

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 3 May 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Donnelly and Mason.

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

31-32 ALBYN PLACE ABERDEEN - NON DETERMINATION - 210311

1. With reference to article 4 of the minute of the Local Review Body of 20 April 2022, the Local Review Body (LRB) of Aberdeen City Council considered a request to review against the non-determination of an application for Detailed Planning Permission for the change of use from and conversion of offices (class 4) to form 16 residential flats (sui generis), including the removal of existing link to form separate buildings, various alterations, the formation of parking to the rear and the installation of railings to the front at 31-32 Albyn Place Aberdeen, planning reference 210311.

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

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

At this juncture, Ms Greene advised that the review had been considered and determined at the meeting on 20 April 2022, however an incorrect slide was displayed and therefore in the interest of fairness, the application would be reviewed and determined again.

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

Ms Greene advised that an appeal against non-determination would take place where there had not been a decision made on an application during the statutory period of 2 months following validation of the application. The request for review had been

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correctly submitted with all necessary information within the time limit following the end of the statutory period.

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

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

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

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

The principle of extending to the rear preserved the frontage and overall original form of the Albyn Place properties and made the most of their relatively large feus to accommodate offices that were linked to the historic property. Directly to the east at No. 30, occupied by Albyn Medical Practice was a large extension running approximately 14m along the boundary and half the length of the extension at Nos. 31-32. This extension was built on the boundary wall and had a high blank gable facing into the site. This extension was 2 storeys in height, but due to underbuilding and thus elevated

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floor levels, it was only slightly lower to that at Nos. 31-32. To the west, at No. 33 Albyn Place was another large extension currently in office use. That extension was more comparable in height, scale and projection to that of Nos. 31- 32. The extension at No. 33 had 10 large windows, spread across two levels and looking west into Nos. 31-32. In terms of designation the site falls within the West End Office area of the Aberdeen Local Development Plan (ALDP) 2017, to which the policy B3 relates. In the proposed Aberdeen Local Development Plan (PLDP) 2022 this site falls within West End Area and is covered by policy VC6, which are cited and reflected upon within this report.

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

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

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

- The site was adjacent to but out-with the city centre boundary and should be able to afford a high quality residential environment subject to balancing the needs of the conservation area status, the quality and quantity of dwellings proposed and their on-site, as well as their impact or bearing and likely precedent within the vicinity.
- The proposed development does not do this. The proposal would not afford sufficient daylight, sunlight or amenity for a number of the flats and in particular those at the ground floor level. The outlook from a number of the flats is onto a high blank wall or a green wall within very close proximity and this relationship would not result in quality residential environment or provide a strong sense of place quality as required within the Conservation Area.
- The window-to-window distance of five of the proposed flats would not give prospective residents an acceptable level of privacy insofar as to the west they would be directly overlooked at a distance of around 12 metres. Finally, the basement flats in the main building would not have sufficient light or outlook afforded to them. As such, the proposal is considered not to comply with the general amenity expectations implicit to Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017 and in the policies of the proposed Aberdeen Local Development Plan 2020.
- The proposed scheme does not fully consider or assess the Conservation Area context and how the proposal impacts on that. The Heritage Statement makes it clear that the "The late c20 office block has little or no architectural significance

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relating to its form or fabric. It is detrimental to the significance of the site". The proposal would not suitably respect the site's historic context in terms of its form, scale, layout and the palette of finishing materials and thus would not preserve or enhance the character of the Albyn Place/ Rubislaw Conservation Area.

- As such the proposal was contrary to Policy D4: Historic Environment, D1 Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on "Managing Change in the Historic Environment: Guidance Notes".

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

- Amendments were made to the proposal in response to case officer's comments
- The proposal would bring back into use vacant buildings;
- Redevelopment of whole site was necessary to deliver works;
- Contributes to the aim of raising city centre population;
- Vacant offices were marketed for some time and proposal responds to economic climate;
- Proposal would see the traditional building restored and residential had been confirmed as acceptable use;
- The site contained an existing substantial modern extension visible only from the rear. It would be 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.

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

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

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

At this point in the proceedings, the LRB considered whether they had sufficient information before them to proceed to determine the review.

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

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

Ms Greene responded to various questions from members which included the floor layout in the proposed flats, proposed amenities and queries on the sunlight study.

The Chairperson and Councillors Donnelly and Mason each advised in turn and by majority agreed to refuse the planning application for the following reasons. The Chairperson and Councillor Mason opted to refuse the application and Councillor Donnelly vote to approve the application.

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

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

The site was adjacent to but out-with the city centre boundary and should be able to afford a high-quality residential environment subject to balancing the needs of the conservation area status, the quality and quantity of dwellings proposed and their on-site, as well as their impact or bearing and likely precedent within the vicinity. The proposed development does not do this.

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

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

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

- **Councillor Marie Boulton, Chairperson**