

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 4 November 2024. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor McRae, Chairperson; and Councillors Alphonse, Boulton, Clark and Lawrence.

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

SPADEMILL STUDIO, SPADEMILL LANE, ABERDEEN - 230759

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 erection of dwellinghouse with garage, rear boundary wall and associated landscaping - Spademill Studio, Spademill Lane, Aberdeen, planning reference 230759.

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 and decision letter by the Appointed Officer, Aberdeen City Council; (2) an application dated 21 June 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, Waste and Recycling Team, Environmental Health and also from the Queen's Cross and Harlaw Community Council and Historic Environment Scotland.

Ms Greene then described the site and outlined the appellant's proposal. The application site extended to approximately 489m² and sat on the southern side of Spademill Lane, approximately 60m east of its junction with Bayview Road and currently accommodated a late 20th Century two storey office building with a footprint of approximately 101m². The building was currently occupied by a commercial business,

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Tailored Training Services, with the agent advising that this was on a temporary basis. The existing 'L' shaped building, with a lean-to conservatory, sat to the north east of the site, abutting the lane and the eastern boundary. The remainder of the site was laid with hardstanding used for car parking. There were five trees within the site and a number of trees that stand to the east and south, that were outwith the application site boundary. The site itself was relatively flat, but as you approach the lane it sloped upwards by approximately 0.5m with the floor level of the existing building sitting below the lane. The lane itself has a noticeable variation in its levels, with a level difference of approximately 10m over the entire length of the lane as you go from east to west. The level difference was more apparent around the application site with a difference of approximately 5m between 70 Queen's Road and 80 Queen's Road. The building was not listed, but does sit within the Albyn Place/Rubislaw Conservation Area. The site was bounded to the west by the car park and gardens associated with the residential flats at 80 Queen's Road and to the east by car park and amenity ground associated with the residential flats and houses at 72-76 Queen's Road. To the south, beyond the existing hedging, sits 78 Queen's Road, a category C listed, two and a half storey, traditional granite building with a rear garden area and substantial front curtilage, which has recently been excavated and levelled. 78 Queen's Road had been the original feu before it was split as a separate entity and has gained planning permission and listed building consent for a change of use from an office to form three residential flatted dwellings. Due to the topography of the sites, 78 Queen's Road sat approximately 1m lower than that of the application site.

In terms of the proposal, Ms Greene advised that Planning permission was sought for the erection of a dwellinghouse and associated landscaping. This development would involve the demolition of the existing building, but as this is an unlisted building in the conservation area, such development would require the approval of conservation area consent.

It was noted that amended plans had been submitted by the applicant which included the following changes:

- The length of the rear single storey extension had been reduced by 1.2m;
- The covered walkway to the rear had been removed;
- Changes to the rear wall, which would now sit at 1.8m in height;
- New window openings had been introduced onto the lane;
- The upper floor had been stepped in; and
- Additional planting was proposed in the garden.

These changes were not in line with the requests made by the Planning Service nor did they address the concerns previously highlighted in correspondences.

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

The proposal had been assessed against the relevant policies of the National Planning Framework 4 (NPF4) and Aberdeen Local Development Plan 2023 (ALDP) and was

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deemed to be unacceptable, in that the level of development proposed was excessive, thus conflicting with Policy H1 (Residential Areas) of the ALDP and the requirements of the Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages Aberdeen Planning Guidance documents (APG). Further to this, the dwellings scale, form and design was not acceptable, in that it was not small in scale resulting in an impact on Spademill Lane. Additionally, the proposal did not represent an appropriate development that had been informed by the existing or historic context of the site or surrounding area and bears no appreciation for the original building envelope, thus conflicting with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking) of the ALDP, Policy 14 (Design, Quality and Place) of NPF4, as well as the Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages APG's. The development would result in an overbearing impact on the north elevation of 78 Queen's Road and the site itself did not provide an appropriate level of external amenity space, thus conflicting with Policy D2 (Amenity) and Policy NE2 (Green and Blue Infrastructure) of the ALDP and the Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages APG's.

With respect to Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP, the excessive scale and form of the development would result in a detrimental impact on the character of the Albyn Place/Rubislaw Conservation Area, would not preserve or make a contribution to enhancing the immediate context and the wider conservation area, with the setting of the category C listed 78 Queen's Road also being impacted upon, thus conflicting with the aforementioned policies, along with Historic Environment Policy for Scotland and the Managing Change Guidance - Settings

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

- It complied with NPF4 policies for brownfield sites, urban development and location of new homes in accessible locations;
- It complied with H1 – not over development, no adverse impact on amenity or character and no loss of open space;
- It complied with most of Aberdeen Planning Guidance, which required context response. Complied with APG checklist, which were guidance and not rules;
- The house and garden were suited to site of this scale and the design was very high standard;
- No undue impact on 78 Queens Rd, which was being converted to 3 flats – two plots separate for many years;
- There would be a positive impact on the Conservation Area. There would be an enhancement, and the policy required preservation; and
- No objections from public or consultees and the local Community Council were in support.

In terms of Consultations, Ms Greene advised that the Council's Roads Team and Environmental Health Team had no objections; that the Waste Management had no objection but provided general information in regards to waste and there was a response received from the local Community Council, however this was not received in time and the planning officer did not take the representation into consideration when the

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decision was made. There was also a general response from Historic Environment Scotland.

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

The Chairperson and Councillors Alphonse, Clark, Boulton and Lawrence 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.

Members each advised in turn and by majority agreed to overturn the appointed officers previous decision. Planning permission was therefore granted conditionally. The Chairperson and Councillors Alphonse and Clark voted to approve the application conditionally and Councillors Boulton and Lawrence voted to refuse 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:-

That the scale of the development, in particular in terms of its footprint, was larger than would normally be considered acceptable for this form of rear lane development and was contrary to the Aberdeen Planning Guidance: Development Along Lanes. However, the development was considered acceptable due to the detrimental impact of the appearance of the existing building on the character of this part of the Albyn Place / Rubislaw Conservation Area townscape, the high quality of design and materials of the proposed development, with the element fronting the lane being considered of acceptable scale, and there being no significant impact on the amenity of the occupiers of neighbouring buildings in terms of privacy, daylight or sunlight. It was considered that the proposal would enhance this part of the Albyn Place / Rubislaw Conservation Area. It was also recognised that the building would be situated on a rear lane which is used mainly for access, rather than a principal street with significantly more public visibility.

The existing building was out of keeping with the character of the Conservation Area, and its removal and replacement with the proposed development would enhance the character of the Conservation Area in accordance with Policy 7: Historic Assets and Places and Policy in National Planning Policy Framework 4 (NPF4) and Policy D6: Historic Environment in the Local Development Plan 2023 (LDP).

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The proposal would be acceptable in terms of residential amenity and accord with Policy H1: Residential Areas and Policy D2: Amenity in the Local Development Plan 2023 (LDP) in this respect.

CONDITIONS

This permission was 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) LANDSCAPE SCHEME

That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained;
- (ii) The location of new trees, shrubs, hedges, grassed areas, including to the green roof;
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (iv) The location, design and materials of all hard landscaping works including walls, fences, gates as required;
- (v) An indication of existing trees, shrubs and hedges to be removed;
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be

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submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme."

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

(03) REFUSE STORAGE AND DISPOSAL

That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

Reason: in order to preserve the amenity of the neighbourhood and in the interests of public health

(04) LZC EQUIPMENT

That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Resources for New Development' Aberdeen Planning Guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

Reason: to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published 'Resources for New Development' Aberdeen Planning Guidance.

46 MARISHCAL STREET ABERDEEN - 240300

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 replacement of external door with flood mitigation door at 46 Marischal Street Aberdeen, planning reference 240300.

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 13

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March 2024 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) and the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The application property was a category 'B' listed building, situated within the City Centre Conservation Area. The 3-storey and attic, 3-bay town house, formed part of a terraced row of properties, and dated back to circa 1789 and 1821. The application building had a north-east facing principal elevation onto Marischal Street whilst the rear, south-west elevation fronts onto Theatre Lane, a narrow historic pend. Due to a significant change in levels between Marischal Street and Theatre Lane, the rear elevation of the building was five storeys in height, with irregular fenestration and a pair of tripartite, canted piended dormers. There was an existing timber door at ground floor level on the rear elevation of the building to Theatre Lane. The application property adjoined 48 Marischal Street to the north and 56 Marischal Street to the south.

In terms of the proposal, it was noted that Detailed planning permission was sought for the installation of a replacement door for the existing timber double door and transom light, located on the rear, south-west elevation, fronting Theatre Lane. The proposed door would be a steel reinforced 70mm Rehau uPVC flood door, finished in RAL 9005 black externally and RAL 9016 white internally with a wood grain effect on both sides. The proposed door would hinge on either side with 4 flag hinges and would open outward. There would be a 300mm top light, with clear glass, 6mm laminate externally and 4mm toughened glass internally with crash bars internally with no external access. The works were proposed by Scottish Water in order to provide mitigation against sewer flooding on Theatre Lane, which they advised occurs on an increasingly frequent basis due to climate change, and has seen the building's interior flooded in recent years.

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

The use of PVC for the replacement of the existing timber door would neither preserve nor enhance the special character or historic and architectural interest of the listed building and would fail to preserve or enhance the character and appearance of the City Centre Conservation Area. The proposal was therefore contrary to Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Place) and Policy 14 (Design, Quality and Place) of National Planning Framework 4, Policy H2 (Mixed Use Areas), Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023, as well as Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on Doorways and the Council's Aberdeen Planning Guidance on The Repair and Replacement of Windows and Doors.

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

- There was a need for the doors due to ongoing flooding in the area;

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- Flooding was occurring more frequently due to climate change;
- Flooding protection was required to ensure that the building continued to be occupied, maintained and in viable use, which would ensure its future as an important part of the historic environment;
- The justification for the use of modern materials was explained in the supporting information submitted with the application; and
- The StormMeister uPVC doors with an active flood seal mechanism were installed by Scottish Water because they provide the tried, tested and guaranteed solution which was urgently required to prevent extensive damage to the interior contents, décor and fabric of the building which happened each time it flooded.

In terms of Consultations, none were received.

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

The Chairperson and Councillors Alphonse, Boulton, Clark and Lawrence 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 then answered various questions from Members.

Members each advised in turn and unanimously agreed to overturn the appointed officers decision and grant planning permission 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 main focus was to ensure that the building was watertight to avoid flood water damage to the fabric of the listed building, to the long term benefit of the historic environment through the protection of the existing buildings. Within the context, and through the use of woodgrain effect UPVC, the proposed doors would not look out of place within the conservation area. Due to the use of UPVC this proposal had tensions with Policy D6: Historic Environment in the Aberdeen Local Development Plan 2023 (LDP), Aberdeen Planning Guidance (APG): Repair and Replacement of Windows and Doors and Policy 7: Historic Assets and Places in National Planning Framework 4 (NPF4), but was not contrary to Policy H2: Mixed Use Areas in the LDP and was

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justified in terms of providing resilience and mitigation in terms of current and future climate change impacts in accordance with section c) of Policy 2: Climate of NPF 4.

CONDITIONS

This permission was 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) FINISHES AND IRONMONGERY

That prior to the commencement of the development hereby approved, details of the proposed woodgrain effect external finish and door furniture including handles and hinges shall be submitted to and agreed in writing by the planning authority. Thereafter, the doors shall only be installed in accordance with the agreed plans.

Reason: To preserve the character of the listed building and Conservation Area and to ensure consistency with other properties with flood doors within the City Centre Conservation Area.

48 MARISHCAL STREET ABERDEEN - 240302

3. The LRB then considered the third 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 replacement of external door with flood mitigation door at 48 Marischal Street Aberdeen, planning reference 240302.

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 March 2024 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) and the Notice of Review submitted by the agent.

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Ms Greene then described the site and outlined the appellant's proposal. The application property was a category 'B' listed building, situated within the City Centre Conservation Area. The 3-storey and attic, 3-bay town house, formed part of a terraced row of properties, and dated back to circa 1789 and 1821. The application building had a north-east facing principal elevation onto Marischal Street whilst the rear, south-west elevation fronts onto Theatre Lane, a narrow historic pend. Due to a significant change in levels between Marischal Street and Theatre Lane, the rear elevation of the building was five storeys in height, with irregular fenestration and a pair of tripartite, canted piended dormers. There was an existing timber door at ground floor level on the rear elevation of the building to Theatre Lane. The application property adjoined 48 Marischal Street to the north and 56 Marischal Street to the south.

In terms of the proposal, it was noted that Detailed planning permission was sought for the installation of a replacement door for the existing timber double door and transom light, located on the rear, south-west elevation, fronting Theatre Lane. The proposed door would be a steel reinforced 70mm Rehau uPVC flood door, finished in RAL 9005 black externally and RAL 9016 white internally with a wood grain effect on both sides. The proposed door would hinge on either side with 4 flag hinges and would open outward. There would be a 300mm top light, with clear glass, 6mm laminate externally and 4mm toughened glass internally with crash bars internally with no external access. The works were proposed by Scottish Water in order to provide mitigation against sewer flooding on Theatre Lane, which they advised occurs on an increasingly frequent basis due to climate change, and has seen the building's interior flooded in recent years.

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

The use of PVC for the replacement of the existing timber door would neither preserve nor enhance the special character or historic and architectural interest of the listed building and would fail to preserve or enhance the character and appearance of the City Centre Conservation Area. The proposal is therefore contrary to Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Place) and Policy 14 (Design, Quality and Place) of National Planning Framework 4, Policy H2 (Mixed Use Areas), Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023, as well as Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on Doorways and the Council's Aberdeen Planning Guidance on The Repair and Replacement of Windows and Doors.

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

- There was a need for the doors due to ongoing flooding in the area;
- Flooding was occurring more frequently due to climate change;

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- Flooding protection was required to ensure that the building continued to be occupied, maintained and in viable use, which would ensure its future as an important part of the historic environment;
- The justification for the use of modern materials was explained in the supporting information submitted with the application; and
- The StormMeister uPVC doors with an active flood seal mechanism were installed by Scottish Water because they provide the tried, tested and guaranteed solution which was urgently required to prevent extensive damage to the interior contents, décor and fabric of the building which happened each time it flooded.

In terms of Consultations, none were received.

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

The Chairperson and Councillors Alphonse, Boulton, Clark and Lawrence 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 then answered various questions from Members.

Members each advised in turn and unanimously agreed to overturn the appointed officers decision and grant planning permission 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 main focus was to ensure that the building was watertight to avoid flood water damage to the fabric of the listed building, to the long term benefit of the historic environment through the protection of the existing buildings. Within the context, and through the use of woodgrain effect UPVC, the proposed doors would not look out of place within the conservation area. Due to the use of UPVC this proposal has tensions with Policy D6: Historic Environment in the Aberdeen Local Development Plan 2023 (LDP), Aberdeen Planning Guidance (APG): Repair and Replacement of Windows and Doors and Policy 7: Historic Assets and Places in National Planning Framework 4 (NPF4), but was not contrary to Policy H2: Mixed Use Areas in the LDP and is justified

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in terms of providing resilience and mitigation in terms of current and future climate change impacts in accordance with section c) of Policy 2: Climate of NPF 4.

CONDITIONS

This permission was 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) FINISHES AND IRONMONGERY

That prior to the commencement of the development hereby approved, details of the proposed woodgrain effect external finish and door furniture including handles and hinges shall be submitted to and agreed in writing by the planning authority. Thereafter, the doors shall only be installed in accordance with the agreed plans.

Reason: To preserve the character of the listed building and Conservation Area and to ensure consistency with other properties with flood doors within the City Centre Conservation Area.

12 - 12A VIRGINIA STREET - 240297

4. The LRB then considered the fourth 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 replacement of external doors with flood mitigation doors and installation of barrier to an existing roller shutters at 12 - 12A Virginia Street, planning reference 240297.

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 8 March 2024 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) and the Notice of Review submitted by the agent.

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Ms Greene then described the site and outlined the appellant's proposal. The application site related to a category 'C' listed, five-storey and attic warehouse built for the Shore Porters Society in 1897 set on the corner of Virginia Street and Shore Lane to the northwest and southwest, respectively. The proposal related to three timber single doors and a roller shutter door on the northwest elevation of the building. The application site lay in the City Centre Conservation Area.

In terms of the proposal, Detailed Planning Permission was sought for the installation of replacement doors for the three existing timber doors on the northwest elevation. The proposed doors would be steel-reinforced uPVC flood doors finished in RAL 5000 Violet Blue. One of the doors would incorporate raised 'moulding' panelling and the other two doors would have no moulding details. The proposal also sought to install a rapid assembly floor barrier to the front of the existing roller shutter door which would measure 720mm in height from the ground level. This would be formed of two permanent aluminium side tracks fixed to the building and a removable barrier with two posts which can be deployed when required. The works were proposed by Scottish Water in order to provide mitigation against sewer flooding on Virginia Street, which they advised occurred on an increasingly frequent basis due to climate change, and had seen the building's interior flooded in recent years.

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

The use of PVC for the replacement of existing timber doors would not preserve or enhance the special character or historic and architectural interest of the listed building and would fail to preserve or enhance the character and appearance of the City Centre Conservation Area. The proposed doors were not of a high quality design, sympathetic to the historic character of the building, and they would be located on the prominently visible principal elevation, thus adversely impacting on the distinctive appearance and setting of the building within the wider street scene. The proposal was therefore contrary to Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Place) and Policy 14 (Design, Quality and Place) of National Planning Framework 4, Policy H2 (Mixed Use Areas), Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023, as well as Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on Doorways and the Council's Aberdeen Planning Guidance on The Repair and Replacement of Windows and Doors.

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

- There was a need for the doors due to ongoing flooding in the area;
- Flooding was occurring more frequently due to climate change;
- Flooding protection was required to ensure that the building continued to be occupied, maintained and in viable use, which would ensure its future as an important part of the historic environment;

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- The justification for the use of modern materials was explained in the supporting information submitted with the application; and
- The StormMeister uPVC doors with an active flood seal mechanism were installed by Scottish Water because they provide the tried, tested and guaranteed solution which was urgently required to prevent extensive damage to the interior contents, décor and fabric of the building which happened each time it flooded.

In terms of Consultations, none were received.

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

The Chairperson and Councillors Alphonse, Boulton, Clark and Lawrence 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 then answered various questions from Members.

Members each advised in turn and unanimously agreed to overturn the appointed officers decision and grant planning permission 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 main concern was to ensure that the building was watertight to avoid flood water damage to the fabric of the listed building, to the long term benefit of the historic environment. Within the context, and with woodgrain effect, the UPVC doors would not look out of place within the conservation area. Due to the use of UPVC this proposal had tensions with Policy D6: Historic Environment in the Aberdeen Local Development Plan 2023 (LDP), Aberdeen Planning Guidance (APG): Repair and Replacement of Windows and Doors and Policy 7: Historic Assets and Places in national Planning Policy Framework 4 (NPF4), but was not contrary to Policy H2: Mixed Use Areas in the LDP and is justified in terms of providing resilience and mitigation in terms of current and future climate change impacts in accordance with section c) of Policy 2: Climate.

CONDITIONS

This permission was granted subject to the following conditions.

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4 November 2024

(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) FINISHES AND IRONMONGERY

That the doors shall only be installed in accordance with plans submitted to and approved in writing by the planning authority showing details of:

- a) 'woodgrain' effect finish
- b) door furniture including handles and hinges

Reason: To preserve the character of the listed building and Conservation Area and to ensure consistency with other properties with flood doors within the City Centre Conservation Area.

WAREHOUSE, 22 VIRGINIA STREET ABERDEEN - 240296

5. The LRB then considered the fifth 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 replacement of external door with flood mitigation door and installation of barrier to an existing roller shutters at the Warehouse, 22 Virginia Street Aberdeen, planning reference number 240296.

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 8 March 2024 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) and the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The application site relates to a 2½ storey 19th century warehouse set within a terrace of traditional warehouse buildings on the southern side of Virginia Street, between James Street and Shore Lane. The application site building was constructed with grey granite blockwork walls and a slate pitched roof, incorporating a half dormer on the front elevation. The proposal related to a timber pedestrian access door and a larger roller

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shutter door at ground floor level on the front (northwest) elevation of the building. The application site lay in the City Centre Conservation Area.

In terms of the proposal, Detailed planning permission was sought for the installation of a replacement door for the existing timber door on the front (northwest) elevation. The proposed door would be a steel-reinforced uPVC flood door finished in RAL 7045 Grey. The door would be fitted with a black letterbox and brown pull handle with no moulding details. The proposal also sought to install a rapid assembly floor barrier to the front of the existing roller shutter door which would measure 720mm in height from the ground level. This would be formed of two permanent aluminium side tracks fixed to the building and a removable barrier with one post which can be deployed when required. The works were proposed by Scottish Water in order to provide mitigation against sewer flooding on Virginia Street, which they advised occurs on an increasingly frequent basis due to climate change, and had seen the building's interior flooded in recent years.

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

The use of PVC for the replacement of the existing timber door would fail to preserve or enhance the character and appearance of the City Centre Conservation Area. The proposed door was not of a high quality design that would be sympathetic to the historic character of the building, and it would be located on the prominently visible principal elevation, thus adversely impacting on the distinctive appearance and setting of the building within the wider street scene. The proposal would also not preserve the setting of the neighbouring listed building. The proposal was therefore contrary to Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Place) and Policy 14 (Design, Quality and Place) of National Planning Framework 4, Policy H2 (Mixed Use Areas), Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023, as well as Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on Doorways and the Council's Aberdeen Planning Guidance on The Repair and Replacement of Windows and Doors.

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

- There was a need for the doors due to ongoing flooding in the area;
- Flooding was occurring more frequently due to climate change;
- Flooding protection was required to ensure that the building continued to be occupied, maintained and in viable use, which would ensure its future as an important part of the historic environment;
- The justification for the use of modern materials was explained in the supporting information submitted with the application; and
- The StormMeister uPVC doors with an active flood seal mechanism were installed by Scottish Water because they provide the tried, tested and guaranteed solution which was urgently required to prevent extensive damage to

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the interior contents, décor and fabric of the building which happened each time it flooded.

In terms of Consultations, none were received.

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

The Chairperson and Councillors Alphonse, Boulton, Clark and Lawrence 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 then answered various questions from Members.

Members each advised in turn and unanimously agreed to overturn the appointed officers decision and grant planning permission 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 main concern was to ensure that the building was watertight, to avoid flood water damage to the fabric of the building, to the long term benefit of the historic environment. Within the context, and with woodgrain effect, the UPVC doors would not look out of place within the conservation area. Due to the use of UPVC this proposal has tensions with Policy D6: Historic Environment in the Aberdeen Local Development Plan 2023 (LDP), Aberdeen Planning Guidance (APG): Repair and Replacement of Windows and Doors and Policy 7: Historic Assets and Places in national Planning Policy Framework 4 (NPF4), but was not contrary to Policy H2: Mixed Use Areas in the LDP and was justified in terms of providing resilience and mitigation in terms of current and future climate change impacts in accordance with section c) of Policy 2: Climate in NPF4.

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

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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) FINISHES AND IRONMONGERY

That the doors shall only be installed in accordance with plans submitted to and approved in writing by the planning authority showing details of:

- a) 'woodgrain' effect finish
- b) door furniture including handles and hinges

Reason: To preserve the character of the Conservation Area and to ensure consistency with other properties with flood doors within the City Centre Conservation Area.

24 VIRGINIA STREET ABERDEEN - 240294

6. The LRB then considered the sixth 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 replacement of external doors with flood mitigation doors at 24 Virginia Street Aberdeen, planning reference number 240294.

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 8 March 2024 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) and the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The application site related to a 3½ storey 19th century warehouse set within a terrace of traditional warehouse buildings on the southern side of Virginia Street, between James Street and Shore Lane. The building was constructed with grey granite blockwork walls and a slate pitched roof. It was visually split into two frontages, each with a front half dormer window. The application building lay within, and formed part of the eastern edge of, the City Centre Conservation Area, comprising the end warehouse building in the row, adjoining 22 Virginia Street to the west. The proposal related to two timber pedestrian access doors on the northwest elevation of the building.

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In terms of the proposal, Detailed planning permission was sought for the installation of replacement doors for the two existing timber doors on the front (northwest) elevation. The proposed doors would be steel-reinforced uPVC flood doors finished in RAL 5000 Violet Blue. The new doors would incorporate lever handles, rather than door knobs as existing. The works were proposed by Scottish Water in order to provide mitigation against sewer flooding on Virginia Street, which they advise occurred on an increasingly frequent basis due to climate change, and had seen the building's interior flooded in recent years.

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

The use of PVC for the replacement of the existing timber doors would fail to preserve or enhance the character and appearance of the City Centre Conservation Area. The proposed doors were not of a high quality design that would be sympathetic to the historic character of the building, and they would be located on the prominently visible principal elevation, thus adversely impacting on the distinctive appearance and setting of the building within the wider street scene. The proposal would also not preserve the setting of the nearby listed building within this terrace of warehouse buildings. The proposal was therefore contrary to Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Place) and Policy 14 (Design, Quality and Place) of National Planning Framework 4, Policy H2 (Mixed Use Areas), Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023, as well as Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on Doorways and the Council's Aberdeen Planning Guidance on The Repair and Replacement of Windows and Doors.

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

- There was a need for the doors due to ongoing flooding in the area;
- Flooding was occurring more frequently due to climate change;
- Flooding protection was required to ensure that the building continued to be occupied, maintained and in viable use, which would ensure its future as an important part of the historic environment;
- The justification for the use of modern materials was explained in the supporting information submitted with the application; and
- The StormMeister uPVC doors with an active flood seal mechanism were installed by Scottish Water because they provide the tried, tested and guaranteed solution which was urgently required to prevent extensive damage to the interior contents, décor and fabric of the building which happened each time it flooded.

In terms of Consultations, none were received.

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

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The Chairperson and Councillors Alphonse, Boulton, Clark and Lawrence 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 then answered various questions from Members.

Members each advised in turn and unanimously agreed to overturn the appointed officers decision and grant planning permission 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 main concern was to ensure that the building was watertight, to avoid flood water damage to the fabric of the building, to the long term benefit of the historic environment. Within the context, and with woodgrain effect, the UPVC doors would not look out of place within the conservation area. Due to the use of UPVC this proposal had tensions with Policy D6: Historic Environment in the Aberdeen Local Development Plan 2023 (LDP), Aberdeen Planning Guidance (APG): Repair and Replacement of Windows and Doors and Policy 7: Historic Assets and Places in national Planning Policy Framework 4 (NPF4), but was not contrary to Policy H2: Mixed Use Areas in the LDP and is justified in terms of providing resilience and mitigation in terms of current and future climate change impacts in accordance with section c) of Policy 2: Climate in NPF4.

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) FINISHES AND IRONMONGERY

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That the doors shall only be installed in accordance with plans submitted to and approved in writing by the planning authority showing details of:

- a) 'woodgrain' effect finish
- b) door furniture including handles and hinges

Reason: To preserve the character of the Conservation Area and to ensure consistency with other properties with flood doors within the City Centre Conservation Area.

COUNCILLOR MCRAE, CONVENER