

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 19 June 2023. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor McRae, Chairperson; and Councillors Bouse, Clark, Copland and Crockett.

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

11 VICTORIA STREET ABERDEEN - 220517

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation for the refusal of the application for Detailed Planning Permission for change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking and landscaping works with associated boundary treatment (rear) at 11 Victoria Street Aberdeen, planning reference 220517.

Councillor McRae 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 by the Appointed Officer, Aberdeen City Council; (2) an application dated 24 April 2023 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the applicant; and (5) letters of representation from the Aberdeen City Council's Roads Development Management Team, Environmental Health Team and Waste and Recycling Team.

Ms Greene then described the site and outlined the appellant's proposal. The application site was located on the east side of Victoria Street at a distance of 55

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

19 June 2023

metres north of its junction with Albyn Place and 40 metres south of its junction with Thistle Street/Waverley Place and lies within the Albyn Place/Rubislaw Conservation Area. The site comprised a traditional, Category C listed, 2 storey with attic, end terraced granite property of a block of three constructed c. 1850 with a 2 storey modern extension to the rear which dates from the early 1990's. The property was currently lying vacant but was previously, over a period of many years, in commercial office use. The front curtilage comprised a small area of garden ground with low level granite boundary wall. The rear curtilage was in hardstanding and enclosed along its northern boundary by means of a random rubble granite wall with red brick coping. It provided an area of car parking which was accessed from a service lane via Thistle Place. The site lies within the West End Office Area zoning as designated by the Aberdeen Local Development Plan 2017.

In terms of the application, Ms Greene explained that Detailed Planning Permission was sought for a change of use and conversion of an office building to form 2 residential properties. One 3 bedroom property would occupy the 3 floors located to the front (west) of the building with the main entrance from Victoria Street and a secondary access via the rear curtilage of the site, from a lane off Thistle Place. The second 1 bedroom property would be located within the 2 storey extension to the rear, with access from the lane off Thistle Place via the rear curtilage and by means of a shared rear hallway. The proposed conversion to residential use would include various external alterations to the property and the wider site.

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

It was accepted that the principle of a residential use for this property and for the area within which it lies was appropriate and the proposal would therefore be compliant with the overall expectations of Policy B3 (West End Office) of the Aberdeen Local Development Plan 2017 (ALDP). However, by virtue of its form and layout, the conversion of the property to form two dwellings would deliver a particularly poor level of residential amenity for the 1 bedroom dwelling proposed to the rear of the building, whilst also failing to provide an appropriate level of private amenity space for the second, 3 bedroom dwelling which would be located to the front. The 1 bedroom dwelling would have a single-aspect outlook, with limited levels of sunlight for the internal space as a result of its orientation and with a sole means of access off an unlit, unadopted service lane resulting in a property with no public face to the street. As a result the proposed development fails to comply with Policy D1 (Quality Placemaking by Design) of the ALDP and Policy D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020 (PALDP) and Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (NPF4).

The proposal would be compliant with Policy R6 (Waste Management Requirements for New Development) of the ALDP or Policy 12 (Zero Waste) of NPF4 and whilst suitably compliant with Policy 13 (Sustainable Transport) of NPF4, there would be a degree of tension with Policy T2 (Managing the Transport Impact of Development) and Policy T3

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

19 June 2023

(Sustainable and Active Travel) of the ALDP and with the requirements of the Council's Supplementary Guidance on 'Transport and Accessibility'.

It was acknowledged that the proposal would have no adverse impact on the character or appearance of the Albyn Place/Rubislaw Conservation Area and suitably accords with the aims of Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the ALDP, the relevant Supplementary Guidance on 'The Repair or Replacement of Windows and Doors' and Technical Advice Note on 'The Repair and Reinstatement of Cast Iron Railings' and with the requirements of Policy 7 (Historic Assets and Places) of NPF4. The proposal would also suitably address the aims of Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4.

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

- The property was originally built as a house and had lain empty for three years and the proposal would take it back into use;
- The three bedroom flat had a garden to the front/west and to the rear/east. The applicant was willing to change the car parking to garden space;
- The one bedroom flat had garden and pleasant surroundings which included the view of the church sanctuary;
- Access from the well used lane;
- The property was close to Rubislaw Terrace Gardens, cafes and facilities to allow for local living;
- The lane was shorter than many driveways and the applicant would accept a condition for lighting fixed to the boundary wall;
- The rear flat would have public frontage to the lane, which was used to access other properties.

In terms of consultations, Ms Greene advised that the Council's Roads Team and Environmental Health had no objections; that the Waste Management Team originally did not object to the application however following further investigation they submitted an objection; and there was no response received from the City Centre Community Council. No letters of representation had been received from the neighbouring properties.

Ms Greene advised that the applicant had expressed the view that no further procedure was required.

The Chairperson and Councillors Bouse, Clark, Copland, Crockett 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 National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

19 June 2023

Ms Greene responded to questions from members which included residential amenity and suitable levels of lighting in the properties.

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

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

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

That the proposal would result in the reuse of the building and creation of two residential properties within an area where changes to residential use are supported under Policy VC6 (West End Area) in the Local Development Plan 2023 (LDP) and reuse supported under Policy 9 of National Planning Framework 4 (NPF4). An adequate level of residential amenity would be achieved within the properties with all habitable rooms having lighting.

CONDITIONS

This permission is granted subject to the following conditions.

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) EXTERNAL LIGHTING

That the flat to the rear shall not be occupied unless there has been external lighting installed within the rear area adjacent the lane in accordance with details that have been submitted to and approved in writing by the planning authority. The lighting shall thereafter remain in place and operational.

Reason - in the interests of safety and security.

(03) REFUSE STORAGE

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

19 June 2023

That the flat to the rear shall not be occupied unless there has been installed a refuse bin storage enclosure within the rear curtilage, in accordance with details that have been submitted to and approved in writing by the planning authority.

Reason – to ensure that adequate space is provided for the storage of refuse bins in the interests of residential amenity.

4 THISTLE LANE ABERDEEN - 230303

2. The LRB then considered the second request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for Detailed Planning Permission for the installation of two roof lights (retrospectively) at 4 Thistle Lane Aberdeen, planning reference 230303.

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 by the Appointed Officer, Aberdeen City Council; (2) an application dated 13 March 2023 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; and (4) the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The application site was located in the north-west of the city centre and was located in the Albyn Place and Rubislaw Conservation Area. Whilst the property itself was not listed and historical map analysis does indicate a structure of similar form existed on the site from c.1920-30s, supporting evidence submitted from the applicant confirms the building was c.1970s construction, and therefore the mews cottage building would not be considered curtilage listed with the original curtilage of 55 Victoria Street (category B listed building). The application property was a single storey mews cottage building, finished in cream roughcast render and traditional slate pitched roof. The north-east gable elevation immediately abuts Thistle Lane, with the entrance door located on the north-west elevation accessible through a gate and access path from Thistle Lane, with the mutual boundary to 179 and 180 Skene Street to the north. The other gable faces south-west, overlooking a small rear garden curtilage which is bound with 55 Victoria Street by means of a dividing timber fence and the remaining south-east elevation is positioned hard up against the mutual boundary shared with 53 Victoria Street.

In terms of the proposal, Ms Greene explained that the application sought detailed planning permission for the installation of two rooflights, positioned on the south east roof slope and each rooflight had dimensions of c.1600mm high x c.940mm width made

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

19 June 2023

from composite material and finished in dark grey colour. The application was considered as retrospective as the rooflights had already been installed.

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

- Rooflights not designed with due consideration to the context in scale, relative to the roof slope;
- It does not preserve and enhance the character of the Conservation Area or setting of nearby Listed Buildings;
- The proposal was contrary to Historic Environment Policy for Scotland and Managing Change in the Historic Environment Guidance on "Windows" and "Setting";
- It conflicted with Policy 7 (Historic Assets) and Policy 16 (Quality Homes) in NPF4;
- It was also contrary to Policies D1 (Design), D5 (Historic Environment), D8 (Windows and Doors) and H1 (Residential)

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

- The proposal complied fully with the Local Development Plan;
- The reasons were subjective, not based on guidance or founded in the Local Development Plan;
- The rooflights were Conservation Style and work was of a high quality;
- The context was a rear lane predominantly of garages and relatively new Prince Albert Mess;
- The rooflights were on an area of roof not overlooked;
- The central glazing bar could be installed;
- It complies with HEPS and Managing Change Guidance Policy 6 of National Planning Framework 4 due to high quality with respect for surroundings, design policies similarly;
- There was no size limit in the policy and guidance;
- Reducing the size of rooflights would result in patchwork and possible damage.

In terms of Consultations, no letters of representation were received and no consultee comments.

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

The Chairperson and Councillors Bouse, Clark, Copland and Crockett, 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 National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Ms Greene responded to various questions from members.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

19 June 2023

Members each advised in turn and unanimously agreed to overturn the appointed officers decision and approved the application conditionally.

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

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

The rooflights would add to the amenity of the residents of the property, increasing the amount of light into the living room. The property is in a rear lane and the rooflights would not create overlooking of other properties. The proposal does not detract from visual amenity or the character of the surrounding area and would therefore preserve the character of the Conservation Area.

The proposal therefore complies with Policy 14: Design, Quality and Place and Policy 16: Quality Homes in National Planning Framework 4.

CONDITIONS

This permission is granted subject to the following conditions.

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

- **Councillor Ciaran McRae, Chairperson**