 2022. Further, the decision in *Gladman Developments Limited v The Scottish Ministers [2020] CSIH 28* [Document D2] (the Gladman case) makes it clear that, where the presumption in favour of sustainable development is a significant material consideration, planning permission should be granted unless there are any adverse impacts which '*significantly and demonstrably*' outweigh the benefits of the proposal, i.e. the balance is tilted in favour of planning permission being granted, with the assessment of whether there are any such adverse impacts being part of the equation for determining whether a development is, in overall terms, sustainable. There is though no change to the wider principles that need to be taken into account when considering whether or not a development is sustainable, an assessment of which is provided in paragraphs 4.2 to 4.7 of the Planning Statement, in light of which it is concluded that the proposed development clearly constitutes development that contributes to sustainable development as defined in SPP and should supported accordingly.

3.6 In particular, the proposed development would offer notable benefits in terms of responding to the current economic climate (in which there is limited demand for office space, but there is demand for accessible housing, the delivery of which is specifically supported by SPP) and, by re-purposing vacant buildings, making efficient and sustainable use of land, as also expressly supported by SPP. At the same time, no adverse impacts which would '*significantly and demonstrably*' outweigh these benefits have been identified, with regards to which the Planning Statement, Supplementary Statement and paragraphs 2.5 to 2.8 above clearly demonstrate that is the case in respect of:

- the character of the Conservation Area;
- the amenity of existing or future residents; and



- in any other respect that would outweigh the benefits of this in terms of bringing the currently vacant buildings back into use, restoring the historic fabric of the original building, and contributing to the Council’s express aspirations to see more people living in and around the city centre, as set out in paragraph 2.1 above:

3.7 With regards to amenity of future residents specifically, it should be noted the Council’s **Supplementary Guidance: Harmony of Uses** [Document C4], expressly states that “*urban centres are lively and vibrant places and those who live there should not expect that the amenity would be comparable of that of a purely residential area*”, with the same principle applying to sites on the edge of urban centres such as that to which this application relates. And, when the level of amenity provided is assessed in this context, it is clear that residents would benefit from a good level of amenity for this location.

3.8 As the proposed development would have no adverse impacts that would outweigh the benefits of this as set out above, the application requires to be approved in line with the presumption in favour of development that contributes to sustainable development and the decision in the Gladman case accordingly.

#### **Draft fourth National Planning Framework (NPF4) [Document C10]**

3.9 The draft NPF4 was published for consultation in November 2021, with this to become part of the Development Plan when it is adopted later this year, and as such it is accordingly now a material consideration in respect of this application.

3.10 Notably, the draft sets out a National Spatial Strategy which seeks to transform the way we use our land and buildings so that every decision contributes to making Scotland a more sustainable place, including through encouraging the sustainable use of resources and circular economy approaches to development. It also seeks to deliver new homes close to local facilities, increase the density of settlements, and prioritise brownfield, vacant, and derelict land and buildings for development in the interest of safeguarding resources, reducing the need to travel unsustainably, and strengthening local living. In addition, in the north-east specifically, the draft recognises that affordability and choice of homes remains a challenge, and that there is significant potential to promote more compact growth by making better use of brownfield sites and increasing density. As the development proposed in terms of this application would be consistent with the spatial strategy of the draft NPF4 in all these regards, this also supports the application being approved

## **4 Assessment of the application**

4.1 For the reasons given in the Planning Statement and Supplementary Statement, read in conjunction with information provided in the other documentation submitted with the



application and in this statement, it is submitted that the proposed development would deliver a high-quality residential environment which complies with all relevant policies of Development Plan and is supported by other relevant material considerations, in particular the presumption in favour of development that contributes to sustainable development set out in SPP.

- 4.2 Indeed, if there were any concerns with regards to the extent to which the application complies with any element of the Development Plan (which, for the avoidance of doubt, it is submitted there should not be), the operation of the ‘tilted balance’ and the absence of any adverse impacts which *‘significantly and demonstrably’* outweigh the benefits of the proposal means that the application in any event should be approved in line with the presumption in favour of development that contributes to sustainable development and the decision in the Gladman case.
- 4.3 As the application complies with the Development Plan and is supported by relevant material considerations, with no material considerations indicating otherwise, it should be approved.

**Aurora Planning Limited**  
**15 February 2022**





## **Appendix One: List of documents**

### **A Planning application documents**

1. Application form dated 10 March 2021

#### **Plans**

2. Location plan
3. Existing site layout
4. Existing foundations and lower ground floors
5. Existing garden and first floors
6. Existing ground and second floors
7. Existing first and top floors
8. Existing roof layout
9. Existing gross internal areas
10. Existing elevations 1
11. Existing elevations 2
12. Existing elevations 3
13. Existing elevations 4
14. Existing site sections
15. Floor plans – demolition
16. Existing elevations – demolition
17. Site layout - demolition
18. Existing/proposed streetscape – Albyn Place
19. Existing/proposed streetscape – Albyn Lane
20. Existing/proposed views
21. Proposed site/block plan
22. Proposed site plan – part 1
23. Proposed site plan – part 2
24. Proposed site plan – part 3
25. Proposed site plan – part 4
26. Proposed site plan – part 5
27. Proposed LG layout – Albyn Place
28. Proposed GF layout – Albyn Place
29. Proposed FF layout – Albyn Place
30. Proposed GF layout – rear
31. Proposed FF layout – rear
32. Proposed SF layout – rear
33. Proposed roof plan
34. Floor areas schedule
35. Floor areas schedule – key
36. Proposed green spaces
37. Proposed elevations 1
38. Proposed elevations 2
39. Proposed elevations 3
40. Proposed elevations 4



41. Proposed elevations 5
42. Proposed elevations 6
43. Railing details
44. Access bit store and cycle store details
45. Proposed site sections
46. Proposed section – Albyn Place
47. Proposed section – rear
48. Proposed building section 1
49. Proposed building section 2
50. Proposed building section 3
51. Proposed building section 4
52. Proposed building section 5
53. Proposed building section 6

#### **Other supporting documents**

54. Site audit part 1
55. Site audit part 2
56. Vacant office audit and site inspection
57. Transport Statement
58. Foul and surface water drainage strategy
59. Design and Access Statement – Part 1
60. Design and Access Statement – Part 2
61. Design and Access Statement – Part 3
62. Planning Statement
63. Heritage Statement
64. Supplementary Planning Statement
65. Sun studies

#### **B Representations**

- 1 Letter of support from Tracey Leferve
- 2 Further letter of support from Tracey Leferve
- 3 Letter of support from the Community Council

#### **C Policy documents**

- 1 Aberdeen City and Shire Strategic Development Plan (2020)
- 2 Aberdeen Local Development Plan (2017)
- 3 Proposed Aberdeen Local Development Plan (2020)
- 4 Supplementary Guidance: Harmony of Uses
- 5 Supplementary Guidance: Transport and Accessibility
- 6 Supplementary Guidance: Resources for new development
- 7 Technical Advice Note on Development Along Lanes
- 8 Technical Advice Note on Materials
- 9 Scottish Planning Policy 2014
- 10 Draft National Planning Framework 4



- 11 Scottish Government Draft Advice on Net Economic Benefit and Planning
- 12 Aberdeen City Council Local Housing Strategy
- 13 Aberdeen City and Aberdeenshire Housing Land Audit 2020
- 14 Aberdeen City and Shire Employment Land Audit 2018/2019

**D Other documents**

- 1 Emails confirming extension of determination deadline
- 2 Gladman Developments Limited v The Scottish Ministers [2020] CSIH 28
- 3 Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan



This page is intentionally left blank





**Notice of review in respect of**  
**Non-determination of planning application reference 210311/DPP**  
**Comments on Report of Handling**

**1 Introduction**

1.1 We refer to the planning authority's Report of Handling for planning application reference 210311/DPP, and wish to comment briefly on a number of points in this as set out below.

1.2 In particular, it is highlighted that:

- the Report of Handling confirms that the principle of reusing the building by converting this to residential use is welcomed, and the points raised below need to be considered in this context;
- the Notice of Review requires to be determined on the basis of the merits of the application as submitted, and the development proposed in terms of this, as assessed against the baseline position of what is on the site at present. As such, it is not appropriate to compare the proposed development to what was on the site prior to the existing development being erected, or to what the decision-maker might like to see on the site if they were redeveloping it, as the Report of Handling does in several places;
- while the development proposed in terms of this application seeks to deliver improvements to the existing development on the site, the applicant cannot be required to address existing deficiencies in the built environment, as the Report of Handling seeks in a number of places (including by suggesting that the rear building should be removed); and
- a number of inaccuracies have been identified in the commentary in the Report of Handling's in respect of the information submitted in support of the application.

**2 Matters affecting conservation**

2.1 While the Report of Handling indicates that the retention of the rear building has not been justified, the retention of this does not constitute development for which planning permission is required, such that there is no locus for considering whether or



not this is justified in the context of this planning application. Rather, planning permission is sought for the building's change of use and minor associated alterations only, and the application requires to be determined on that basis.

2.2 Related to this, while the Report of Handling refers to the rear building as having been erected to serve a 'less permanent' office use, and to the proposed residential development fixing this form of development indefinitely, it should be noted that the existing building is already a permanent building, with this form of development having been 'fixed' indefinitely since it was first consented and constructed.

2.3 As such, the application needs to be assessed against the baseline position of the rear building being an existing feature, as set out in the Supplementary Statement submitted in support of the application [Document 64], and, given the detrimental impact this has been identified as having on the Conservation Area, the proposed development clearly delivers a number of benefits, as also set out in that Statement and confirmed in the Heritage Statement submitted in support of the application [Document 63]. Importantly, and ignored in the Report of Handling, the Heritage Statement concludes that, overall, the proposal for the rear building is intended to enhance the Conservation Area by mitigating as much of the detrimental aspects as possible and highlights that:

- the existing brown brick used in the rear building is unique in the streetscape and jarring, such that it is clearly incorrect to say that the brick finish has not been identified as an issue in terms of the impact of the existing building on the Conservation Area, as stated at the end of page 8 of the Report of Handling; and
- the proposed change of the exterior of the rear building from brown brick to granite will ameliorate the visual impact, allow the structure to blend in with neighbouring buildings, and help celebrate the granite heritage of Aberdeen, in addition to which it should be noted that a number of alternative finishes were considered, but granite was identified as the most suitable option by our client's architect, such that it is again clearly not the case that no reference is made in supporting statements to the re-cladding of the building as being the correct solution in terms of the Conservation Area, again as stated on page 8 of the Report of Handling).

2.4 Likewise, whereas the Report of Handling indicates that reference should be made to the Council's Technical Advice Note (TAN) on Development Along Lanes, the comments in this regard misrepresent the submissions made in the Supplementary Statement, that being that the purpose of the TAN is to guide the creation of residential mews buildings, rather than the conversion of existing buildings. And, in



the absence of any new buildings being proposed in this instance, there is no reason to refer to the TAN.

2.5 Lastly, insofar as the application is partly retrospective with regards to the removal of link sections and part of the wall splitting the car park between 31 and 32 Albyn Place, this does not affect the basis on which the application requires to be determined. This notwithstanding, it should be noted that the removal of the link sections is referenced in the Heritage Statement, with this having revealed evidence of past fenestration, while the brick wall splitting the car park is not a historic boundary wall, and has only been partly removed to facilitate the removal of the link sections. As such, no historic features have been removed, including any boundary walls. Our client does though apologise for carrying out these works in advance of the determination of this application, having been unaware that planning permission was required and, having obtained a demolition warrant for these works, had understood that they were authorised by this.

### **3 Amenity and light**

3.1 How the proposed development delivers a high level of amenity for future residents has been set out in detail in the documents submitted with the application, and will not be repeated here beyond re-iterating that it is necessary to take a holistic view of the amenity which residents would enjoy, with people specifically choosing to live close to the city centre because of the amenity benefits that this delivers in terms of proximity to the services, facilities and employment opportunities this has to offer. It is also important to take a pragmatic approach in this regard if the Council's aspirations in terms of delivering more housing in and around the city centre are to be realised, particularly on brownfield sites (to which, it is submitted, due weight has not been given in the Report of Handling). In addition, in response to amenity and light points raised in the Report of Handling, we would highlight that:

- whereas reference is made to the requirements of Policy D2 in terms of having no less than 50% useable amenity space where car-parking is provided in a private court, this is only the case if parking is provided in a private court (within which there would generally be both parking and amenity space). In this instance however, communal garden areas are provided separately from the parking area, with further amenity space provided in the form of private gardens and terraces for individual flat owners. In any event, as set out on the 'Proposed Green Spaces Communal and Private Terrace Layout Plans' submitted with the application [Document 36], the total amenity space available equates to over 50% of the external space on the site, providing a high level of amenity for residents in this regard;



- the value of north facing windows in flats 5, 6, 13 and 14 should not be discounted, with these providing ambient light and air to kitchen areas and complementing the main windows to the living/kitchen spaces on either the east or west elevations, depending on the flat; and
- the submitted sun studies [Document 65] show light hitting the ground outside flats 31 and 32 at different times of the day, particularly in summer, with the removal of the link structure increasing the amount of light washing the rear of the existing granite building and allowing users to view more of the bay windows in that than previously.

#### **4 Landscaping and restoration works**

4.1 With regards to the sections of the Report of Handling related to proposed landscaping and restoration works, a number of queries are raised about some of the details of the proposed development that were not raised during the extensive period of time in which the case officer had to assess this, and which our client or their architect could have addressed if they had been, or which could be conditioned. Specifically:

- our client would be happy for planning permission to be granted subject to conditions requiring the submission, approval and implementation of a detailed landscaping scheme, as is standard practice;
- the only windows to be replaced are modern windows, which are to be replaced with appropriate sash and case windows, as set out in the Heritage Statement;
- our client's architect would have been happy to provide clarification on the plans, in terms of which it should be noted that:
  - new elements to the rear of the original building have been positioned to utilise existing openings and minimise works to the granite walling;
  - yellow hatching on demolition drawings refers to buildings to be removed and/or areas requiring interventions;
  - more granite will be visible to the rear of the original building than is the case at present, delivering a net benefit in this regard;





- the proposed stairwell to the rear of the original building has been designed such this does not breach the eaves, with windows to provide translucency, in addition to which it should be noted that this will not be visible from the surrounding Conservation Area, and so will have no impact on the character of this;
- the design of the existing railings elsewhere on the site was not considered to be appropriate for principal street railings, with the design that has been proposed for these being consistent with what has been approved and installed elsewhere in the Conservation Area, but our client would be happy for this detail to be conditioned; and
- ventilation of the bathrooms will be through existing vents, new vents under the existing stairs or new roof slate vents, with no new cores through the principal entrance ashlar.

## **5 Parking**

- 5.1 Whereas the Report of Handling indicates that a disabled/accessible space should be provided in addition to the baseline number of spaces to serve the proposed flats, the Council's Supplementary Guidance: Transport and Accessibility makes it clear that disabled parking requirements should constitute a proportion of the total amount, not an additional number of spaces on top of this.
- 5.2 In any event, even if a disabled space were to be required in addition to the baseline number of spaces, the proposed level of parking should still be considered more than adequate given the central location of the site and the availability of sustainable and active travel opportunities, including easy access to the site on foot, bike or by public transport, with Co-wheels cars also available in close proximity, as set out in the Transport Report submitted with the application.

## **6 Sustainability**

- 6.1 Contrary to what is stated in the Report of Handling, the rear building would not need to be completely or substantially gutted and largely demolished. Rather, the superstructure would be converted to comply with building regulations by simply providing a continuous layer of insulation behind the perimeter plasterboard, with the scale of the works required being minimal, and significantly less than building a new building. In doing this, only the surface of the roof would be replaced, with the rest of the roof and wall structure retained. This then makes this an inherently sustainable proposal, particularly when due regard is given to the embodied energy within the



concrete slabs, masonry walls and trusses of the building, all of which would remain intact, delivering a highly sustainable development in terms of energy efficiency.

- 6.2 In addition, it should be noted that the source of the proposed granite cladding has not yet been confirmed, but this would likely be the same if a new building was proposed rather than the existing building being reclad, such that this should not be a determining issue in respect of this application.

## **7 Other matters**

- 7.1 Finally, the Report of Handling raises a number of matters that are not material planning considerations, namely the level of engagement between the planning service and the applicant during the course of the application, and that the applicant chose not to seek pre-application advice prior to submitting the application, neither of which should be relevant to the determination of this application. This notwithstanding, it should be noted that the applicant did seek to engage with the planning service, and demonstrated their willingness to take feedback on board by revising the proposed plans in response to this. Indeed, the Report of Handling expressly notes that such changes were made, demonstrating that the applicant did engage positively with the planning service in the interests of delivering the sustainable redevelopment of this vacant brownfield site to provide much needed housing, in line with the Council's express aspirations in this regard, as set out in the Statement of Appeal, Planning Statement, and Supplementary Statement submitted in support of this.

- 7.2 It should though be noted that the applicant did not receive any substantive feedback from the Council on the proposed development until some 9 months after the application was submitted, and almost 2 months after the heritage statement which was requested as part of the Council's assessment of the application was submitted (this alone being just shy of the time period in which the application should have been determined, irrespective of the time that had past prior to this), despite requests from the applicant's architect for feedback during this time. When feedback was then received the applicant responded to this by revising the plans within a period of 4 weeks, with these having been submitted on 13 December 2021 as set out in the Statement of Reasons. As also set out in the Statement of Reasons, a further period of over 2 months then passed before the Notice of Review was submitted, in which there was a delay of 7 weeks before the Council advertised the amendments by way of a notice being placed on site, preventing any further substantive feedback being provided or positive engagement with this applicant during this time, to the prejudice of the timescale for the application being determined and triggering the Notice of Review in respect of the failure to determine the application being submitted.



7.3 Further, whereas the Report of Handling refers to representations comprising one neutral one and one positive one, the only representations received in respect of the application from the public were two letters of support from the owner of 32 Albyn Lane (the closest existing residential property), with a letter of support also submitted by Queens Cross and Harlaw Community Council. In particular, as set out in the Statement of Appeal, these representations highlight the negative visual appearance of the site at present, the extent to which this would be improved by the development proposed in terms of this application, and the potential harm that would be caused to the area as a result of the existing buildings deteriorating further if the proposed development does not go ahead, all of which require to be taken into account in favour of the application being approved.

## **8 Conclusion**

8.1 In light of the above, it is submitted that there is nothing in the Report of Handling that would justify the application being refused, and that the Notice of Review should be allowed, and the application approved for the reasons given in the Notice of Review Supporting Statement and associated documents submitted with this.

**Aurora Planning Limited**

**28 March 2022**



This page is intentionally left blank