

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 8 February 2023. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Henrickson, Chairperson; and Councillors Macdonald and Thomson.

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

STUDIO 3, 32 ALBERT STREET ABERDEEN - 220432

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation for the refusal of an application for Detailed Planning Permission for the Change of use and conversion of class 4 office building to form 2 residential flats, alterations and installation of replacement windows and doors; formation of entrance door from an existing window opening; associated works landscaping works; and installation of retractable bollards - Studio 3, 32 Albert Street Aberdeen, planning reference 220432.

Councillor Henrickson 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 consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

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

In relation to the application, the LRB had before it (1) a delegated report and decision letter by the Appointed Officer, Aberdeen City Council; (2) an application dated 31 March 2022, (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the agent; and (5) letters of representation from the Aberdeen City Council's Roads Development Management Team, Waste and Recycling Team and also Environmental Health.

Ms Greene then described the site and outlined the appellant's proposal. The application site was located to the west of Albert Street and to the rear of 6 Carden Place within the West End of Aberdeen and formed part of a category B listed building,

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formerly known as Melville Carden Church. The building consisted of a granite gothic church with 2 tower façade and cruciform-plan. The church was designed by Robert Wilson of Ellis and Wilson in 1882. In 1990 the church was sensitively converted into offices. 32 Albert Street, the subject of this application, comprised the rear (northern) section of the building and had a separate entrance off Albert Street, although the buildings were linked by internal staircases. 32 Albert Street originally comprised the vestry, kitchen and session room serving the church, and was converted to offices along with the church. Whilst also accommodating the building, the application site also encompassed an area of parking to the north, beyond which lay Albert Lane. The site lay within the West End Office Area as designated by the Aberdeen Local Development Plan 2017 and within the Albyn Place and Rubislaw Conservation Area.

In terms of the proposal, Detailed Planning Permission was sought for a change of use and conversion of an office building (Class 4) to form 2 residential flats (Sui Generis). The change would require some alterations to the building including the installation of replacement windows and doors and the formation of an entrance door from an existing window opening. Associated works were also proposed, such as the installation of boundary enclosure, landscaping works and installation of retractable bollards along the northern boundary. The proposal would see the ground and first floor converted into two flats, one on each floor. Each flat would have 2 bedrooms, kitchen, lounge and shower rooms. Access to flat 1, located on the ground floor, would be obtained via a proposed access door on the west elevation, which would be formed by enlarging an existing window opening. While access to flat 2 at first floor level would be gained via an existing access door on the west elevation and internal staircase.

The existing access located on the east elevation would be retained but internal alterations would mean that this would only provide access to the existing offices located within 6 Carden Place. It was not proposed to make any significant changes to the external area bar the provision of a footpath immediately to the west and north of the building, two bin stances and cycle stores to be located along the western boundary and some soft landscaping wrapping around the building and continuing into a small part of the car park. Whilst it does fall within the application boundary, the car park would be retained, minus two spaces, leaving 12 spaces which would be retained for the existing offices at 6 Carden Place. The access off Albert Lane would be retained, but it was proposed to install stainless steel retractable bollards along the opening. Listed building consent was also sought and would consider both the external and internal works to this B listed building.

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

While the principle of a residential use in this area could be deemed appropriate, the proposal overall could not be accepted given the lack of an appropriate level of external amenity space, which was considered to inhibit the quality of the development as well as the wellbeing of future occupants. The proposal therefore failed to comply with Policy D1 - Quality Placemaking by Design of the current Aberdeen Local Development Plan, the associated Landscape SG and with Policy D2 - Amenity of the Proposed

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Aberdeen Local Development Plan 2020. Furthermore, the use of composite doors on the west elevation did not seek to protect, preserve and enhance the historic importance of the B listed building. As such, the proposal failed to comply with Policy D4 - Historic Environment of the current Aberdeen Local Development Plan, Scottish Planning Policy and Historic Environment Policy for Scotland, as well as the relevant Repair and Replacement of Windows and Doors and Managing Change Guidance: Doorways.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- There was insufficient time to consider or request for additional amenity space;
- Parking spaces were leased to offices in both the upper and lower level;
- The amenity space was not necessary as there was nearby public amenities;
- The vestry had not been occupied for ten years;

In terms of Consultations, Ms Greene advised that the Council's Roads Team had no objection; that the Waste Management had no objection but provided general information in regards to waste and there was no response received from the local Community Council.

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

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

In terms of relevant policy considerations, Ms Greene referred to the Aberdeen Local Development Plan 2021.

Ms Greene responded to various questions from members.

Members each advised in turn and unanimously agreed to uphold the appointed officers' decision. Planning permission was therefore refused.

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

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

While the principle of a residential use in this area could be deemed appropriate, the proposal overall cannot be accepted given the lack of an appropriate level of external amenity space, which is considered to inhibit the quality of the development as well as the wellbeing of future occupants. The proposal therefore fails to comply with Policy D1 - Quality Placemaking by Design of the

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current Aberdeen Local Development Plan, the associated Landscape SG and with Policy D2 - Amenity of the Proposed Aberdeen Local Development Plan 2020.

Furthermore, the use of composite doors on the west elevation does not seek to protect, preserve and enhance the historic importance of the B listed building. As such, the proposal fails to comply with Policy D4 - Historic Environment of the current Aberdeen Local Development Plan, Scottish Planning Policy and Historic Environment Policy for Scotland, as well as the relevant Repair and Replacement of Windows and Doors and Managing Change Guidance: Doorways.

LAND OFF DYCE AVENUE DYCE - 211759

2. The LRB then considered the second request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for Detailed Planning Permission for the formation of a surface car park, at land off Dyce Avenue Aberdeen, planning reference number 211759.

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

In relation to the application, the LRB had before it (1) a delegated report and decision notice by the Appointed Officer, Aberdeen City Council; (2) an application dated 14 December 2021 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) various responses from statutory consultees and (5) the Notice of Review submitted by the agent.

Ms Greene then described the application site and noted that the application related to an area of vacant ground within what was known as Aberdeen Business Park, forming part of the wider Kirkhill Industrial Estate and other business and industrial land surrounding Aberdeen International Airport. The site extended to 0.69 hectares and comprised scrub, tall ruderal species and areas of rough grass. It was surrounded by built development, with the airport staff car park and small industrial units to the east (both accessed from Argyll Close); a warehouse to the south (accessed from Dyce Avenue); a car park to the west associated with an industrial use located on the opposite side of Thistle Road; and to the north by other business units set within landscaping, accessed from Thistle Road. There was an electricity substation immediately to the north and a telecommunications mast to the east. There was an informal and unmade footpath which crosses the southern part of the site from east to west, connecting the Jury's Inn Hotel car park and Dyce Avenue.

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In regards to the proposal, Ms Greene advised that Detailed planning permission was sought for the construction of a 274-space car park. It was intended that it would serve both airport passengers as well as workers from the surrounding business and industrial uses within Kirkhill. The car park would be finished in a hard surface and have areas of landscaping around its edges. Access and egress would be via a new junction onto the turning circle at the eastern end of Dyce Avenue. Drainage trenches would be provided in-between the car parking spaces, and a swale, to provide SuDS to deal with surface water discharge. Security measures including barriers, CCTV cameras, ANPR (Automatic Number Plate Recognition) cameras and fencing were proposed, but at this stage no details of these aspects have been provided. Of the 274 parking spaces, 70 spaces would be for electric vehicle charging, 18 of which would be installed with charging equipment and 42 of which would have cabling so that equipment can be installed at a future date. A further 12 spaces would be allocated for disabled users.

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

That the provision of a standalone car park, accessible to anyone who worked in Kirkhill, would encourage people to drive to the area, which was inconsistent with policies, including the Transport and Accessibility Supplementary Guidance, which were designed to encourage modal shift to more sustainable means of transport such as public transport options. That the proposal would be contrary to Policy B1 Business and Industrial Land, as although a car park in itself was not entirely inconsistent with the land use zoning, when considered in the round alongside transportation policies and the intended purpose related to Aberdeen International Airport, it would not enhance the sustainability of the related business and industrial land. It was considered that even if parking were restricted to airport users, the provision of additional car parking capacity near the airport would hinder the ability to encourage modal shift towards the use of public transport. There was no evidence of capacity issues with the existing level of parking available to those using the airport. Any additional supply would make driving to and parking at the airport more attractive. This would be inconsistent with the aims of Scottish Planning Policy, the Regional Transport Strategy, Local Transport Strategy and Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan 2017.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- There would be provision for EV charging for the airport and Kirkhill parking, with 18 point initially;
- 42 passive EV spaces would be provided with cabling for future provision;
- Staff would move cars to charge them for owners return;
- The car park would encourage a move from fossil fuel to electric vehicles;
- Transport Supplementary Guidance encouraged EV charging and there was limited scope in existing streets;
- Passengers with families/luggage would prefer to drive than utilise public transport; with only 5 buses operating per hour;

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In terms of Consultations, various letters of representation were received from statutory consultees, with an objection from Roads Development Management and Aberdeen Airport, as well as letters of representation from members of the public.

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

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

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

Ms Greene responded to various questions from members.

Members each advised in turn and unanimously agreed to uphold the appointed officers' decision. Planning permission was therefore refused.

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

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

That the provision of a stand-alone car park, accessible to anyone who works in Kirkhill, would encourage people to drive to the area, which was inconsistent with policies, including the Transport and Accessibility Supplementary Guidance, which are designed to encourage modal shift to more sustainable means of transport such as public transport options.

That the proposal would be contrary to Policy B1 Business and Industrial Land, as although a car park in itself was not entirely inconsistent with the land use zoning, when considered in the round alongside transportation policies and the intended purpose related to Aberdeen International Airport, it would not enhance the sustainability of the related business and industrial land.

That it is considered that even if parking was restricted to airport users, the provision of additional car parking capacity near the airport would hinder the ability to encourage modal shift towards the use of public transport. There was no evidence of capacity issues with the existing level of parking available to those using the airport. Any additional supply will make driving to and parking at the airport more attractive.

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This would be inconsistent with the aims of Scottish Planning Policy, the Regional Transport Strategy, Local Transport Strategy and Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan 2017.

- **Councillor Henrickson, Chairperson**