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To: Councillor McRae, Chairperson; and Councillors Alphonse, Boulton, Clark and Lawrence.

Town House,
ABERDEEN 29 October 2024

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 4 NOVEMBER 2024 at 11.00 am.**

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

Members of the Public can observe the meeting via Microsoft Teams [here](#).

BUSINESS

- 1 Procedure Notice (Pages 7 - 8)

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

Link to the [Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

REVIEW ONE

- 1.1 Detailed Planning Permission for the erection of dwellinghouse with garage, rear boundary wall and associated landscaping - Spademill Studio, Spademill Lane, Aberdeen

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 230759.

- 1.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 9 - 96)
- 1.3 Planning Policies Referred to in Documents Submitted (Pages 97 - 98)
- 1.4 Notice of Review with Supporting Information Submitted by Agent (Pages 99 - 132)
- 1.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 1.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

REVIEW TWO

- 2.1 Detailed Planning Permission for the replacement of external door with flood mitigation door - 46 Marishcal Street Aberdeen
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240300.
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 133 - 154)
- 2.3 Planning Policies Referred to in Documents Submitted **(same list for the next five applications)** (Pages 155 - 156)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 157 - 164)
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

REVIEW THREE

- 3.1 Detailed Planning Permission for the replacement of external basement door with flood mitigation door - 48 Marishcal Street Aberdeen
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240302.
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 165 - 184)
- 3.3 Planning Policies Referred to in Documents Submitted
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 185 - 192)
- 3.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

REVIEW FOUR

- 4.1 Detailed Planning Permission for the replacement of external doors with flood mitigation doors and installation of barrier to an existing roller shutters - 12 - 12A Virginia Street
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240297.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 193 - 216)
- 4.3 Planning Policies Referred to in Documents Submitted
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 217 - 224)
- 4.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.

- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

REVIEW FIVE

- 5.1 Detailed Planning Permission for the replacement of external door with flood mitigation door and installation of barrier to an existing roller shutters - Warehouse, 22 Virginia Street Aberdeen

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240296.

- 5.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 225 - 248)

- 5.3 Planning Policies Referred to in Documents Submitted

- 5.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 249 - 256)

- 5.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

- 5.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

REVIEW SIX

- 6.1 Detailed Planning Permission for the replacement of external doors with flood mitigation doors - 24 Virginia Street Aberdeen

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240294.

- 6.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 257 - 282)

- 6.3 Planning Policies Referred to in Documents Submitted

- 6.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 283 - 290)

6.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

6.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on lymcbain@aberdeencity.gov.uk / tel 01224 067344

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE


GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. Local members are not permitted to sit on cases that fall within their ward.
3. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
4. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
5. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
6. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
7. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;

- (c) an inspection of the site.
8. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
 9. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

10. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
11. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 - “where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
12. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
13. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions**.
14. The LRB will give clear reasons for its decision.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling by Development Management Manager</p>
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Site Address:	Spademill Studio, Spademill Lane, Aberdeen AB15 4EZ
Application Description:	Erection of dwellinghouse with garage, rear boundary wall and associated landscaping
Application Ref:	230759/DPP
Application Type:	Detailed Planning Permission
Application Date:	22 June 2023
Applicant:	Diamond Property Developments
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The site extending to approximately 489m² sits on the southern side of Spademill Lane, approximately 60m east of its junction with Bayview Road and currently accommodates a late 20th Century two storey office building with a footprint of approximately 101m². The building is currently occupied by a commercial business, Tailored Training Services, with the agent advising that this is on a temporary basis. The existing 'L' shaped building, with a lean-to conservatory, sits to the north east of the site, abutting the lane and the eastern boundary. The remainder of the site is laid with hardstanding used for car parking. There are five trees within the site and a number of trees that stand to the east and south, that are outwith the application site boundary.

The site itself is relatively flat, but as you approach the lane it slopes 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 is more apparent around the application site with a difference of approximately 5m between 70 Queen's Road and 80 Queen's Road.

The building is not listed, but does sit within the Albyn Place/Rubislaw Conservation Area. The site is 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 sits approximately 1m lower than that of the application site.

Relevant Planning History

240930/CAC – Conservation area consent for the complete demolition of 2 storey office building – Pending Consideration.

Adjacent site to the south at 78 Queen's Road:

230472/DPP – Detailed planning permission for a change of use from offices to form 3 residential units including alterations to windows; formation of entrance door from window opening; door replacement; installation of window and patio doors, boiler flues, pipes and external lights; replacement of railings with associated car parking and amenity space – Approved, 19.12.2023.

230471/LBC – Listed building consent for internal and external alterations to office building to form 3 residential units including alterations to windows; formation of entrance door from window opening; door replacement; installation of window and patio doors, boiler flues, pipes and external lights; replacement of railings with associated car parking and amenity space – Approved, 11 January 2024.

APPLICATION DESCRIPTION**Description of Proposal**

Planning permission is 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.

The proposed dwelling would sit to the north of the site and abut Spademill Lane, across the full width of that boundary. The dwelling would be two storeys in height, with asymmetric pitched roof arranged across the lane frontage and with a single storey rear extension which would terminate approximately 1.2m from the rear boundary of the site.

In terms the dwellings height, there are some inaccuracies based on the written dimensions and those measurements scaled from the submitted drawings. In these cases it is more appropriate to advise of the heights based on the written dimensions. The height of the two storey part of the dwelling, when viewed from the lane, would vary due to the topography of the lane, which as mentioned above slopes upwards from east to west, with a proposed height of between 7.4m on the western side and 8m on the eastern side.

The dwellings width would be 16.3m and its depth would sit at 8.2m (ground floor level) and 7.9m (first floor level), with the first-floor level is stepped in by 300mm. The single storey part would encompass approximately a third of the rear curtilage, measuring 6.2m in width, sitting adjacent the eastern boundary and would run from the rear elevation of the two storey element to with 1.2m of the rear site boundary, at a depth of 18.7m, resulting in a total depth of the proposed dwelling of 27.2m. The resulting footprint would be 254m², but the total floor area of the proposed dwelling would be 385m².

The proposed site sections show the site as being relatively flat, but as you approach the lane there are steps and a ramp which provide access from the garage and the pend, respectively.

The ground floor would accommodate a pend style access from the lane and a double garage, both of which lead to a covered walkway providing access to the dwelling's entrance and rear curtilage. Internally the proposed ground floor of the dwelling is to have a hallway, utility, plant, boot and shower rooms, three bedrooms (two with ensuite and a master with ensuite, walk-in wardrobe and sauna). The first floor comprises a living room space with a separate open plan kitchen and dining room with a further bedroom/study and a WC. A covered terrace with glazed balustrade is to run along approximately 2/3 of the length of the first floor on the south elevation.

A total of four window openings are proposed on the north elevation onto Spademill Lane, two at the first floor level and two at the ground floor level and proposed is a sliding timber screen garage door covering both the garage and the pend entrance. No openings are proposed on either side elevations. Given the internal layout, the entrance is proposed to be on the south elevation and the main living space arranged to face south, the south elevation would appear to be the main elevation, accommodating glazed openings at first floor level, along with the aforementioned covered terrace overlooking the single storey extension and 78 Queen's Road beyond. Openings would be located on the west elevation of the single storey element, which would overlook the courtyard garden and a number of rooflights are proposed which would be located towards the eastern boundary. The garden area proposed would extend to 194m² and along the southern boundary, the applicant intends to provide additional planting and a new boundary wall sitting at a height of 1.8m.

Proposed materials for the two storey dwelling include natural slate to the roof, unpainted vertical narrow board cladding to the upper level and random granite walls, while to the single storey part, it is proposed to have a green sedum roof and black textured rendered wall. Throughout there would be dark grey aluminium windows.

Amendments

Amended plans have been submitted by the applicant which include the following changes:

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

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

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at – <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RWN7GDBZKQQ00>

- Design Statement
- Heritage Statement
- Planning Review
- Bat Survey
- Tree Survey

CONSULTATIONS

ACC - Environmental Health – has no objection to the application. However, the Service does note that should a domestic stove be installed, it would have the potential for smoke/fume emission to impact upon neighbouring properties. As such, the Service has requested that an advisory relating to that be attached should the application be approved.

ACC - Roads Development Management Team – has no objections to this proposal.

ACC - Waste and Recycling – has no objections to this proposal.

Queen's Cross and Harlaw Community Council – no comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS**Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Where a proposal affects a listed building or its setting, section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan**National Planning Framework 4**

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 24 (Digital Infrastructure)

Aberdeen Local Development Plan 2023

- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy H1 (Residential Areas)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

- Policy CI1 (Digital Infrastructure)

Aberdeen Planning Guidance

- Development Along Lanes
- Sub-division and Redevelopment of Residential Curtilages
- Transport and Accessibility
- Open Space and Green Infrastructure

Other National Policy and Guidance

- Historic Environment Policy for Scotland
- Historic Environment Scotland's Managing Change in the Historic Environment Guidance: Setting

Other Material Considerations

- Albyn Place and Rubislaw Conservation Area Character Appraisal

EVALUATION

Key Determining Issues

The key determining issues against which a proposal will be assessed relate to the scale, design and form of the proposed dwelling, the potential impact on the character of conservation area and on the setting of the adjacent listed building. In relation to any impact on the conservation area and listed building, there is a statutory duty placed on planning authorities to have special regard to the desirability of ensuring that both are either preserved or enhanced by any proposed development.

These matters will be considered in full detail below, however, the principle of development will be assessed first and this addressed in the subsequent section.

It is however worth noting that at section 3.1 of the Planning Review document submitted in support of the application, it is stated that "*National Planning Framework 4 (NPF4) has also been mentioned. NPF4 though is a strategic policy document which does not offer any real detail on how development should take place. That is the role of the LDP*". This is not the case, NPF4 forms part of the Development Plan along with the Aberdeen Local Development Plan 2023 (ALDP) and is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It sets out thirty-one policies that cover a host of topics that planning authorities are required to consider when assessing any planning application and while not all policies with NPF4 will be relevant to each and every proposal, the purpose of the policy document is clear in that it seeks to create a more successful country with opportunities for all of Scotland to flourish through increased wellbeing, and sustainable and inclusive economic growth.

Principle of development and residential use

Many of the properties along Queen's Road are in commercial/business use, however the area is zoned as residential and thus the assessment of the principle of development would fall under Policy H1 (Residential Areas) of the ALDP. There are three criteria that require to be satisfied in order for residential development to be acceptable and these are that: 1) the development cannot constitute over development, 2) cannot have an adverse impact on residential amenity and the character and amenity of the surrounding area, and 3) cannot result in the loss of open space. Criteria 1) and 2) are discussed in detail below, however, in respect to criteria 3) as this is a private curtilage, there would be no loss of open space as a result of this development.

The agent has made reference to and considers the proposal complies with Policy 16 (Quality Homes) section (c) of NPF4, which states that proposals for new homes that improve affordability

and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. Specific reference has been made to part i. of that policy which identifies self-provided homes'. However, this needs to be read in the context within which it is written in Policy 16; that "*Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported*". The policy continues by listing eight types of home that this could include. No other justification has been given as to why the proposal meets Policy 16. The intent of this national policy is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. However, again no actual evidence has been provided to justify why this proposal accords with this policy.

It is recognised that in most cases, the Planning Service, in principle, can be supportive of the redevelopment of these sites for residential uses, with Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 advising under section a) that proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land, whether permanent or temporary, will be supported. However, under section d) of the same policy, it is advised that the re-use of the existing building will be supported and demolition will be regarded as the least preferred option given the need to conserve embodied energy. Further to this, Policy 12 (Zero Waste) of NPF4 advises that new development should minimise demolition. In this case, the matter of demolition is not a consideration to be assessed under this application, this is due to the fact that the building falls within the conservation area boundary, but is not listed. Therefore, assessment of the demolition requires to be undertaken via a separate conservation area consent (CAC) application and against the relevant policies of the Development Plan. The CAC application, 240930/CAC, has been submitted and at the time of writing is pending consideration. Nevertheless, this application for the dwellinghouse can still be assessed without that application being determined. However, the applicant requires both consents to be in place for the development to be implemented.

To assess this proposal, careful consideration must be given to the layout, siting and design of the development as well as its impact on Spademill Lane, the setting of the neighbouring listed building and the character and setting of the wider Albyn Place / Rubislaw Conservation Area, as well as consideration to any potential impact on existing and proposed residential amenity of the surrounding area. These fundamental criteria for high quality development will be considered in full below with a full assessment given in regard to the following, Policy 7 (Historic Assets and Places), Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of NPF4, Policy H1 (Residential Areas), Policy D1 (Quality Placemaking), Policy D5 (Landscape Design) and Policy D6 (Historic Environment) of the ALDP, the Development Along Lanes Aberdeen Planning Guidance (APG), Historic Environment Policy for Scotland and the Historic Environment Scotland Managing Change Guidance on Setting.

In respect to the Development Along Lanes APG, it advises that lanes have always been part of the urban development of Aberdeen as a necessary means of servicing a larger planned network and their use can be traced back to medieval times. Historically, the grandest of properties would have the lane at the rear of the feu edged with a mews building, being two storey and accommodating carriages, horses, general storage and sometimes with living accommodation above. Today there are remnants of mews buildings along lanes in Aberdeen including Bon Accord Crescent Lane, Albyn Lane and Queens Lane North and South, however many have been lost. Mews buildings today, either as a reworked existing, or new buildings, remain as an appropriate form of small scale development both within historic areas, in that they offer the opportunity to have an attractive home close to amenities and whose form, of relatively small scale living, gives an attractive contrast and diversity of dwelling types within the surrounding historic areas. The APG was approved by the Planning and Development Management Committee to encourage new mews forms of development in certain sensitive historic locations, where

opportunity arises. The guidance is based on historic precedent and is to promote small scale development and small scale living that meets specific design-led criteria to preserve and enhance the characteristics of their locations with high quality context sensitive new design. In order to share considerations of key criteria the APG provides a 'design checklist' of factors to guide development and these are important considerations when assessing this application.

Over development

In considering 'over development', neither the Policy H1 of the ALDP nor the Development Along Lanes APG outlines calculations of what is an acceptable level of development, however, point a. of the APG does advise us to look at historic context of the site, with reference to the footprint, orientation, walls, entrances and any other features, as well as any previous building footprint and it is these which should be used to inform future development. The Sub-division and Redevelopment of Residential Curtilages APG does however provide some guidance in these cases, with the document stating that it can be used on proposals for the construction of dwellings on greenfield and brownfield sites that are not currently in residential use. This APG states that as a general guide, no more than a third (33%) of the total site area for each individual curtilage should be built upon, but consideration also needs to be given to the existing and proposed site context, as well as the surrounding area.

Looking first at the sites context, the earliest visual representation of this site dates from the early 1900's, with the proposed site shown as part of the wider curtilage of 78 Queen's Road, as would have been the historic context. In the 1900's maps and the subsequent maps up to the 1960's, a building abutting the lane is visible, but this is small in scale, which extends approximately half the width of the feu, with a depth of only a few metres, approximately 8m by 5m and likely to be an ancillary wash house and shed to the original dwelling at 78 Queen's Road. At a later date, the site was sub-divided, which is likely to have taken place in the 1980's with the a building which is still present on the site being constructed around the same time. Appreciating that this building it is larger than what was historically present on the site in the early to mid-1900's, it is still deemed to be small in scale with a footprint of approximately 101m². In terms of the surrounding area, while there are other developments that abut the lane, the majority of these are small scale, either being ancillary garage buildings associated with residential properties, dwellings or office buildings. Additionally, the pattern of development here is for generally single storey buildings with narrow frontages that do not cover the entire width of the feu but rather extending into the site.

In terms of levels of development, the existing building represents a level of development of only 21% of the site, with the remainder left as hardstanding for carparking associated with the existing use. What has been proposed under this application is a significantly larger development with a footprint of 254m², which based on the size of the site, represents an increase of 31%, with the level of development that would sit at 52% of the site. This is a substantial increase in respect of the development on site, which based on the Sub-division and Redevelopment of Residential Curtilages APG, is well in excess of the 33% that would generally be permitted. Furthermore, based on the surrounding context this development would be significantly larger than any other in the surrounding area, taking up the entire width of the feu, but also extending the majority of the sites depth. As highlighted above, this has not happened anywhere else along the extent of this lane and generally the development along the lane, would be considered as small scale.

Additionally, footprint of 78 Queen's Road is 242m², with a proposed footprint of 254m², therefore the proposed mews development would be of a similar size as the original building.

In light of the above, the level of development that has been proposed in this case is not acceptable and it is deemed that no consideration has been given to the current building's footprint, any historical development, the main and original building at 78 Queen's Road or indeed the wider context of development along the lane and thus demonstrates a lack of compliance with

Policy H1, as well as the Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages APG's.

Other factors also need to be considered with this proposal, in particular, the form, scale, massing and overall design of the proposed dwelling. Such matters will be addressed in the following section.

Siting, layout and design

Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP seek to ensure pleasant high quality successful places, while Policy D5 (Landscape Design) of the ALDP seeks to ensure a sense of place is maintained and enhanced.

In providing a foundation for assessment on siting, layout and design, the Development Along Lanes APG was written to promote mews-type development along principally lanes in conservation areas, the APG 'design checklist' sets out a number of factors that need to be considered, these are noted below.

- b. Form a strong boundary to the edge of the lane to maintain the sense of enclosure and define the curtilage.
- c. Have regard to solar orientation to design-in and maximise passive solar gain.
- h. Be built across the entire feu width, or most of the feu width to maintain the sense of enclosure of the lane.
- i. Be no more than two domestic storey's in height and be equal to or less than 5.6 metres to the ridge line of the roof from the ground floor level in order to maintain a traditional domestic height and scale. The guidance on height is to maintain a height proportionate to the historic characteristics of a lane to preserve and enhance the sense of place.
- j. Be no deeper than 7 metres in order to maintain a relatively narrow footprint in keeping with a traditional mews

In respect to point b. and h., as with the existing building, the proposed development maintains a strong boundary with the lane and as it is proposed to be built across the full width of the feu, there is a definitive sense of enclosure and a defined curtilage, reinforcing a key characteristic of an historic lane. However, this is not a key characteristic of this lane as previously highlighted. The proposed orientation and layout of the proposed development does allow for maximum solar gain, due to the living accommodation being located on the upper floor and being south facing, thus meeting point c. above.

In terms of point j. the depth of the two storey part of the dwelling is proposed to be 8.2m, despite what has been advised at section 3.4 of the Planning Review document, these measurement do not meet the requirements of the APG, exceeding a limit of 7m depth by 1.2m which is 17% more than stipulated in the APG. However, the above does not take into account the development that runs along the eastern boundary which results in an overall depth of 27.2m, which reflects an increase of 288% above the APG requirements. While the depth of the single storey element was reduced by 1.2m from that of the initial drawings, this is not sufficient to address the concerns previously raised and only represents an overall reduction of approximately 4%. The APG was written to encourage new building forms and footprints that respected their historic context and therefore would provide a volume of development in a form that is appropriate in scale, in distance and in building detail to its context. These measurements do reflect the guidance within the APG and do not represent a narrow footprint which is reflective of a traditional mews dwelling which by their nature are small in scale relative to the primary building within the original feu, which in this case is the building at 78 Queen's Road. In addition, as is described in the APG, lanes have certain key characteristics and a sense of place derived in part from the human scale of development that forms their boundaries, which would not be the case with this proposal.

The applicant has provided some justification to support this proposal within the submitted Planning Review, which states that Spademill Lane is not a typical mews lane, in that it tends to feel slightly wider than other city lanes and with many more rear lane buildings fronting onto it. When looking at the lane, the fact that it may feel wider is not relevant, upon undertaking an assessment of the lanes in the surrounding area, including Queen's Lane South, Queen's Lane North, Albyn Lane and Union Grove Lane, their widths are approximately 5.75m, 3.64m, 4.92m and 5.34m, respectively. Therefore, Spademill Lane sitting at approximately 5m wide is similar to lanes that can be found in the West End of Aberdeen, as such the applicants justification is not accepted. It is accepted that other forms of development have occurred along the lane, some of them at a time when design and placemaking quality had a lesser policy position than it does today resulting in the loss of historic feu walls, diminishing the original scale of historic development, not protecting or enhancing the conservation area by regarding all development within feus other than the frontage to the main property, etc. The site is bounded by retained and new feu walls, historic properties and retains the 'sense of place' of a lane.

The agent has also carried out a review of the lane, which indicated that an average depth of the buildings along the length of the lane to be around 12m. However, this takes into account all developments along the lane, including garages and dwellings, not just those that are typical mews or mews style developments. If looking at these types of developments alone, there appears to be only three on the south side of the lane that correspond with what could be deemed to be a mews development, these are located at 68 and 52 Spademill Lane and to the rear of 46 Queens Road, which is located to the east side of the lane, close to its junction with Spademill Road. These properties correspond with E, M and P on the submitted Planning Review. Based on the information provided, the depths of these buildings are 14.6m, 7m and 15m, however, from information available on the Council's own GIS system, the depths of these properties are 13m, 7m and 14m, respectively. It is accepted that two of these properties exceeds the aforementioned guidance, but it is also needs to be noted that these are wholly different contexts and developments, which were approved and constructed long before the APG (and its previous version as a Technical Advice Note) being brought into effect.

68 Spademill Lane is a single storey property, with a width across the feu of approximately 6m, and while at a depth of 14.6m it does exceed the 7m requirement in terms of its depth, its scale is such that it does not detract from the street scene, especially when moving east to west along the lane. The property to the rear of 46 Queen's Road, is different again, in that it is a two storey office development, which does have a depth in excess of the advised 7m. However, this again does not detract from the lane due to the fact that does not enclose the entire width of the feu. In addition, it was granted consent in 2012 and constructed shortly thereafter, as such, the proposal was not assessed against current guidance, therefore, its existence bears no relevance to this proposed development.

The applicant further advises in the Planning Review document that the main two storey element would be approximately 7m in depth, with this being the only visible part of the development. However, as mentioned, the depth of the two storey part measures 8.2m at ground-floor level, which exceeds the requirements of the APG and while it is stated that the single storey part would not be visible, this is not the case. When approaching the site from the east, the single storey element would sit approximately 1.2m above the height of the boundary wall and therefore be clearly visible from Spademill Lane, this is regardless if any existing vegetation that is within the adjacent property's site. At an overall depth in excess of 27m the proposed building is not in accordance with the APG, nor the spirit of the guidance. This measurement is far beyond any average set out in the supporting statement and demonstrably does not align the APG, which seeks small-scale narrow developments which are typical mews developments that respect the site on which they sit as well as the surrounding area.

Given the above, the Planning Service, despite numerous requests to reduce the scale and depth of the building to be something more context specific, harmonious and respectful to the site, are unable to support the scale of development proposed because of its significant depth that far exceeds the guidance in the APG and which cannot and has not been justified in this site.

In respect to point i. while the proposed is no more than two storeys in height, its overall height to the ridge sits at 6.8m and nearing 7.6m when viewed from the lowest part of the lane, with the height from ground floor level being 7.5m. It is the agent's opinion that a 5.6m to ridge height is an unrealistic figure to aim for, but the Planning Service contests this and would suggest that this is only unrealistic due to the nature and design of the development that is proposed. These heights have been achieved in mews developments approved on other lanes around the city and if altered to suit the surrounding context then a building with a height of 5.6m, or thereby, could be achieved with no impact on place or the appreciable volume along Spademill Lane. Despite what has been stated at section 3.4 of the Planning Review statement, the height of the proposed dwelling exceeds the 5.6m criteria by 1.9m, 34% higher than what is stated in the APG, this is not a minor increase and reflects an obvious and clear conflict with the APG.

The proposed height is also exacerbated by the topography of the lane, which, as previously advised, rises upwards moving from east to west and due to the increased depth, the development would be more apparent and overly dominant in the streetscape, to the detriment of the scale and 'sense of place' along the lane.

Turning to the proposed design, the APG advises that the contemporary designs, which this is, are welcomed and there is no disputing that, however, it also advises that the development should;

- k. Have a ground floor public elevation with a robust appearance, with appropriate materials, to reinforce the sense of enclosure of a lane with a defensible edge to the property.
- r. Have an upper floor of a stepped or canted form to reduce any potential over-bearing to the lane and to allow for architectural expression, depending upon the construction materials used.

With respect to r. the APG requires the upper floor to either be stepped or canted to reduce any potential over-bearing to the lane, or indeed for a first floor to be modelled to reduce any massiveness in scale and to encourage the design of living accommodation in roof space areas rather than create the mass of a separate roof void. In this case, the revised plans now show an upper elevation that is stepped in by 300mm, however, this has not helped reduce the massing of the proposal, which is still excessive. This is especially the case when viewing the proposed front elevation from the lane. In one sense the proposal meets design checklist point k. and r. by having a robust appearance, which is contemporary in its design, and an upper elevation that is stepped in, but in this does not help reduce the overbearing nature of the development, which is exacerbated by the volume/mass of the proposal its excessive height and the topography of the lane.

Due to the above, while the Planning Service support high quality context specific design and architecture, the dimensions of the design proposed are not reflective of the scale of the surrounding context, or of a typical mews development and as such it cannot be supported due to its unacceptable massing and overall design and the resultant impact on the appearance and character of the lane.

In respect to the other points in the APG, which are relevant under 'Siting, layout and design' these include;

- f. Respect the built environment context by incorporating existing original boundary walls where they exist and reinstating or reinterpreting them through new development where they have been lost.

I. Have a clearly defined and secure pedestrian access to/through the mews to a private courtyard area.

In terms of point f., as the existing boundary walls are to be maintained and thus there is no impact in respect of this point and with respect to I., what is proposed is clearly defined and provides a secure pedestrian access to a private courtyard area. However, the acceptability of these aspects do not outweigh the over-riding concerns of scale and proportion presented above.

Impact on the historic environment

Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP seeks to ensure that development protects, preserves and enhances the historic environment, including its historic fabric, whilst also enabling positive change to aid the regeneration of places. The Managing Change guidance on the Setting states that 'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced. As highlighted above, there is no issue with a proposal for contemporary architecture, however, the character of both the surrounding conservation area and adjacent listed building at 78 Queen's Road need to be taken into account.

With this site and elsewhere along the lane, with the exception of 72 and 74 Queens Road, there is evidence of a clear and distinct separation between any mews/ancillary buildings and the original building. This is a matter which is highlighted in the Development Along Lanes APG, which states that the form of any new development should allow existing properties to appear as originally built. While it is acknowledged that the site is subdivided, on different levels and the existing building offers no architectural or historic merit, it must be recognised that it has been designed and sited in such a way that it allows the main building at 78 Queen's Road to be the main focal point of the wider site, as required by the APG. Further to this, the Conservation Area Character Appraisal advises that a threat to the area is unsympathetic development that does not reflect or relate to the character of the area. In this instance, the proposed development would result in an unsympathetic over development of the site, with a similar footprint to the building at 78 Queen's Road and has proposed would have inappropriate form, scale and massing, all of which would have a detrimental impact on the setting of the existing listed building and character of the conservation area.

The APG also advises that 'any addition to and beyond the original building envelope must be thoughtfully proposed to enhance the building and the feu as an entity', and it should be small in scale with appropriate form and massing. What is proposed in this case, is a substantially sized two storey dwelling, that incorporates a single storey development which would run along the majority of the eastern boundary sitting just 1.2m from the southern boundary and a new southern boundary wall that would site at 1.8m in height. This results in a new development that would sit uncomfortably close to the original building envelope of 78 Queen's Road, which now has permission for three residential flatted dwellings. Therefore, this proposal would have a detrimental impact on the setting of the listed building and would not meet the requirements of either Policy 7 of NPF4 and Policy D6 of the ALDP, which seek developments that protect, preserve and enhance the historic environment.

In this case, the applicant has given limited consideration to the historic context of this site, which is that it was at one time one feu, or indeed that of the surrounding area. The proposal has been progressed on the basis that it is two separate sites, with no due diligence given to how this proposed development would impact the setting of the existing listed building as has been highlighted above.

Summary

Overall, the proposal is not acceptable in that it significantly over develops the site to an unacceptable and inappropriate level and should be of a smaller scale as required by the

Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages APG documents. Furthermore, the proposed layout and design, in terms of its scale, form and massing, is unacceptable and would detract from the character of the wider area, the conservation area in which the site sits as well as the setting of the adjacent listed building, due to its unnecessary closeness.

Therefore, the proposal does not comply with the relevant criteria of Policy H1 (Residential Areas), nor does it achieve successful placemaking, create a positive sense of place or protect and enhance the historic environment as required by Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking), Policy D5 (Landscape Design) and Policy D6 (Historic Environment) of the ALDP. While some elements do comply with the design checklist of the Development Along Lanes APG, overall the proposed dwelling is not appropriate in scale and form for the site and is not reflective of what the APG criteria for developing mews-type dwellings and buildings for opportunity sites within conservation areas. Therefore, the proposal cannot be accepted or supported.

Residential amenity and impact on adjacent land uses

Policy D2 (Amenity) of the ALDP seeks to ensure that new residential developments are provided with an appropriate level of amenity, this is in respect of outlook, sunlight, daylight, privacy and sufficient external space, amongst others. Adjacent land uses must also be considered when new residential development is proposed to ensure that existing levels of amenity are not impacted upon.

Furthermore, the APG advises the following with respect to amenity, the development should;

- g. Not prejudice the amenity or servicing of adjacent property.
- m. Provide an attractive level of external low maintenance hard and soft landscaped amenity space incorporating a drying green / courtyard, both private and communal, to the property and not prejudice, compromise or borrow amenity from neighbouring property.
- n. Be capable of fulfilling necessary daylight and sunlight needs to habitable rooms in accordance with British Research Establishment (BRE) standards.
- s. Provide for natural surveillance across the lane without compromising the privacy of habitable rooms in nearby residential property, and for sight-line analysis to be provided in the any Design and Access Statement.

There are no concerns in respect of this proposal in terms of amenity, given the internal layout of the property, acceptable levels of outlook, sunlight, daylight and privacy would be achieved, thus meeting point n. above.

Turning to the adjacent properties, there is unlikely to be any impact on the properties to the east and west, owing to the fact that the proposed development is located to the north of the site, adjacent existing car parks associated with those buildings, with acceptable window to window distances proposed in excess of 12m. In respect to the existing 78 Queen's Road to the south, owing to its layout and internal configuration of the approved flatted dwellings, there would unlikely be an impact in respect of overlooking with proposed window to window distances of in excess of 12m. There is however likely to an overbearing impact on the north elevation of the rear extension of 78 Queen's Road. This is due to the current development proposal to erect a wall along the southern boundary, which would sit at 1.8m in height. As a result of the different site levels of the application site and that of No. 78, the height of the wall would be increased by approximately 1m to 2.8m, with the rear elevation of No. 78 only sitting 2m from that northern boundary.

Owing to the above, the proposal in part complies with Policy D2, in that the dwelling, if approved, would be provided with sufficient amenity and there would be no impact on the adjacent sites to the east, west. However, there would be an undue amenity impact on 78 Queen's Road to the

south owing to the provision of a new boundary wall. Thus, neither Policy D2 or point g. of the APG can be satisfied at this time.

With regards to external space, what is shown as garden ground is in general insufficient given the substantial size of the site and due to the fact that under the Sub-division and Redevelopment of Residential Curtilages APG, there is a requirement to have two-thirds of the site undeveloped. In this case, just under half of the site would remain undeveloped, which due to the conflict with the APG, results in tension with both Policy D2 and Policy NE2 (Green and Blue Infrastructure) of the ALDP, as well as point m. of the APG. It is noted that further space could have been provided if the size of the proposed dwelling was reduced in size as requested.

In respect of point s. above, an element of natural surveillance would be accommodated over the lane, owing to the provision of openings on the north elevation, however, overall this would be limited due given the internal layout being such that the property faces south rather than north. Despite this concern, it would not be appropriate to refuse this application on this basis alone.

In light of the above and given the overall assessment of the amenity of the proposed development and the potential impact on the neighbouring property to the south, the development has not satisfactorily demonstrated compliance with the relevant criteria of Policy H1 of Policy D2 of the ALDP.

Transport, accessibility, parking & servicing

Policy 13 (Sustainable Transport) of NPF4 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably, echoed by Policy T2 (Sustainable Transport) of the ALDP. Policy 15 (Local Living and 20 Minute Neighbourhoods) meanwhile is in support of development proposals which contribute to local living including, where relevant, 20 minute neighbourhoods, which as outlined in NPF4 provide '*a method of achieving connected and often compact neighbourhoods designed in such a way that people can meet the majority of their daily needs within a reasonable distance of their home preferably by sustainable and active travel methods*'.

In this case, given the relative proximity of the site to the city centre and the resulting access which this then offers to a range of sustainable transport and active travel options, future residents would be well served as far as potential connections for employment, shopping and other amenity opportunities. As such, the proposal complies with Policy 13 and Policy 15 of ALDP and Policy T2 of the ALDP.

The APG requires development to;

- o. Consider the practical supply and servicing of any site including water and sewerage provision as well as bicycle storage.
- q. Be sited off a lane that is adopted by Aberdeen City Council in order that the quality of the urban realm, including street lighting and refuse collection, is of an acceptable standard for accessibility and that the environment is controlled. Proposals along unadopted lanes are therefore unlikely to be supported.

In respect to the parking on site, two spaces are proposed for the dwellinghouse which meets the standards highlighted in the Transport and Accessibility APG. In addition, the site has adequate space for cycle storage and this is acceptable. Furthermore, the proposal would be located off an adopted lane and thus complies with the relevant parts of point o. and of point q. The proposal also complies with Policy T3 (Parking) of the ALDP.

In respect to servicing, as the site is located in urban location, servicing will be achieved via public infrastructure. In terms of waste storage and collection, Policy R5 (Waste Management

Requirements for New Development) of the ALDP and point p. of the APG requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The proposed site has sufficient space for storage of bins and this can be presented to Spademill Lane for collection. The proposal would therefore suitably comply with the requirements of Policy R5 of the ALDP and would not be contrary to the expectations of Policy 12 (Zero Waste) of NPF4, as well as complying with the remaining part of point o. and point p. of the APG.

Natural heritage

Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development. In respect of biodiversity, areas of garden ground and landscaping are proposed on site where there is currently just hardstanding and in that respect there will be an enhancement of biodiversity. Additionally, a proposed sedum roof is also shown for the roof of the single storey rear extension, which is welcomed, however it is noted that no details of the species/planting/maintenance have been provided at this time. Such information could be requested by condition.

Therefore, while there is a degree of compliance with Policy 3, consideration must also be given to natural heritage, which also falls under the broad heading of biodiversity. In this instance, due to the presence of trees and suitable habitat in the surrounding area, there is the potential of bats to be roosting within the building and given that the applicants is seeking to replace that building with the proposed dwelling, an assessment of the potential impact requires to be undertaken. In this case a Preliminary Roost Assessment was requested by the Planning Service on the 28 July 2023 via Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulation 2013. In July 2024, a Bat Survey was submitted and reviewed by the Council's Environmental Policy team, it has since been advised that the bat survey report is acceptable. No further action is required as no evidence of roosting bats was found. As such, this aspect of the proposal is acceptable when assessed against Policy NE3 (Our Natural Heritage) of the ALDP or Policy 3 (Biodiversity) of NPF4.

Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodland) of the ALDP advise that trees should be protected, with development resulting in the loss of trees not being supported, this includes trees that fall within the site and those on neighbouring sites. Points d. and e. of the APG also seek to ensure that trees within or in close proximity to the site have been assessed via a Tree Survey and that the applicant recognise that trees form a crucial role within new development to provide environmental, practical and aesthetic benefit.

Within the site there are five trees, located beside the existing building, but there are also trees within close proximity to the site, specifically to the east at 76 Queen's Road and to the south at 78 Queen's Road. In order to assess whether there would be an impact on these trees as a result of this development, which is highly likely given the positioning of the proposed building and proximity to the existing trees and their root protection area, a Tree Survey was requested by the Planning Service on the 28 July 2023 via Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulation 2013. In July 2024, a Tree Survey was submitted and reviewed by the Council's Environmental Policy team, it has since been advised that while the survey is not presented in the usual format as per BS5837 2012, and as detailed in the Tree & Woodland APG, due to the small scale of the development, and when read in conjunction with the proposed site plan, the information is broadly acceptable and thus the removal of the existing trees is not deemed to be an issue. However, details of the size of the replacement trees would be required and such information could be requested by condition. In relation to trees T6, T7 & T8, it is noted that these are outwith the site boundary, but within the applicant's ownership, falling within the curtilage of 78 Queen's Road. Should any works be proposed to these an application for Tree Works will be required due to them being located within

the conservation area. Details of regarding the storage of materials relating to this proposal would also be required, to ensure that this is not within the root protection areas of T6, T7, or T8.

Based on the information provided, the proposal is acceptable when assessed against Policy NE5 (Trees and Woodland) of the ALDP or Policy 3 (Biodiversity) and Policy 6 (Forestry, Woodland and Trees) of NPF4.

Digital infrastructure

Policy CI1 (Digital Infrastructure) of the ALDP states that '*All new commercial and residential development where five or more units are proposed will be expected to have high-speed communications infrastructure*'. Bearing in mind the location of the application site it is considered that the proposed residential properties would have access to an acceptable level of communications infrastructure and therefore an acceptable level of compliance with Policy CI1 would be achieved. Therefore, the proposal also complies with Policy 24 (Digital Infrastructure) of NPF4.

Climate change and energy statement

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Consideration has previously been given to Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 12 (Zero Waste) of NPF4.

While the site is brownfield, the principle of demolition in this case has not been established, as such the proposal at this point cannot be assessed at this time if the proposal complies with Policy 1 (Tackling the Climate and Nature Crises) or Policy 2 (Climate Mitigation and Adaptation) of NPF4, as this development, through the provision of constructing a new building and operation of that building as a residential unit, would result in some impacts on climate change.

In relation to Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of the ALDP, further information on this would be required and in the event of an approval a condition would be utilised. However, given the issues previously highlighted, the proposal is not being supported, therefore this condition is not recommended.

DECISION

Refuse

REASON FOR DECISION

The proposal has been assessed against the relevant policies of the National Planning Framework 4 (NPF4) and Aberdeen Local Development Plan 2023 (ALDP) and is deemed to be unacceptable, in that the level of development proposed is 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 is not acceptable, in that it is not small in scale resulting in an impact on Spademill Lane. Additionally, the proposal does not represent an appropriate development that has 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 does 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.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100633050-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

Erection of new dwelling house to replace existing dilapidated office building.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Brown & Brown Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Unit 2
Last Name: *	Brown	Building Number:	
Telephone Number: *	01339352800	Address 1 (Street): *	Station Square
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aboyne
Fax Number:		Country: *	UK
		Postcode: *	AB34 5HX
Email Address: *	mail@brownandbrownarchitects.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	5
Last Name: *		Address 1 (Street): *	Aberdrombie Court
Company/Organisation	Diamond Property Developments	Address 2:	Prospect Road
Telephone Number: *		Town/City: *	Westhill
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB32 6FE
Fax Number:			
Email Address: *	c/o info@brownandbrown.studio		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

SPADEMILL STUDIO

Address 2:

SPADEMILL LANE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4EZ

Please identify/describe the location of the site or sites

Northing

805620

Easting

391701

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

486.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Business premises, and surface parking area (hard standing tarmac).

Access and Parking

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

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

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

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

Water Supply and Drainage Arrangements

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

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

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

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

Waste Storage and Collection

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

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

Dedicated sorted waste storage area to be provided in kitchen, and provision for bins to be presented to rear lane without encroaching on effective width of lane for traffic.

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Andrew Brown

On behalf of: Diamond Property Developments

Date: 21/06/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Andrew Brown

Declaration Date: 21/06/2023

Payment Details

Pay Direct

Created: 21/06/2023 17:40

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Andrew Brown
Brown & Brown Architects
Unit 2
Station Square
Aboyne
AB34 5HX

on behalf of **Diamond Property Developments**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	230759/DPP
Address of Development	Spademill Studio Spademill Lane Aberdeen AB15 4EZ
Description of Development	Erection of dwelling house with garage, rear boundary wall and associated landscaping
Date of Decision	22 August 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

Amended plans have been submitted by the applicant which include the following changes:

- The length of the rear single storey extension has been reduced by 1.2m;
- The covered walkway to the rear has been removed;
- Changes to the rear wall, which would now sit at 1.8m in height;
- New window openings have been introduced onto the lane;

- The upper floor has been stepped in; and
- Additional planting is proposed in the garden.

REASON FOR DECISION

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

The proposal has been assessed against the relevant policies of the National Planning Framework 4 (NPF4) and Aberdeen Local Development Plan 2023 (ALDP) and is deemed to be unacceptable, in that the level of development proposed is 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 is not acceptable, in that it is not small in scale resulting in an impact on Spademill Lane. Additionally, the proposal does not represent an appropriate development that has 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 does 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.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

332_p 001	Location Plan
332_p 003 Rev B	Site Layout (Proposed)
332_p 101 Rev B	Ground Floor Plan (Proposed)
332_p 102 Rev B	First Floor Plan (Proposed)
332_p 103 Rev B	Roof Plan (Proposed)
332_p 112 Rev A	Multiple Elevations (Proposed)
332_p 113 Rev C	Multiple Elevations (Proposed)
332_p 121 Rev B	Site Cross Section

Signed on behalf of the planning authority



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Consultee Comments for Planning Application 230759/DPP

Application Summary

Application Number: 230759/DPP

Address: Spademill Studio Spademill Lane Aberdeen AB15 4EZ

Proposal: Demolition of existing office building and erection of dwelling house with garage, car port and associated landscaping

Case Officer: Aoife Murphy

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for demolition of existing office building and erection of dwelling house with garage, car port and associated landscaping at Spademill Studio, Spademill Lane, Aberdeen AB15 4EZ.

It is noted this site is located in the city centre and lies within controlled parking zone (CPZ) X.

It is noted the proposed dwelling would take direct access onto Spademill Lane which doesn't have any existing footpath provision which means pedestrians/residents would require to walk on-street (lane), this is typical of other such uses that front onto rear lanes within the West End area of Aberdeen. Future residents shall require to walk on-street (lane) until they get to the adopted footpath provision on Bayview Road (west of site) which provides pedestrian connectivity to the wider area and the nearest public transport provision located on Queen's Road with bus stops in either direction located within 200m of the site.

In terms of parking, given the proposed dwelling provides 4no. associated bedrooms, as per ACC supplementary guidance within this area of the city, the associated parking requirement is 3no. spaces. However, it is noted that the proposals only form of parking provision is in the form of an integrated double garage, this garage requires to meet the minimum internal dimensions of 5.7m x 5.7m and should be clarified or amended in order to provide.

While the proposed is a slight under provision on volume of associated parking as per the above, but in this circumstance it shall be considered acceptable given that the site lies within a CPZ with no scope for indiscriminate parking and the property being able to obtain on-street parking permits.

In terms of the sites associated waste storage, this shall require to be located within the rear

garden extents and only taken out onto the lane on collection days.

It is confirmed that Roads Development Management have no objections to this application but the required garage dimensions should be provided in accordance with our standards.

Aberdeen City Council – Development Management Team Consultation Request

Response to application 230759 Spademill Studio

Please select one of the following.

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

COMMENTS

Waste Services response regarding application 230759 Spademill Studio

As I understand, the development will consist of 1 **dwelling house**.

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

Please note the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

Each **new house** will each be provided with:

- **1 x 180 litre wheeled bin for general waste** 1050mmH x 546mmW x 645mmD
- **1 x 240 litre co-mingled recycling bin for recycling** 1066mmH x 575mmW x 583mmD
- **1 x 240litre wheeled bin for food and garden waste** 1066mmH x 575mmW x583mmD
- **1x kitchen caddy and caddy liners.**

The following costs will be charged to the developer:

- **Each 180l/ 240l bin costs £39.00**
- **Kitchen caddy and caddy liners £0.00**
- **Delivery fee for any order with 10 or less bins £33.00**

It is pertinent to note that these services will be provided taking account of the following:

General points

- All the waste containers must be presented on the kerbside of Spademill Lane only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied.** Bins **MUST** be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

- If the bin store will be **locked and/ or involve a barrier, 8 keys must be provided for each store**, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer: L Todd

Date: 28/6/2023

Email: wasteplanning@aberdeencity.gov.uk

Aoife Murphy

From: EPPlanning
Sent: 26 June 2023 16:45
To: Aoife Murphy
Subject: RE: E-Consultation Request Notification, Development Management , Application Ref: 230759/DPP

Good afternoon Aoife,

Regarding the above detailed planning permission application an assessment by the Environmental Protection Section was undertaken. The assessment focussed on the potential for general smoke/fume emissions from the indicated stove appliance impacting on the amenity of neighbouring properties. The proximity of the neighbouring properties was noted. However, due to the distance from sensitive receptors, this Service accepts the proposal. I would however request the following advisory note is included on any grant of planning permission for the benefit of the applicant.

- Any stove appliance installed is to be operated in line with the manufactures operating, cleaning and maintenance instructions. Improper use, including use of inappropriate including damp fuel resulting in unreasonable smoke/fume emissions likely to impact on amenity of neighbours are to be prevented. I trust this information is of use.

Kind regards

Mark Nicholl - Environmental Health Officer Aberdeen City Council | Protective Services | Operations 3rd Floor South | Marischal College | Broad St | Aberdeen | AB10 1AB

Direct Dial: 01224 522596
Tel: 0300 0200 292
www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

-----Original Message-----

From: AMurphy@aberdeencity.gov.uk <AMurphy@aberdeencity.gov.uk>
Sent: Monday, June 26, 2023 8:45 AM
To: EPPlanning <EPPlanning@aberdeencity.gov.uk>
Subject: E-Consultation Request Notification, Development Management , Application Ref: 230759/DPP

Dear Sir/Madam

Please find attached a planning consultation request on the above application from the ACC Development Management Team.

If no response is received by 17 July 2023, then it will be assumed that you have no comment to make on the application. Should you require a longer period to respond or additional information please do not hesitate to contact me.

For pre-application enquiries please use DC/ACC/RWUO60BZ03803 to search for the enquiry.

Regards

Aoife Murphy
Senior Planner

Development Management
Strategic Place Planning
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

T: 01224 045242

E: AMurphy@aberdeencity.gov.uk

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By email to:
AMurphy@aberdeencity.gov.uk

Aberdeen City Council
Planning & Sustainable Development
Business Hub 4, Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300074885
Your ref: 240930/CAC
28 August 2024

Dear Aberdeen City Council

Planning (Listed Building Consent and Conservation Area Consent Procedure)
(Scotland) Regulations 2015
Spademill Studio, Spademill Lane, Aberdeen AB15 4EZ - Complete demolition of 2
storey office building.

Thank you for your consultation which we received on 12 August 2024. The proposals affect:

Ref	Name	Designation Type
100018365	Albyn Place/Rubislaw	Conservation Areas

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Further Information

This response applies to the current proposal. An amended scheme may require another consultation with us, which should be sent to HMConsultations@hes.scot.

Decisions affecting the historic environment should take the [Historic Environment Policy for Scotland](#) (HEPS) into account as a material consideration. Our series of [Managing Change in the Historic Environment Guidance Notes](#) supports national policy on the historic environment, including HEPS, and explains how it should be applied. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

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Comments for Planning Application 240930/CAC

Application Summary

Application Number: 240930/CAC

Address: Spademill Studio Spademill Lane Aberdeen AB15 4EZ

Proposal: Complete demolition of 2 storey office building

Case Officer: Aoife Murphy

Customer Details

Name: Mr Sandy Stephen

Address: Duthie Lodge 72 Rubislaw Den South (QXHCC) (Queens Cross & Harlaw Community Council) Aberdeen AB15 4AY

Comment Details

Commenter Type: Community Councillor

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Queens Cross and Harlaw Community Council members unanimously support planning application Ref. No: 240930/CAC complete demolition of 2 story office building Spademill Studio Spademill Lane Aberdeen AB15 4EZ.

The existing Spademill Studio has passed its time and not fit for use in our ever changing city of old outdated offices.

Queens Cross and Harlaw Members unanimously Support planning application Ref. No : 230759/DPP Erection of dwelling house with garage, rear boundary wall and associated landscaping of Spademill Studio Spademill Lane AB15 4EZ.

We believe the proposed new residential home is of high standard and fits in with the other new / redeveloped homes within our area of back lanes.

This new build is an impressive and ambitious project, of which our area needs many more.

Sandy Stephen Chairperson - Member

Queens Cross and Harlaw Community Council

Further comments from Queen's Cross and Harlaw Community Council

We (Queens Cross And Harlaw Community Council) wish to add to our previous representation of support Re Planning Reference : 230759 / DPP Erection Of Dwelling House With Garage, Rear Boundary Wall And Associated Landscaping - Spademill Studio, Spademill Lane Aberdeen.

The existing Spademill Studio has passed its time and is not fit for use in our ever changing city of Old and Outdated Offices. Queens Cross and Harlaw Community Council Members unanimously Support planning application Ref No : 230759 / DPP Erection of dwelling house with garage, rear boundary wall and associated landscaping of Spademill Studio Spademill lane AB15 4EZ.

Having exhaustively looked over all drawings / plans of the proposed build etc, we believe the proposed new residential home is of high standard and fits in with the other new/redeveloped homes within our community council area of back lanes. This new build is an impressive and ambitious project, of which our area needs many more.

Our community council has not received any objections to this development.

We wish to confirm that Queens Cross And Harlaw Community Council members unanimously support the new house, garage and landscaping being proposed and that we restate our previous comments, just so the Local Review Body members are in no doubt about the local support for this proposal and the local feeling on the overly negative approach being taken by the officers.

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SS7 – Contextual Aerial View (Source – Google Maps 2024)



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T: 0131-244 7547
E: chief.planner@gov.scot

8 February 2023

Dear Colleague

Transitional Arrangements for National Planning Framework 4

Following the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023, the following provides advice on NPF4 becoming part of the statutory 'development plan' alongside local development plans (LDPs). We intend for this advice to support consistency in decision making ahead of new style LDPs being in place.

The Development Plan

In Scotland, the planning system is plan-led. From 13 February, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when determining planning applications on or after 13 February.

On 13 February, Strategic Development Plans (SDP) and associated supplementary guidance will cease to have effect and as such no longer be part of the development plan.

LDPs already adopted will continue to be part of the development plan. For avoidance of doubt, existing LDP land allocations will be maintained.

LDPs within SDP areas will no longer be required to be consistent with the SDP. For proposed LDPs prepared prior to the adoption and publication of NPF4, it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the examination process. However there are clear limitations to this. The scope of an examination is limited to issues raised in representations and the process must remain proportionate and fair.

Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a



provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

Across Scotland there is a substantial amount of supplementary guidance associated with SDPs and LDPs. Supplementary guidance associated with SDPs will no longer have effect following adoption and publication of NPF4 on 13 February. Supplementary guidance associated with LDPs which was in force before 12 February (the date on which section 13 of the 2019 Act comes into force) will continue to be in force and be part of the development plan (1997 Act; paragraph 2 of schedule 1).

As the development plan system transitions to one without statutory supplementary guidance, the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.

The provisions of section 16(1)(a) of the 1997 Act require planning authorities to prepare a new LDP for their area at intervals of no more than 10 years or whenever required to do so by the Scottish Ministers. It will be important for the first round of 'new style' LDPs to be prepared in a timely fashion. We expect that every planning authority in Scotland will have a new style plan in place within around 5 years of the new development plan regulations coming into force, which we anticipate happening this spring.

Legislation provides for planning authorities to prepare LDPs that include policies and proposals for development and use of land in their area. There is no legal requirement for LDPs to be directly 'compatible' with NPF4, although in preparing LDPs, there will be a statutory requirement under section 16(2)(a)(i) of the 1997 Act that planning authorities take the NPF into account.

Applying NPF4 Policy

Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.

It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.

We expect that monitoring of the policies will particularly focus on new and developing policy areas, so that their application in practice can inform future guidance.

Below we have set out some more specific advice on individual policies.

Policy 1 – Tackling the climate and nature crises

This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises.

Policy 2 - Climate mitigation and adaptation

There is currently no single accepted methodology for calculating and / or minimising emissions. The emphasis is on reducing emissions as far as possible, rather than eliminating all emissions.

At this stage, quantitative assessments are not expected for all applications and there are no defined thresholds that require different levels of information at this stage. Planning authorities will be aware that this is unlikely to be a key consideration for many applications, for example for smaller scale developments, householder applications or many changes of use. However, for other types of development proposals that may generate significant emissions, such as some national or major developments, we consider it to be reasonable to expect quantitative information to be provided. For developments that require an Environmental Impact Assessment (EIA), the impact of the project on climate (e.g. the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change will have been considered as appropriate in the EIA Report. See [Circular 1/2017](#) for further information.

Last year the Scottish Government published [carbon management guidance for projects and programmes](#). Whilst this is aimed at larger scale projects within city region and growth deals and a fully quantified approach is only likely to be proportionately applicable to larger scale proposals, at least whilst practice and methodologies develop over the coming years, the guidance includes useful information and highlights established methodologies which may be of assistance to applicants and planning authorities. Published research on the Lifecycle Greenhouse Gas Emissions of NPF4 Proposed National Developments¹, also offers an example of a high-level approach to identifying direct and indirect effects of proposals on GHG emissions which can be embedded into statutory Environmental Assessment obligations.

Policy 3 - Biodiversity

To support this policy in practice, NatureScot previously consulted on new 'Developing with Nature guidance' to accompany NPF4 Biodiversity policy 3c), which is to be applied to certain local development. A final version of the guidance will be available shortly. We are committed to developing guidance to accompany wider NPF4 policy 3, and – recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case.

¹ [National Planning Framework 4 - lifecycle greenhouse gas emissions: assessment findings - gov.scot \(www.gov.scot\)](#)

Policy 16 - Quality homes

NPF4 sets out a distinct, new approach to planning for new homes across Scotland that aims to deliver more quality homes that meet diverse needs. Policy 16, Quality Homes, promotes a plan-led approach.

New style LDPs must include targets for meeting the housing needs of people living in the area, this is referred to in NPF4 as the "Local Housing Land Requirement" (LHLR)². The LHLR will be informed by the Evidence Report and Gate Check process. It is expected that the LHLR will exceed the Minimum All-Tenure Housing Land Requirements (MATHLR) set out in NPF4.

Proposed Plans will allocate sites to meet the LHLR and, in doing so, we expect there to be greater emphasis on delivery. Policy 16 looks to incentivise delivery of allocated sites, as they will have been considered and agreed through the comprehensive and participative LDP preparation process. If an LDP reaches Examination without sufficient sites identified to meet the LHLR, a planning authority can be required to prepare another Proposed LDP under new legislative provisions in section 19ZA of the 1997 Act.

Once adopted, the delivery of new style LDPs will be monitored and supported through the Housing Land Audit and the LDP Delivery Programme. New guidance on Housing Land Audits will be prepared this year, in collaboration with key stakeholders. The new guidance will seek to ensure a consistent approach is adopted in the preparation of new Housing Land Audits. If needed, collaboration on the LDP Delivery Programme can assist in early consideration of bringing forward longer term sites.

Policy 16 is applicable to decision making when NPF4 becomes part of the statutory development plan. As outlined above, SPP(2014) will be superseded and not form part of Scottish Government planning policies, including: the requirement to maintain at least a 5 year supply of effective housing land at all times, shortfalls in supply indicating LDP policies are not up-to-date, the 'presumption in favour of development that contributes to sustainable development' and the concept commonly known as the 'tilted balance'. Consideration must be given as to whether provisions in LDPs are incompatible with provisions of NPF4. Where there is an incompatibility, such as between a housing exceptions policy in an LDP and Policy 16(f) of NPF4, the latter will prevail.

Policy 23 - Health and safety

We understand that there were some concerns about references within NPF4 to suicide risk, including recognition that LDPs should be informed by awareness of locations of concern for suicide. We would draw your attention to [Creating Hope Together \(Scotland's Suicide Prevention Action Plan 2022-2025\)](#) which was published last year by the Scottish Government together with COSLA. This recognises the importance of the National Planning Framework in reflecting the role of planning in suicide prevention. Further resources are referenced in the action plan and have been produced by Public Health Scotland.

²NPF4: Annex F provides the Local Housing Land Requirement means "The amount of land required for housing, as identified by the local development plan. The Local Housing Land Requirement (LHLR) is expected to exceed the 10 year Minimum All-Tenure Housing Land Requirement (MATHLR) set out in the National Planning Framework"

It may also be useful to see [guidance](#) produced by the Welsh Government, which emphasises a pragmatic approach, suggests that suicide prevention should ideally be built into the design of projects and should be compatible with creation of good places. It also references further available practical advice on this.

Policy 27(d) - Drive through developments

During the Parliamentary scrutiny of the draft NPF4, there was some debate about the meaning and application of Policy 27(d), which states that “drive-through developments will only be supported where they are specifically supported in the LDP”. The intention of this policy was to ensure that this type of development is considered as an integral part of the wider development plan, and is not (as has been erroneously reported) a moratorium or ban on such developments.


In applying policy 27(d) and whether such developments are supported, planning authorities may regard wider uses that are compatible with the drive through function to be included, as there is no single class of development that this relates to and may sometimes be considered as *sui generis*. Suitable locations may include for example those allocated for Class 1 shops or Class 3 Food and drink, depending on the nature of the proposal involved in each case. In looking at the potential impact of the development as a whole, as always, decisions will depend on the facts and circumstances of each individual case and regard should be given to wider policies within NPF4, including those relating to reducing emissions that contribute to climate change and to wider policies that aim to improve town centres and support local living.

Looking forward, we will include guidance on drive throughs and the relationship to Policy 27(d) within the forthcoming local development plan guidance, which will be published this spring to support implementation of the new arrangements for LDPs.

Further Planning Guidance and Advice

In the NPF4 Delivery Programme, we have given our commitment to progress work on a new suite of guidance and advice that will support activity to deliver the policy intent of NPF4. We will do this alongside careful monitoring of the implementation of policies. With some substantial changes being made through the reform of our planning system, both through legislation and in NPF4, there will now be some discrepancies in existing planning guidance and advice as a result. Nevertheless, there will remain aspects which will still be useful for reference through the new planning system and policy approach. Over time, we will review that historic advice as appropriate.

Yours faithfully



Dr Fiona Simpson
Chief Planner



Tom Arthur
Minister for Public Finance, Planning
and Community Wealth

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Contents

- A Proposal Details
- B Brief
- C Site Context
- D History
- E Proposals

Other drawings submitted:

Architects Drawings:

323/p001 — Location Plan
323/p002 — Existing Site Plan
323/p003 — Proposed Site Plan

323/p100 — Existing Floorplans
323/p101 — Proposed Ground Floor Plan
323/p102 — Proposed First Floor Plan
323/p103 — Proposed Roof Plan

323/p111 — Existing Elevations
323/p112 — Proposed Elevations 01
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321/p121 — Proposed Site Section AA

A — Proposal Details

P05

Proposal Description:

Replacement of dilapidated office building on former mews lane, with dwelling house, and associated works

Applicant & Owner:

Diamond Property Developments

Architect / Agent:

Brown & Brown Architects

2 Station Square

Aboyne

AB34 5HX

brownandbrown.studio

Site Address:

Spademill Studio

Spademill Lane

Aberdeen

AB15 4EZ



Fig 01—
3D Visualisation looking North from South end of site

B — Brief



Replacement dwelling house at Spademill Lane

The proposed scheme is for the erection of a contemporary dwelling house, to replace an existing office building to the rear lane, which is in a poor state of repair.

The existing building sits in an area of largely residential properties, on Spademill Lane, to the North of Queens Road. The existing building is of poor quality, both in design and construction, and does not contribute positively to the quality and character of the area.

The applicant wishes to create a high-quality contemporary home, which makes the most of the site, creates an oasis of greenery, and delivers a home with quality garden space in the heart of the West End.

The application plot is 0.12 acres in size, and is accessed from the public road (Spademill Lane) to the North of the site. The site generally slopes from North to South, with the existing building located on the Northern boundary of the plot.

Fig 02 —
View from Spademill Lane (from West)
Fig 03 —
View from within site looking to access
Fig 04 —
View of existing South Elevation
Fig 05 —
View from Spademill Lane (from East)

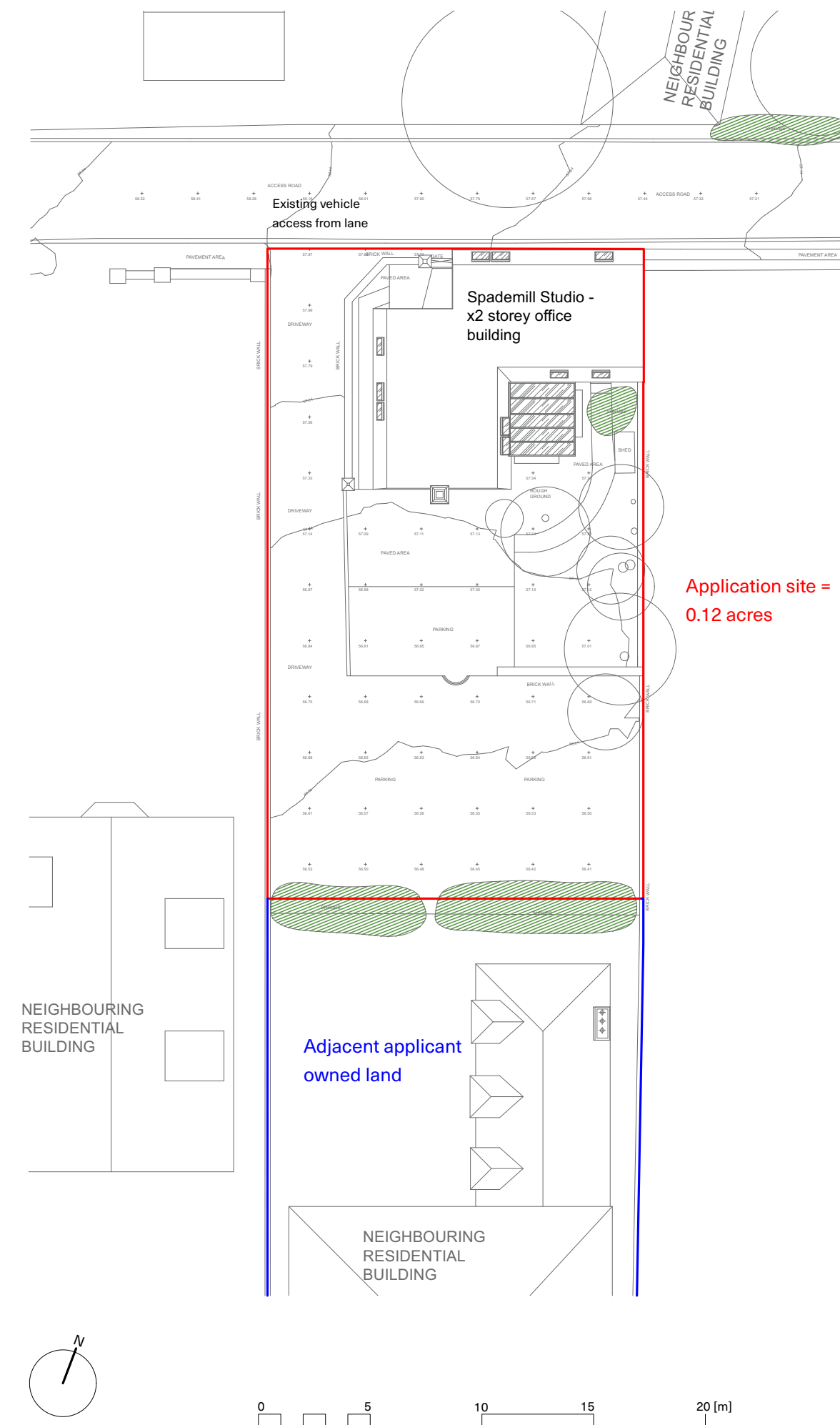


Fig 06—
Existing building seen from West up Spademill Lane



Fig 07—
Proposed building seen from West up Spademill Lane

C — Site Context



The site is located on Spademill Lane, to the rear of 78 Queens Road, and was formerly used as a commercial office. The existing building sits to the North of the site, with the remainder largely laid with tarmac for surface parking.

The design is influenced by both the surrounding cityscape, and the proposed form has been developed to create a contemporary family home, which can enjoy a well-sized garden. The area of Spademill Lane contains numerous other residential developments, notably to both the East and West of the site, where rear developments have previously been permitted.

Our clients wish to create a home which sits comfortably within the wider context, whilst presenting a coherent elevation to the lane, inspired by contemporary mews developments, and creating a private walled garden to the South and West of the site.

The site sloped generally from North to South, and the proposed garden would be hidden from all areas of public realm by the existing boundary walls, and proposed planting, with several trees in close proximity to the existing building being removed, as these are considered of low quality, and problematic with regards to maintenance and structure of the existing building.

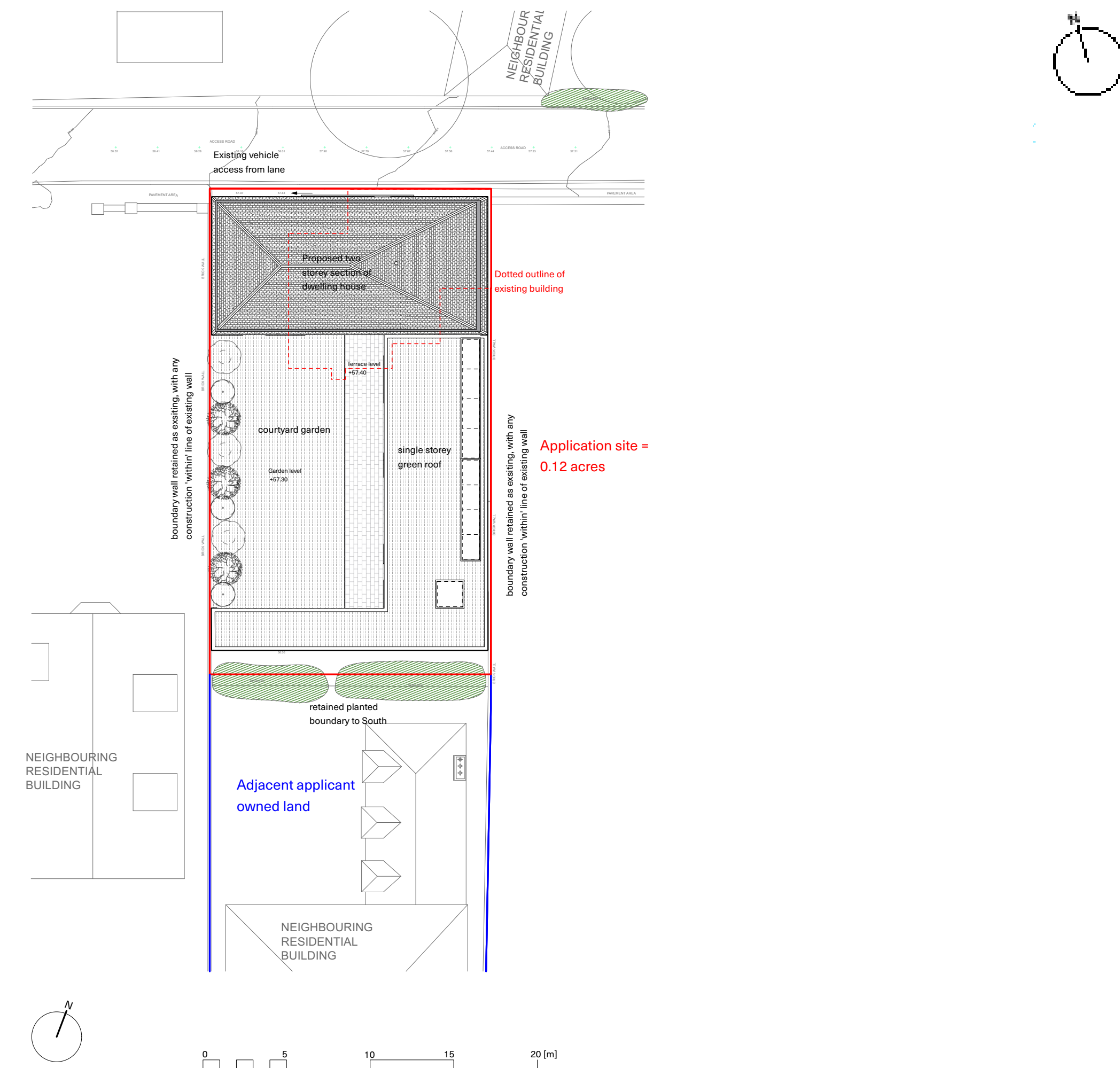


Fig 09—
Existing building seen from East down Spademill Lane



Fig 10—
Proposed building seen from East down Spademill Lane

D — Proposals



Siting & Massing

The proposed is single-storey to the East elevation of the site, with a two-storey section proposed to the North side of the site, where it can be accommodated without being in proximity to, or overshadowing, other dwellings.

The form of the building is broken into distinct elements, with a clear visual hierarchy created by the ground floor plinth of stone and dark render creating a visually 'solid' element, in particular to Spademill Lane, before the placing of a first floor pitched roof pavilion of timber and glass atop.

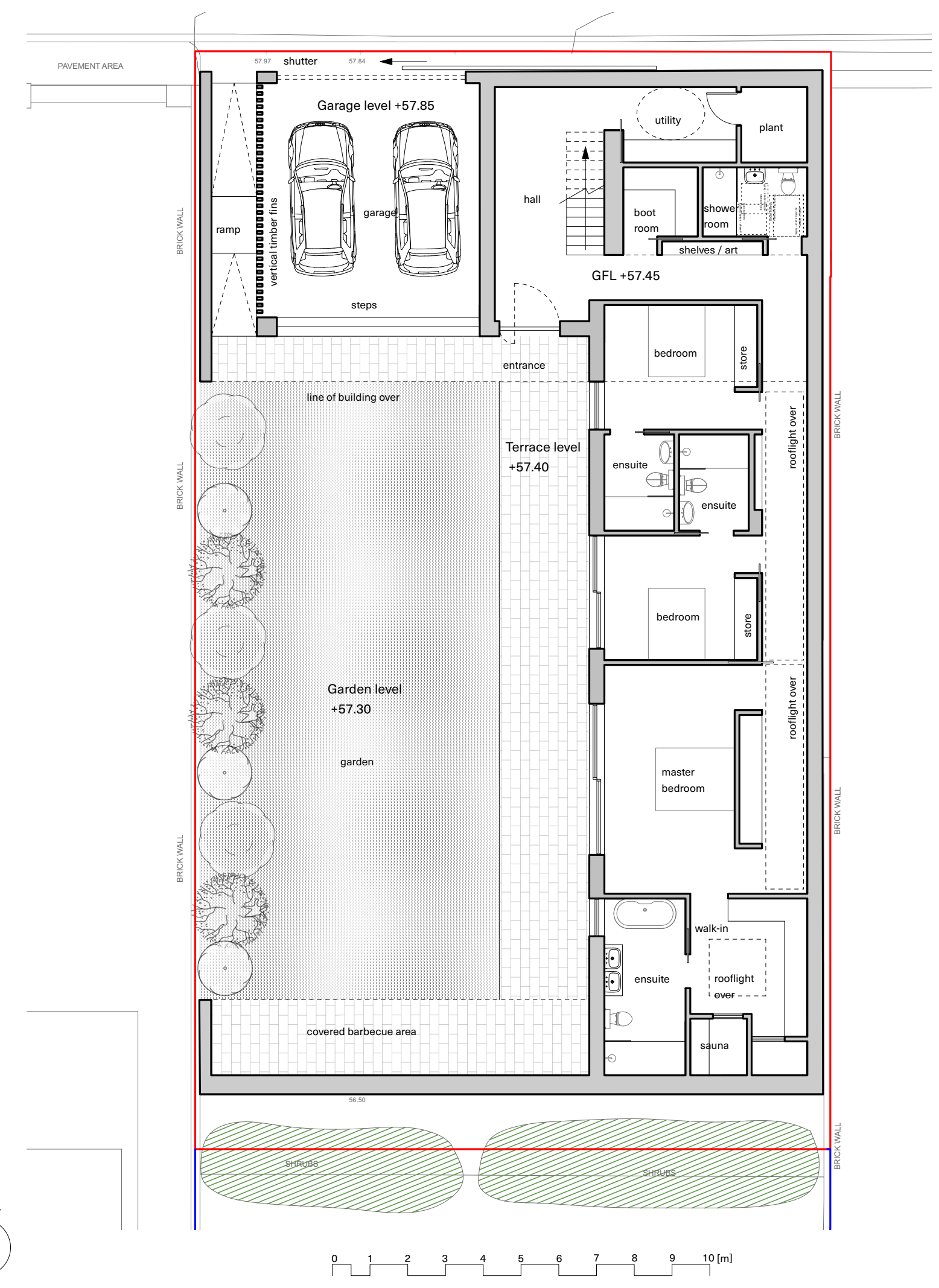
The position of proposed openings have been carefully considered to retain privacy from the public realm, whilst maximising views outwards to the South. The massing of the proposals has been designed to create a sheltered courtyard garden to the South, and to not result in any additional loss of amenity to the property to the South in particular, where a tall mature planted boundary already exists.

The expression of differentiated materiality, reflecting a more solid / traditional ground floor and a lighter contemporary first floor is of prime importance. The proposed two storey section would be finished in a hipped roof covered in natural slate, with the single storey elements having 'green' sedum roofs, to maximise the green area of the site and enhance biodiversity.

It is felt that the composition of the proposed dwelling would create a built form which is contemporary, but which take clear visual and material cues from traditional materials, and the built-form of the surrounding area.

Fig 11 — Proposed site plan

D — Proposals (cont)



Approach

The approach to the house is to be via the existing access from Spademill Lane, with direct garage access taken from the lane, as supported by Aberdeen City Council Sumplementary Guidance: Transport and Accessibility.

It is considered that the parking provision is appropriate, given the city centre location of the application site, with both excellent pedestrian and public transport links abundant throughout the area.

The proposed carport / garage would be screened from the lane for privacy and security by a sliding shutter.

Outlook

The house will address the private garden created to the South, with direct access given from ground floor bedrooms.

The privacy and amenity of all existing dwellings is to be maintained, with no direct overlooking or reduction in light levels.

Materials

A simple material palette is proposed, with a complementary palette of traditional stone, laid in a contemporary recessed pointing pattern, combined with dark pigmented render to the ground floor.

The proposed first floor is conceived as a modern pavilion of timber and glass, topped with a natural slate pitched roof.

Single storey elements of the proposed house would be finished in sedum roofs, increasing the 'green' area of the site, and improving biodiversity.

Fig 12 — Proposed Ground Floor Plan

D — Proposals (cont)

Services

It is proposed that electricity and water supply will be connected to the existing public infrastructure.

It is proposed that both foul and surface water will connect to the existing public infrastructure, with the elements of sedum roof reducing drainage run-off, and acting as an attenuating element in times of severe rainfall.

Landscaping

The existing topography and landscape is to be enhanced and re-worked to allow for the creation of a largely level private garden for the dwelling.

The proposed house would occupy the site in a contextual manner, greatly increasing the green area over the existing site..

Scottish Government: Inspirational Designs

Table 01 (pg 23) is an excerpt from the Scottish Government's Design Exemplar website, which outlines the key qualities for good design in Scotland, and lists examples of buildings which are to be celebrated. The highlighted section on the table showing the 6 key qualities for 'exemplary design' shows the elements which are directly relevant. Table 02 (page 23) illustrates our response to the governments headings which show the way that this development meets the requirements for good design in Scotland. Please refer to all submitted drawings for further information.

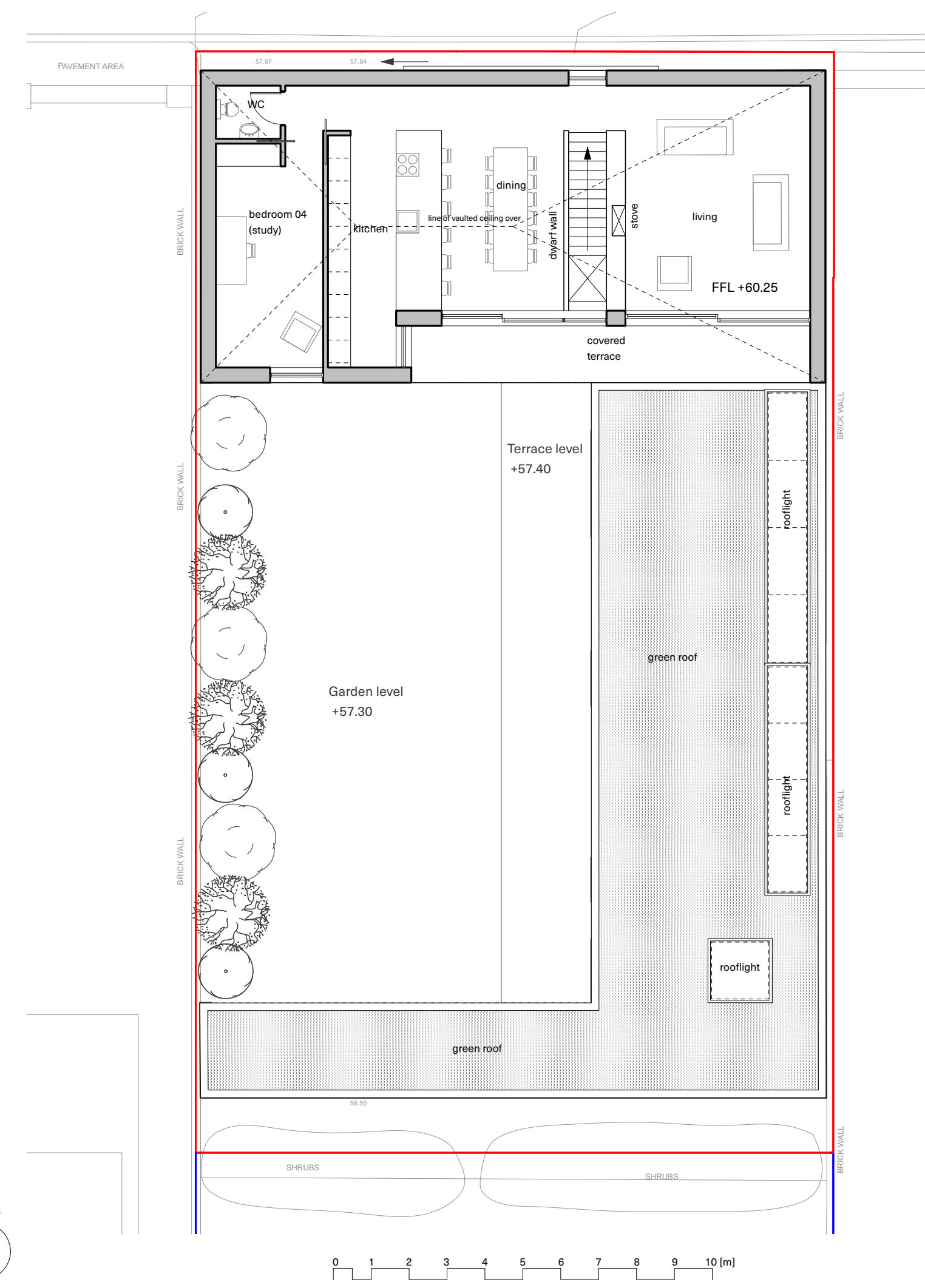


Fig 13 — Proposed First Floor Plan



Fig 14—
3D visualisation of North Elevation to Spademill Lane



13



14



15



16

Fig 15 —
Precedent - McLean Quinlan Architects
Fig 16 —
Precedent - DF Roofing
Fig 17 —
Precedent - Cameron Webster Architects
Fig 18 —
Precedent - Haar Architects
Fig 19 (overleaf) —
Tables

Table 01

1. Distinctive	2. Safe and pleasant	3. Easy to move around
<p>Creating a sense of identity</p> <ul style="list-style-type: none"> Places where distinctive landscapes, natural features, buildings, streets, spaces and skylines inspire patterns of new building. 	<p>Creating safe and pleasant places</p> <ul style="list-style-type: none"> Places where streets are livelier and feel safer because a building has windows, doors or active uses on to the street, rather than presenting a blank façade. Places where footpaths and open spaces feel safer because buildings overlook them. Places with residential accommodation above shops to provide inhabited rooms overlooking streets and to encourage evening activity. Places where the distinction between public or private space is made clearer. Places where a gap in an otherwise continuous building frontage, that detracts from the street's quality, is either filled or made into usable space for pedestrians. Places that create a sense of enclosure by enclosing streets, squares, parks and other spaces by buildings and trees of a scale that feels right. 	<p>Creating easier movement</p> <ul style="list-style-type: none"> Places that ensure that the density of development is highest where access to public transport is best. Places that site bus stops more conveniently and make them safer and better lit. Places that make railway stations accessible by foot from all directions. Places where roads and footpaths are better connected into well used routes, so that the presence of more people makes them feel safer. Places with public spaces that are better linked into a route that is well used by people on foot. Places that encourage cycling. Places that pedestrians go to and from which are connected by more direct routes.
4. Welcoming	5. Adaptable	6. Resource efficient
<p>Creating a sense of welcome</p> <ul style="list-style-type: none"> Places where new landmarks create or improve views and help people find their way around. Places where views are opened up. Marking places that act as gateways to particular areas Places where better lighting improves safety, helps people find their way around, highlights landmarks, shows off attractive buildings or disguises eyesores. Places that create distinctive works or art and craft. Places where better signage is used. 	<p>Making a place adaptable</p> <ul style="list-style-type: none"> Places that ensure that new development, or other improvements, support a mix of compatible uses and tenures, helping to make the place one where people live, work and play, rather than having a single use and being 'dead' after hours. Places where buildings and areas are adaptable to a variety of future uses, by ensuring that they are not tightly designed to a particular use. 	<p>Making good use of resources</p> <ul style="list-style-type: none"> Places where new and existing buildings minimise their use of energy through the way they face the sun, how they are sheltered from the wind by the slope of the land, trees and other buildings, and how they are constructed. Using and developing buildings, sites or areas that are underused. Using building materials that are available from local and or sustainable sources. Utilising natural features that are important to conserve and emphasise. Places where a park or green space has been created or improved. Places that improve habitats and support wildlife, attracting and protecting living things.

Table 02

Working with the LANDSCAPE	Responding to the SITE	How to BE INSPIRED...
<p>Respect the landscape setting and the traditional building patterns of the locality</p>	<p>Consider the immediate context and allow specific site conditions to influence design</p>	<p>Inspirational ideas for sustainable, creative and innovative design</p>
<ul style="list-style-type: none"> The materials palette has been chosen to reflect the surrounding context, with matching stonework used for the rear elevations to the lane, and a clear visual language of more contemporary timber placed atop. The levels of the current lane, have informed the siting and design of the proposed house, with the lower floor level set below this (following the contours of the site). The massing of the building has been designed to keep the overall building height low and unobtrusive, with the green roofs to single storey elements specified to ensure that the visual impact of the proposed house is minimised. 	<ul style="list-style-type: none"> The immediate context has dictated the proposed house's position, with maintaining a clear relationship to Spademill Lane a key driver for the lane. The proposed house has been designed to sit quietly, creating high-quality private garden area to the South. The proposed house has been designed to be low-energy, and sustainable. Site specific design allows large amounts of solar gain from the South, with the angle of the winter sun used as a generator for the extent of glazed facade. 	<ul style="list-style-type: none"> The orientation and design of the proposed house will allow it to be heated by a significant amount of solar gain - substantially reducing its carbon footprint. We have reviewed the previous winners of the RIAS Awards, Scottish Design Awards, and the Scottish Government Inspirational Designs website, during the design of the proposed dwelling.

Brown

&

Brown

Aberdeenshire

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Page 70

Inverness

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info@brownandbrown.studio

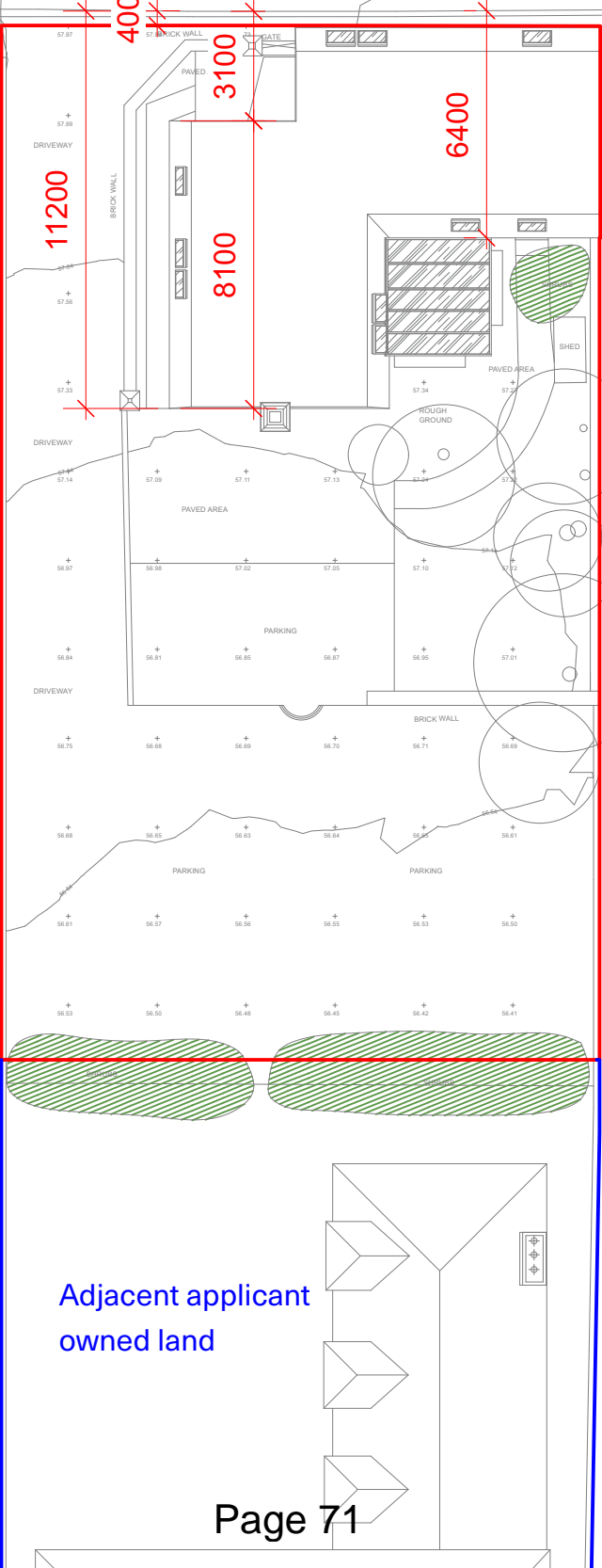
People

Place

Connection

NEIGHBOURING RESIDENTIAL BUILDING

Existing vehicle access from lane



Application site = 0.12 acres

NEIGHBOURING RESIDENTIAL BUILDING

Adjacent applicant owned land

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SS8 Extracts from Report of Handling for approval for conversion of 78 Queen's Road to flats – application reference 230472/DPP - (Aberdeen City Council)

Residential Amenity and Impact on Adjacent Land Uses

Policy D2 (Amenity) of the ALDP seeks to ensure that new residential developments are provided with an appropriate level of amenity, this is in respect of outlook, sunlight, daylight, privacy and sufficient external space, amongst others. Adjacent land uses must also be considered when new

Application Reference: 230472/DPP

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residential development is proposed to ensure that existing levels of amenity are not impacted upon.

In respect to the proposed development and the aspects of amenity mentioned above, the changes made to the proposal in terms of the internal layout are satisfactory, in that all residential units will now benefit from having dual aspects, if not windows on three elevations and all will have south facing windows, increasing the levels of outlook from the units and also providing sufficient daylight receipt into the residential properties. In respect to external amenity space, the changes made to the proposal also see the increase in the level of amenity space, with two more areas to be provided within the front curtilage, not only with this benefit any future occupants, it will also improve the outlook from all openings on the south elevation. Furthermore, the way that these have been designed mean that they will be below the existing ground level and therefore more attractive to use with an element of privacy from passers-by on Queen's Road.

Turning to the adjacent properties, there is unlikely to be any impact on the properties to the east and west, owing to the fact that the existing building will be retained, along with any landscaping within the rear curtilage, therefore there will be no significant change to the existing situation. While a new door and window would be located on the east elevation, given that these will be on the ground floor, there would be no adverse impact on 76 Queen's Road to the east. In respect to the development site to the rear, which is currently being considered by the Planning Service, owing to the layout and internal configuration of the proposed properties within the application site, there would unlikely be an impact to the site in general.

Owing to the above, the proposal complies with Policy D2, in that the residential units would be provided with sufficient amenity and there would be no impact on the adjacent sites to the east, west and the north. The provision of external amenity space also complies with Policy NE2 (Green and Blue Infrastructure), which requires the provision of usable and appropriate open space in new developments to ensure functionality. In light of this, the proposal also complies with the relevant criteria of Policy H1 of the ALDP.

REASON FOR DECISION

The application has been considered against the relevant policies of the Aberdeen Local Development Plan 2023 (ALDP) and National Planning Framework 4 (NPF4) and is acceptable. The development does not constitute over development or the loss of open space. The proposal and associated external works to the building and within the curtilage do not result in any adverse impact on the residential amenity and character of the surrounding area and therefore complies with Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4. In addition, the works proposed to the listing building or the works within its curtilage are not likely to result in any undue impact on its setting or its special character and do not result in any impact on the character of the surrounding Albyn Place/Rubislaw Conservation Area and thus is acceptable when assessed against Policy D6 (Historic Environment) and Policy D8 (Windows and Doors) of the ALDP and Policy 7 (Historic Assets and Places) of NPF4. There would be no significant loss of granite in accordance with Policy D7 (Our Granite Heritage).

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The provision of external amenity space creates a positive in terms of visual amenity and the amenity of future occupants and therefore complies with Policy D2 (Amenity), Policy D5 (Landscape Design) and Policy NE2 (Green and Blue Infrastructure) of the ALDP. Additionally, this aspect of the proposal enhances biodiversity in terms of Policy 3 (Biodiversity) of NPF4. There would be no impact on trees in accordance with Policy NE5 (Trees and Woodland) of the ALDP and Policy 6 (Forestry, Woodland and Trees) of NPF4. The re-use of the building is considered appropriate in respect of Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 12 (Zero Waste) of NPF4.

The proposal incorporates an appropriate level of off-street car parking, secure cycle storage and waste storage facilities and with the location of the site in reasonably close proximity to the city centre access is available to a range of sustainable modes of transport, as well as digital infrastructure and thus complies with Policy T2 (Sustainable Transport), Policy T3 (Parking), Policy R5 (Waste Management Requirements for New Developments) and Policy CI1 (Digital Infrastructure) of the ALDP and Policy 13 (Sustainable Transport), Policy 15 (Local Living and 20 Minute Neighbourhoods) and Policy 24 (Digital Infrastructure) of NPF4.

The proposal is also considered compliant with Historic Environment Policy for Scotland and the Historic Environment Scotland's Managing Change in the Historic Environment Guidance on Setting, Use & Adaptation of Listed Buildings, Roofs, Windows, Boundaries, and Doors.

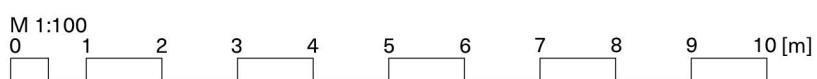
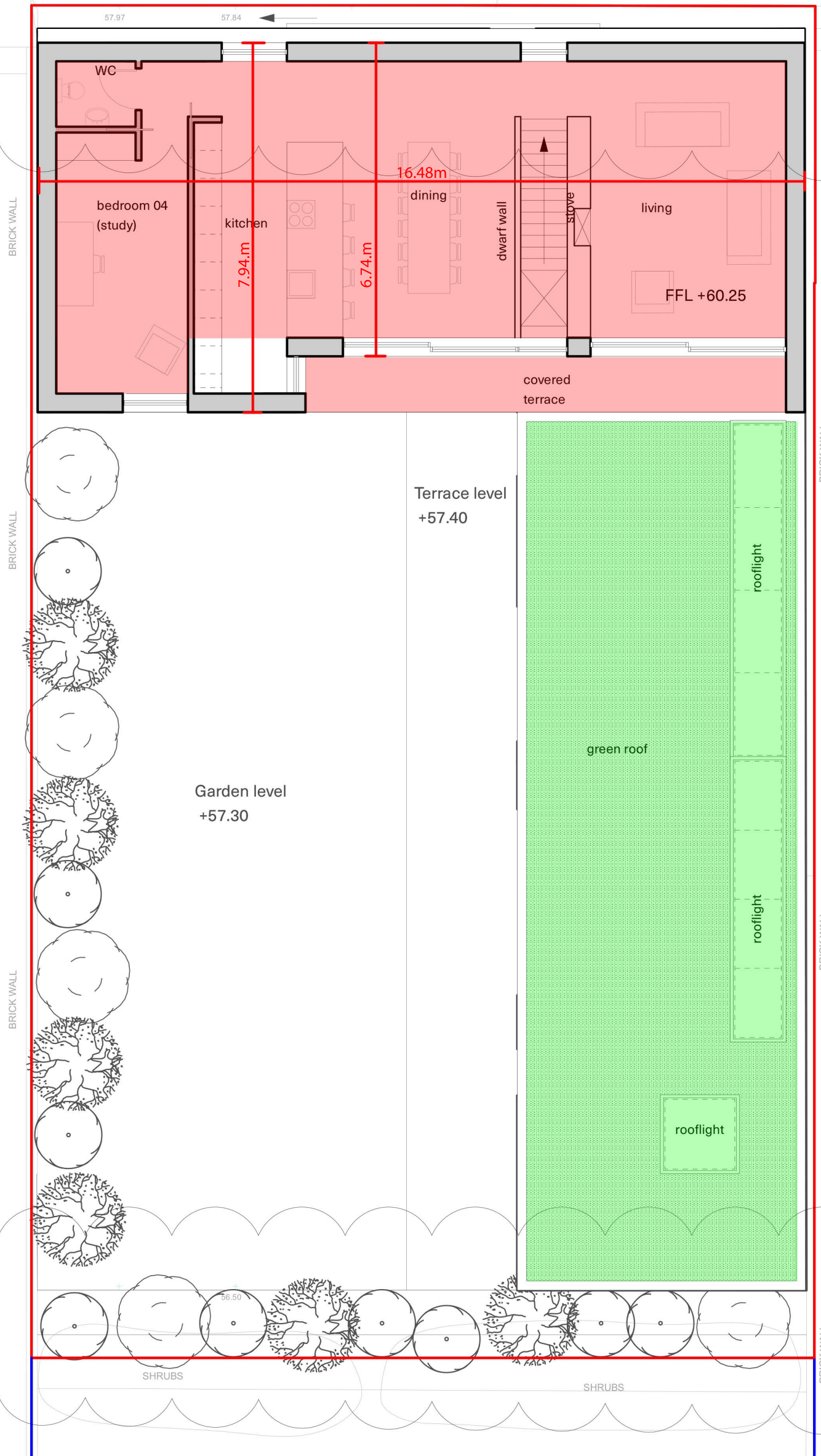
PAVEMENT AREA

Floor Areas:

First floor area: 99.0 sq m

Covered terrace: 12.39 sq m

Green roof: 106.93 sq m



Brown & Brown

Revisions & Notes:

Rev B	Built structure to south boundary removed. First floor stepped in from lane, additional openings added to elevation to lane to North, all following feedback from planning dept.	23/07/24
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Client
**Diamond Property
 Developments**
 Project
Spademill Studio

Date	25/05/2023	Scale	1:200@A3
Drawn	AB	Checked	KB
Status	Planning		

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PAVEMENT AREA

Floor Areas:

Footprint of the proposed house:
230 sq m

Overall floor area: 257.6 sq m

-Ground floor area: 158.6 sq m

-First floor area: 99.0 sq m

BRICK WALL

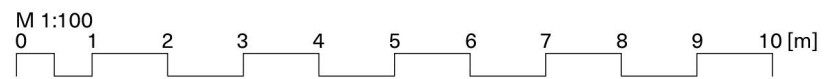
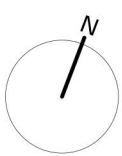
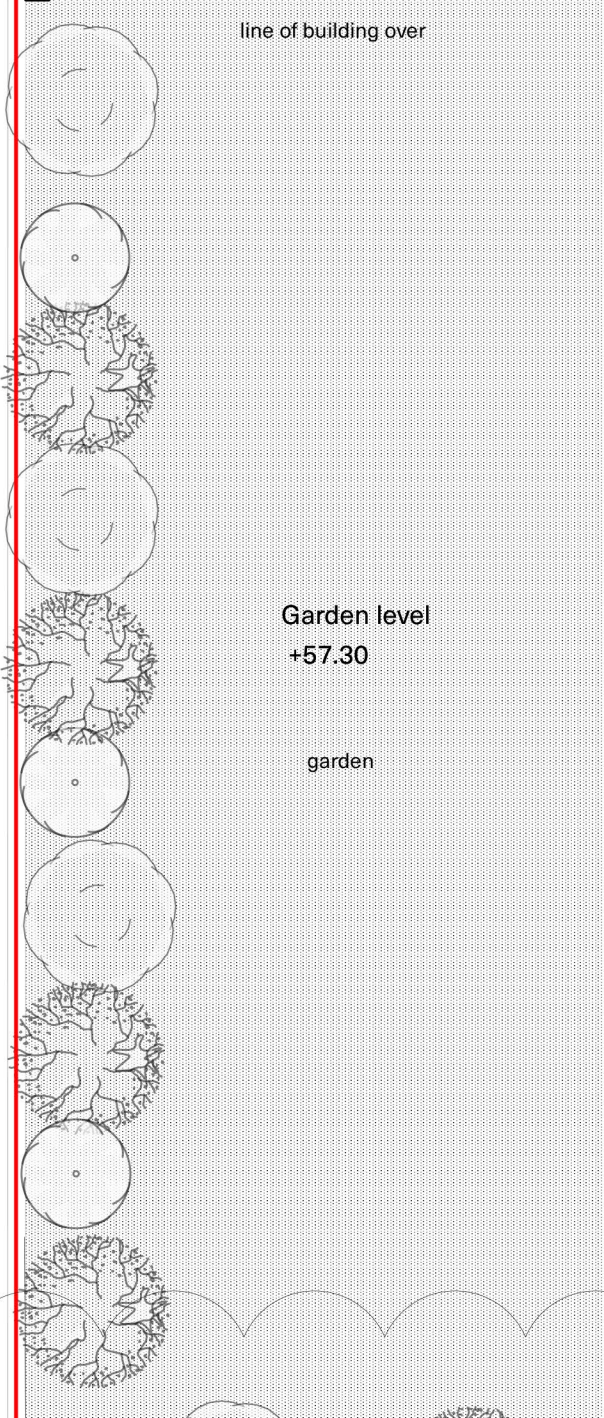
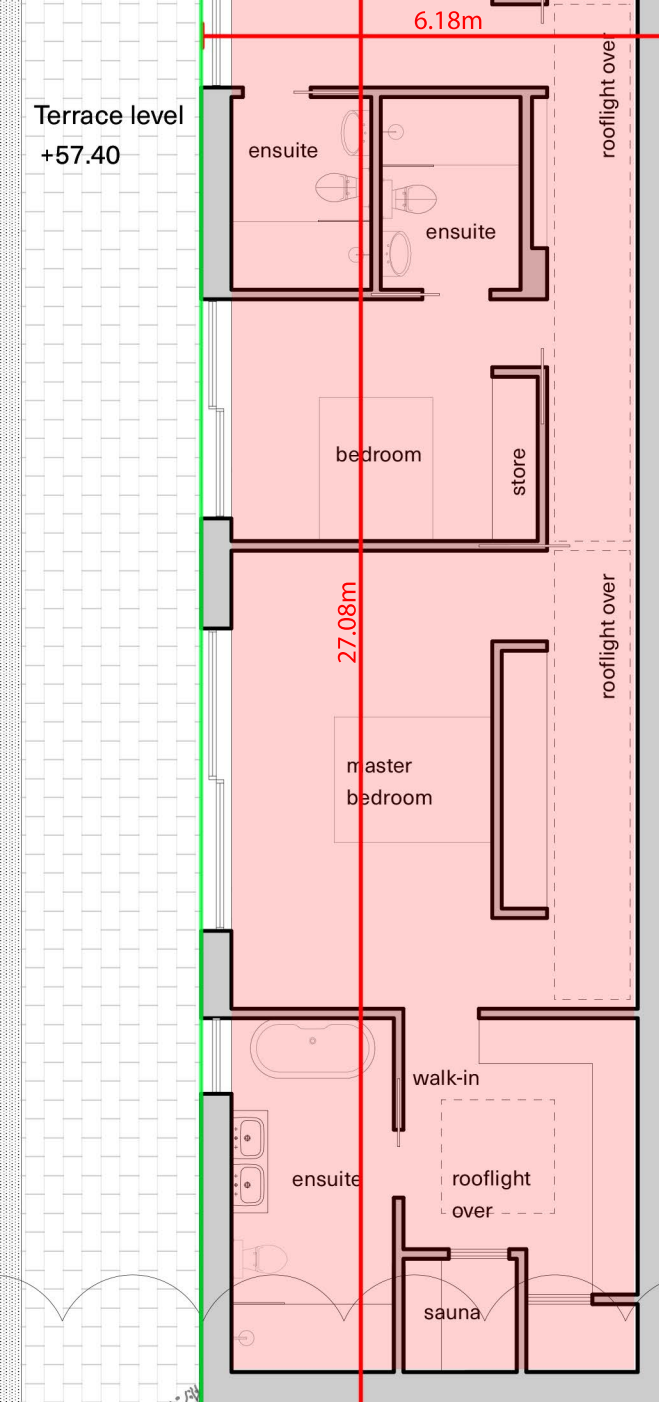
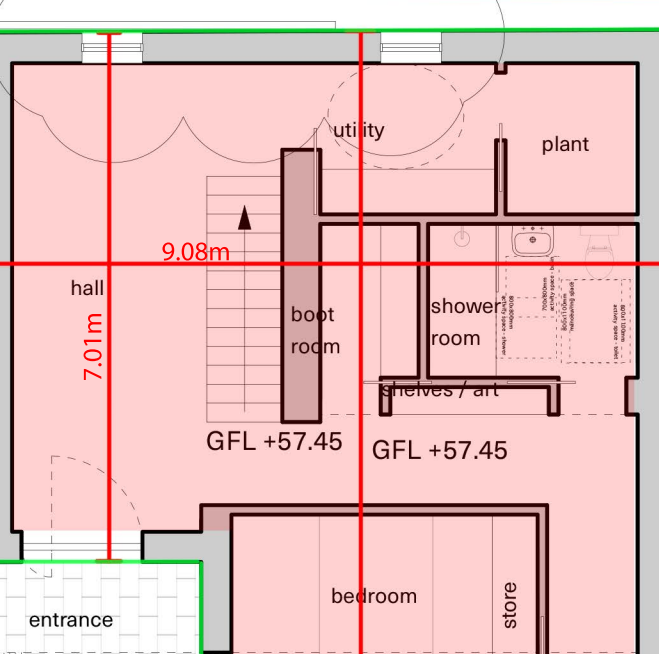
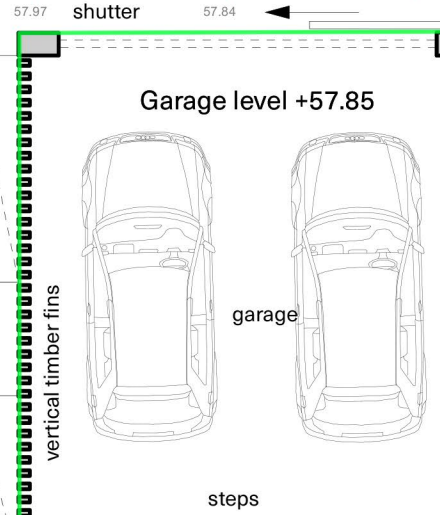
BRICK WALL

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Brown & Brown

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Client
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Project
Spademill Studio

Date	25/05/2023	Scale	1:200@A3
Drawn	AB	Checked	KB
Status	Planning		

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In Scotland, a Minimalist House That Keeps the World at Bay

They raised six children. Now it was time for a home that was entirely their own.



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Jim Stephenson

After raising six children from previous relationships in a five-bedroom converted barn in the countryside outside Aberdeen, Scotland, all the empty rooms and open spaces began to feel superfluous.

“We started thinking about what we wanted to do next,” said Mr. Davies, 64, the chief executive of an oil industry company. For years, he said, “we were essentially taxi drivers for the kids — anything we wanted to do, we had to drive.”

After that, a walkable lifestyle seemed more appealing. So he and Ms. Wilkie, 55, resolved to build a small, modernist house that was entirely their own within striking distance of the center of Aberdeen, a city of about 227,000 people, roughly 130 miles north of Edinburgh.



“When we started looking at where we wanted to live, we made a list: We wanted to be in a community; we wanted to be able to walk to a pub on a Friday night; we wanted to be close to a bus route into the city,” Mr. Davies said. “We wanted to be close to shops, so we wouldn’t have to get in the car every time.”

As they began looking for a lot, they engaged [Brown & Brown Architects](#), a firm whose work they had admired on Instagram, to help choose the property and design the house. For a couple of years, they searched for the ideal building site, but the best lots were always too far from the city center.

Finally, in 2019, they heard about a half-acre lot on the outskirts of Aberdeen, with a dilapidated 19th-century stone coach house on it that had been converted into a home. “It had woodworm in all the roof joists, and you could have pushed in the old windows if you had wanted to,” Mr. Davies said. “It was just rotten and damp.”

But when Andrew Brown, who runs Brown & Brown with his wife, Kate Brown, gave his approval, the couple bought it for about 425,000 British pounds (about \$525,000), planning to knock down the old house to make way for a new one.

“They were moving from a rural area into the city, which is the opposite of 90 percent of the projects we do,” Mr. Brown said. “Traditionally, people are escaping the city. But this lot is in the west end of Aberdeen, which has nice Victorian buildings and terraced housing. It’s a busy area, but one of the nicer areas, and there are not many opportunities to build a new building in a setting like that.”

As it turned out, the parcel was in a conservation zone, so even if the old stone building was falling apart, they couldn’t tear it down. “In general, [Historic Environment Scotland](#) doesn’t want to see any buildings demolished — even if they are crumbling and falling down, which was the case here,” Mr. Brown said.



The dining area is in a double-height space with a sculptural spiral staircase that Angus & Mack, a woodworking company, built from stacked layers of birch plywood. Jim Stephenson

The architects proposed a compromise: They would preserve the stone wall from the old home that was closest to the busy road and incorporate it into the new house. Then they would use the stone from the building's other walls to clad a new garage and build a boundary wall by the sidewalk, which is common in the area. After nearly a year and a half of negotiation, city planning authorities approved the idea.

Brown & Brown placed the garage at the front of the lot. From there, a covered outdoor colonnade with the old stone wall on one side leads to the front door of the new 2,950-square-foot house. That passageway is “like an airlock” that keeps the outside world at bay, Mr. Brown explained. “We’re trying to separate the house from everyday life a little bit.”

The house itself comprises two boxes made of glass, concrete and larch-wood slats, stacked perpendicularly and topped by green roofs. On the ground floor, a kitchen with cabinets finished in composite slate fronts and a long island with a cantilevered microcement top is open to a glass-walled living room. A double-height dining area is dominated by a sculptural spiral staircase that Angus & Mack, a woodworking company, constructed from overlapping layers of birch plywood.

Upstairs, the smaller second level contains the primary suite, a guest room and a home gym. Built by the contractor Coldwells Build, the house took roughly a year and a half to complete, at a cost of about £1.2 million (\$1.48 million). Mr. Davies and Ms. Wilkie moved in last July.



Despite being on a busy road, the home offers peace and quiet. Jim Stephenson

Most of the windows in the home are positioned to offer views into the back garden or out across the green roofs, which sprout with grasses and wildflowers, and are “extensions of the garden,” Mr. Brown said. “We wanted to create spaces that felt like they were in a garden rather than next to a garden.”

The effect makes for “a really peaceful house,” Ms. Wilkie said, especially because the stone walls protect the house from the road, creating visual and auditory privacy.

“Because of the way Andrew designed it, with the enclosed garden and the colonnade, nobody can see in, nobody can hear us, and we can’t hear them,” Mr. Davies said. “When you sit in the lounge and look out the windows, all you see are the trees.”

The house, they agreed, captures the best aspects of rural and urban living.

“You still have that feeling of living in the countryside,” Mr. Davies said. “But you walk out the door and you’re two minutes from a bus stop and five minutes from the pub. It’s everything we wanted.”

Spatial principles

We will plan our future places in line with six overarching spatial principles:

- **Just transition.** We will empower people to shape their places and ensure the transition to net zero is fair and inclusive.
- **Conserving and recycling assets.** We will make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.
- **Local living.** We will support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.
- **Compact urban growth.** We will limit urban expansion so we can optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.
- **Rebalanced development.** We will target development to create opportunities for communities and investment in areas of past decline, and manage development sustainably in areas of high demand.
- **Rural revitalisation.** We will encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.

These principles will play a key role in delivering on the United Nations (UN) Sustainable Development Goals (SDGs) and our national outcomes.

Applying these principles in practice

We want our future places to work for everyone. Rather than compromise or trade-offs between environmental, social and economic objectives, this is an integrated strategy to bring together cross-cutting priorities and achieve sustainable development.

By applying these spatial principles, our national spatial strategy will support the planning and delivery of:

- **sustainable places**, where we reduce emissions, restore and better connect biodiversity;
- **liveable places**, where we can all live better, healthier lives; and
- **productive places**, where we have a greener, fairer and more inclusive wellbeing economy.

Eighteen **national developments** support this strategy, including single large scale projects and networks of several smaller scale proposals that are collectively nationally significant. National developments will be a focus for delivery, as well as exemplars of the Place Principle, placemaking and a Community Wealth Building (CWB) approach to economic development. Regional spatial strategies and Local Development Plans (LDPs) should identify and support national developments which are relevant to their areas.

The strategy will be taken forward in different ways across Scotland, reflecting the diverse character, assets and challenges of our places. To guide this, we have identified **regional spatial priorities** for five broad regions of Scotland which will inform the preparation of regional spatial strategies (RSS) and LDPs by planning authorities.

Historic assets and places

Policy Principles

Policy Intent:

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy Outcomes:

- The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.
- Redundant or neglected historic buildings are brought back into sustainable and productive uses.
- Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.

Local Development Plans:

LDPs, including through their spatial strategies, should support the sustainable management of the historic environment. They should identify, protect and enhance valued historic assets and places.

Policy 7

- a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
- i. building is no longer of special interest;
 - ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
 - iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
 - iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i. architectural and historic character of the area;
 - ii. existing density, built form and layout; and
 - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
- i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
- i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.
- The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.
- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

[Digital infrastructure](#)

[Community wealth building](#)

[City, town, local and commercial centres](#)

[Rural development](#)

[Tourism](#)

[Culture and creativity](#)



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[All other policies.](#)

Local Living and 20 minute neighbourhoods

Policy Principles

Policy Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy Outcomes:

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, greenspaces, health and social care, digital and sustainable transport links.

Local Development Plans:

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

Policy 15

- Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development

with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Sustainable transport](#)
- [Design, quality and place](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Blue and green infrastructure](#)
- [Play, recreation and sport](#)
- [Community wealth building](#)
- [City, town, local and commercial centres](#)
- [Retail](#)

Quality homes

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Policy Outcomes:

- Good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure.
- More energy efficient, net zero emissions homes, supporting a greener, fairer and more inclusive wellbeing economy and community wealth building, tackling both fuel and child poverty.

Local Development Plans:

LDPs are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10 year [Minimum All-Tenure Housing Land Requirement \(MATHLR\) set out in Annex E](#).

Deliverable land should be allocated to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live. Areas that may be suitable for new homes beyond 10 years are also to be identified. The location of where new homes are allocated should be consistent with local living including, where relevant, 20 minute neighbourhoods and an infrastructure first approach. In rural and island areas, authorities are encouraged to set out tailored approaches to housing which

reflect locally specific market circumstances and delivery approaches. Diverse needs and delivery models should be taken into account across all areas, as well as allocating land to ensure provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified.

The LDP delivery programme is expected to establish a deliverable housing land pipeline for the Local Housing Land Requirement. The purpose of the pipeline is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, that enable delivery can be planned: it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). Where sites earlier in the deliverable housing land pipeline are not delivering as programmed, and alternative delivery mechanisms identified in the delivery programme are not practical, measures should be considered to enable earlier delivery of long-term deliverable sites (7-10 years) or areas identified for new homes beyond 10 years. De-allocations should be considered where sites are no longer deliverable. The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the delivery programme.

Policy 16

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.

- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Rural homes](#)

[Health and safety](#)

[City, town, local and commercial centres](#)

Application 240759/DPP - Spademill Studio, Spademill Lane

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
(www.gov.scot)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 6. Forestry, woodland and trees
- 7. Historic assets and places
- 9. Brownfield, vacant and derelict land and empty buildings
- 12. Zero waste
- 13. Sustainable transport
- 14. Design, quality and place
- 15. Local living and 20 minute neighbourhoods
- 16. Quality homes
- 24. Digital infrastructure

Aberdeen Local Development Plan 2023

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

- H1 Residential Areas
- NE2 Green and Blue Infrastructure
- NE3 Our Natural Heritage
- NE5 Trees and Woodland
- D1 Quality Placemaking
- D2 Amenity
- D5 Landscape Design
- D6 Historic Environment
- D7 Our Granite Heritage
- R5 Waste Management Requirements for New Development
- R6 Low and Zero Carbon Buildings, and Water Efficiency
- T2 Sustainable Transport
- T3 Parking
- C11 Digital Infrastructure

Other Material Considerations

Aberdeen Planning Guidance

Aberdeen Planning Guidance (APG)

- Development Along Lanes
- Sub-division and Redevelopment of Residential Curtilages
- Transport and Accessibility SG
- Open Space and Green Infrastructure

Other National Policy and Guidance

Managing Change in the Historic Environment: Setting

[Managing Change in the Historic Environment: Setting | HES | History](#)

Historic Environment Policy for Scotland (HEPS)

[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

Other Material Considerations

Albyn Place and Rubislaw Conservation Area Character Appraisal



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100685232-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Halliday Fraser Munro		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Halliday Fraser Munro	Building Name:	
Last Name: *	Planning	Building Number:	8
Telephone Number: *	01224 388700	Address 1 (Street): *	Victoria Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1XB
Email Address: *	planning@hfm.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o agent"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
Company/Organisation	<input type="text" value="Diamond Property Developments"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="planning@hfm.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="SPADEMILL STUDIO"/>
Address 2:	<input type="text" value="SPADEMILL LANE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 4EZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805620"/>	Easting	<input type="text" value="391701"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwelling house with garage, rear boundary wall and associated landscaping

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Statement of Case included in the supporting appeal documents

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

See Appendix 1 of the Statement of Case - list too long to include here

Application Details

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

230759/DPP

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

22/06/2023

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

22/08/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: . Halliday Fraser Munro Planning

Declaration Date: 18/09/2024

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HALLIDAY FRASER MUNRO

CHARTERED ARCHITECTS & PLANNING CONSULTANTS

Statement of Case

SPADEMILL STUDIO APPEAL

(Application Ref: 230759/DPP)

Diamond Developments Limited

Revision P01

Rev	Date	Signed
P01 First Issue	16 Sept 24	SJC

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1. Introduction/The Proposal

Halliday Fraser Munro have been instructed to lodge this appeal on behalf of the applicant Diamond Developments Ltd. The applicant is committed to provide the highest quality new residential development on brownfield sites in Aberdeen which would otherwise sit vacant or underused. This application is no different. They seek to replace an ugly and unused office development with a modern home of a very high-quality design in one of Aberdeen's rear lanes. Planning policy supports rear lane brownfield development and the end result would be an improvement to this area of Aberdeen, both in built form and new green space replacing the existing car park. It will enhance the Albyn Place/Rubislaw Conservation Area. The local community via Queen's Cross and Harlaw Community Council support this application (see Document SS1). The Report of Handling (RoH) incorrectly reported that they had made no comment.

The new house is 2-storeys to the lane with a single storey wing to the rear. The new home will enclose a large garden with the remaining three sides bound by the existing high stone walls and a new 1.8 metre wall to the rear to match. The hedge to the rear will remain and the single storey wing will include a green roof. Car parking is provided within the site (under the building). The rear garden has been designed to offer privacy and security and the house will provide a strong boundary to the lane. Application drawings are included in the Appeal Documents.



Figure 1 - Visual of Proposed House from the garden – Extract from Design Statement (Brown & Brown – Document AD15)

Diamond Developments Limited instructed Brown & Brown to design an exceptional quality contemporary new home to replace the current poor quality office. Brown & Brown are the recipients of several prestigious awards and accolades over the years, including the Scottish Design Awards 'Architecture Practice of the Year', British Homes Awards, House of the Year shortlist, Aberdeen Society of Architects Awards and the Saltire Housing Design Award amongst others. Their work is regularly featured in renowned global publications in print and online as exemplary. Their design approach and well respected designs are exactly the type of development which can make best use of redundant west end sites and highlight the quality achievable on these sites in Aberdeen.

In September 2024 Brown & Brown won the British Homes Award (House of the Year) for their The Arbor House at 9 Westerton Road, Aberdeen (application reference 191470/DPP). The design concept of that house and this proposal are similar as are the proposed finishes and

design detail. British Homes Awards described The Arbor House as a thoughtfully designed and striking low-energy home situated in a conservation area in Aberdeen that transforms an open plot into a private, leafy sanctuary emphasising craftsmanship and design. The Arbor House was designed with sustainability in mind, making use of natural materials and systems to minimise energy consumption. The Arbor House is a perfect example of how a contemporary house, and the Planning Authority taking a welcoming approach to contemporary and good design, can help the image of a city at a local, national and international level. Not only has the development been featured in many design and housing publications but it has also been picked up by the New York Times (see Document SS11). The proposal at Spademill Lane has the credentials to become another award winning housing design that the City can be proud of.

Diamond Property Developments are also award winning developers, having been finalists in numerous awards and winning Best Apartment in Scotland in 2019 and Best Conversion/Renovation in 2019 (Herald Property Awards). Quality development is their key driver and they are currently developing a range of sites in the west end of Aberdeen with the aim of delivering extremely high quality development on redundant sites and underused or vacant buildings. This approach should be supported and will bring life back to the City. Other developments include:

- Spireview (North Silver Street) – quality City Centre apartments
- 78 Queen’s Road – unique townhouse apartments
- 8 Queen’s Road – Boutique Hotel
- Bayview Estate (ex-Grammar Club, Queen’s Road) – luxury apartments

The redevelopment of this site for a contemporary new home is a distinct improvement compared to the existing office building and car park. Having examined the policy basis for this decision we are of the view that planning policies support an approval rather than a refusal. The key deciding factors are related to the present built form and context, the improvement post development and the proposed design approach. Having examined all of these in this Statement of Case we are of the opinion that this appeal should be upheld and the development approved.

1.1 Site and Location

The site is located in Spademill Lane in the west end of Aberdeen. At some point in the past it was separated from number 78 Queen’s Road. It has been a distinct planning unit for many years, separated from 78 Queen’s Road by a high hedge which is to remain as part of the proposed development. The proposal site currently houses a poor quality office development with the remaining ground used exclusively for car parking. There is currently no open space on site.

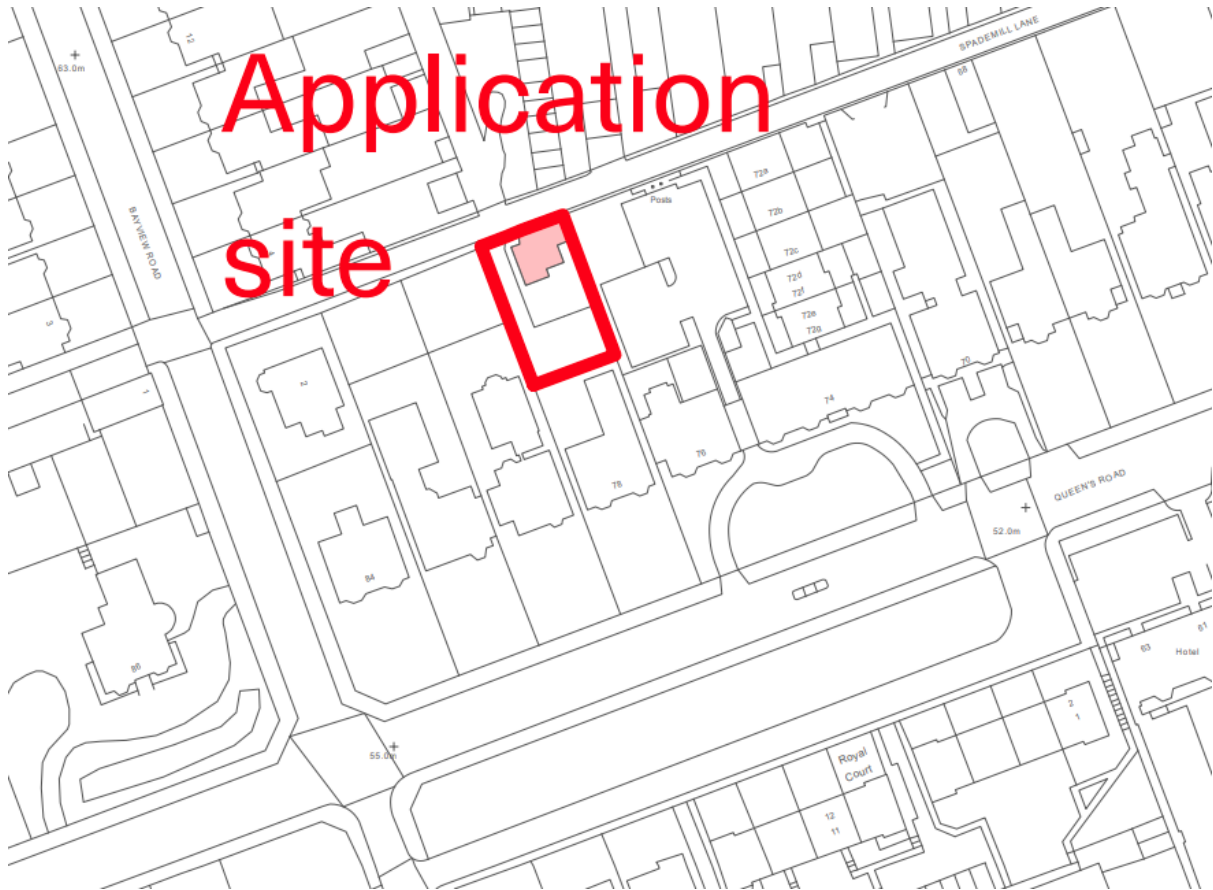


Figure 2 – Extract from Location Plan (AD5)



Figure 3 – Existing Office Building



Figure 4 – Hedge to Southern Boundary

The site is approximately 486 sqm in area with existing high traditional walls to the east and west. These too are to remain. The existing poor quality office has no architectural merit, does not offer any benefit to the Conservation Area, and is proposed to be demolished and replaced with a high quality and modern new home. The car park is to become the garden for the house.

1.2 Reasons for Refusal

The decision notice was issued on 22nd August (Document AD1). All of the reasons for refusal are considered subjective and are not shared by the applicant or their architect. The central key aim of this application is the replacement of a very poorly designed office building and associated parking across the whole site with a contemporary, well-designed home and garden that will enhance the conservation area and its setting. The reasons for refusal stated in the decision, which this appeal strongly disagrees with, are:

- *Level of development is considered excessive by officers – **This is refuted*** - the proposal is for a single housing unit and therefore entirely appropriate for this site and in line with extant policy. This is not a valid reason for refusal.
- *The scale, form and design of the dwelling is considered unacceptable by officers – **This is refuted. There is no absolute criteria in the extant policy or guidance which the proposals categorically can't comply with.***
- *The proposal is not considered by officers to represent an appropriate development informed by the historic context or the original building envelope – **This is refuted – the architect considered the historic and physical context when designing the proposals. The existing building envelope is not relevant given its use and poor quality design.***
- *The development is considered by officers to have an overbearing impact on 78 Queen's Road – **This is refuted*** – 78 Queen's Road and this site have been separate planning units with separate feus for many years. The Planning Service in the recent standalone approval for residential use at number 78 considered it to have acceptable amenity. It did not need the Spademill Lane site to achieve that amenity. Development at Spademill Studio conversely will not impact on number 78. Queen's Road is also a 2.5 storey traditional granite building approximately 12 metres tall. **The development of a 2 storey domestic building onto the rear lane (over 20 metres away) with a single storey extension to the rear will not have an overbearing impact on such a large building.**
- *Not enough external amenity space – **This is refuted – the house has a large garden and other external amenity space, including a green roof. It has plenty of amenity space.***
- *Detrimental impact on the Conservation Area, would not preserve or enhance the immediate area – **This is refuted*** – the existing office is poor quality and the remainder of the site is hardstanding used for car parking. **Replacing the existing office with a contemporary house and garden will have a positive impact on the Conservation Area.**

These will be considered in the following Statement of Case and split into the following key issues.

- Planning Policy Considerations
- Scale, Form and Quantum of Development
- Physical and Historic Context
- Impact on 78 Queen's Road
- Amenity Space
- Impact on the Conservation Area

We note that the Report of Handling (RoH – document SS2) indicates:

- The general principle of housing is accepted (subject to their comments on Criteria 1 and 2 of the H1 policy) and, in principle, the re-use of brownfield sites complies with the aims of national and local land-use policies.
- This is a private curtilage so would not result in the loss of any open space. In fact, it would remove a car park and replace it with garden ground so would increase and improve the quality of open space in this part of the City, albeit private.
- That the APG on Development in Rear Lanes “...provides a ‘design checklist’ **to guide development**” page 7, paragraph 1 (our emphasis on guide – this checklist **is not a rule book.**) and,
- That “... *neither ALDP policy H1 or the Development Along Lanes APG outlines calculations of what is an acceptable level of development...*” page 7, paragraph 2. The key policies relating to this type of development, instead, allow some flexibility and scope for imagination and flair.

As per page 3 of the Report of Handling (RoH) consultees including Environmental Health, Roads Development Management and Waste and Recycling have no objections to this application. **Technically, therefore, the development is acceptable.**

There are also no public objections to this application. **Importantly, and contrary to the Report of Handling, Queen’s Cross and Harlaw Community Council have lodged a letter of support for this application – see 1.3 below.**

Although we recognise that there will be differing opinions on design elements we specifically disagree with some of the statements made in the Report of Handling, specifically:

- Page 7 – the inference that the new building is the same scale as number 78 Queen’s Road to the south of this site. That is not the case and this is considered later.
- Page 7 – only 21% of the current site is developed. That is also considered later but the whole site is developed at present with both buildings and hardstanding car parking.
- Measurements related to the proposed development – the architect has provided overmarked drawings confirming proposed dimensions and heights (Document SS3).

1.3 Community Council Support

The RoH indicates that Queen’s Cross and Harlaw Community Council (QCHCC) had made no comments on this application. **That is not the case.** This application includes an associated Conservation Area Consent (CAC) application (Ref: 240930/CAC) for the demolition of the office building. That CAC application was a requirement of the Council’s Planning Service but is directly linked to the detailed planning application that is the subject to this appeal and includes the same supporting information and plans. QCHCC lodged a representation to that application in support of the demolition and in that representation (being considered by same case officer and prior to the date of decision) specifically stated their support for that CAC application and this appealed detailed application.

The RoH is therefore incorrect in stating that the Community Council made no comment on the detailed planning application. They have in fact directly indicated their support for the proposed development and should be able to participate in this appeal process should they be minded to do so.

The Community Council consultation response (Document SS1) states “*The existing Spademill Studio has passed its time and not fit for use in our ever changing city of old outdated offices. Queens Cross and Harlaw Members **unanimously Support planning application Ref. No :230759/DPP Erection of dwelling house with garage, rear boundary wall and associated landscaping of Spademill Studio Spademill Lane AB15 4EZ.** We believe the proposed new residential home is of high standard and fits in with the other new/redeveloped homes within our area of back lanes. **This new build is an impressive and ambitious project, of which our area needs many more.**”*

There are no public objections to this proposal and the local Community Council have voiced unanimous support. This we believe is a strong material consideration in support of the proposal and should be considered when coming to a decision on this appeal.

1.4 Design Changes

The architect/agent has sought meetings with the planning service to discuss their suggested changes to the originally proposed design. Direct discussions have however been limited and more recent requests for an on-site meeting to examine some of the issues raised was not granted. That’s unfortunate as we are of the view that an on-site meeting would have been especially useful to both understand potential solutions and offer alternative approaches. It would also have been useful to illustrate that the existing office building does not meet the criteria in the APG, particularly that of building depth. During the e-mail exchanges on the application the agent lodged a review of the existing building dimensions (Document SS10) which indicates that the existing building is 11.2 metres deep excluding the chimney stack which extends to the rear.

The applicant has, however, included design changes to go some way towards the amendments requested by the planning service. These are mentioned in the RoH on page 3 but include:

- Reducing the length of the rear single storey extension and removing the rear covered walkway which originally extended across the width of the rear of the plot. This reduces the overall footprint of the house but also stops development before it reaches the rear of the plot, reducing any perceived impact on number 78 Queen’s Road.
- Removing the 3 metre high wall to the rear and introducing a new 1.8 metre high boundary wall to match the existing walls to the east and west of the plot. The hedge will remain;
- Introducing new window openings into the elevation facing onto the lane to improve passive surveillance and overall security of the lane (in line with the requirements of the APG – SS6);
- Stepping in the upper floors to reduce the perceived massing of the building and reflect the requirements of the APG (SS6);
- New additional planting in the rear garden.

Although we note the commentary in the RoH that the planning service does not believe these go far enough we are of the view that the architect’s design does reflect the context of this site and offers a fitting contemporary and high quality design. The design changes above have indicated a willingness to amend the scheme but the changes requested by the planning service in this instance are not considered to reflect the site, or the opportunity it offers for a contemporary design and urban living.

2. Planning Policy Considerations

The Report of Handling and the Decision Notice refer to a number of policies and plans, including National Planning Framework 4 (NPF4), the Local Development Plan 2023 (LDP) and Aberdeen Planning Guidance. It also mentions Historic Environment Scotland Managing Change Guidance. **In our view none of these merit the refusal of this application.**

Document AD2 (Planning Review), lodged with this application examines the policy issues in detail and we refer you to that for additional detailed analysis. In summary the Planning Review found:

- (at Section 1.1) This site and number 78 Queen’s Road have been operating as separate planning units for many years. 78 Queen’s Road recently received standalone consent for the conversion to flats based on the extant site boundaries and the Planning Service, in coming to that decision, found that there was sufficient amenity space, sufficient open space and no impact in the surrounding sites. **That is a self-contained consent and will not be impacted by this development in any negative manner.** The setting and amenity for number 78 is established and will not change especially as the existing hedge is to remain on the northern boundary.
- (at Section 3.1) National Planning Framework 4 (NPF4) is a strategic policy document which does not offer any detailed policy guidance in relation to the proposed development. It does, however, support high quality development in urban areas, compact urban growth and the intensification on brownfield sites. **NPF4 therefore supports the proposed development.** We note the Planning Service comments on this so have elaborated on NPF4 in this Statement of Case.
- (on pages 4-6) Policy D1 – Quality Placemaking does not mention the APG on Development Along Lanes but does seek quality development which meets the six essential qualities of place. The Planning Review (AD2) has examined that policy and the six qualities of place and confirms that **the proposed development complies with D1. It concludes that “It is precisely the type of development that the policy sets out to achieve. It reuses a brownfield site in a highly sustainable location and provides a high-quality design approach to complement the surrounding context.”**
- (on pages 6-9) On the APG Development Along Lanes the Planning Review has examined the policy intent and the checklist guidance (note that it is guidance and not absolute requirements). On the general purpose of APG the Local Development Plan indicates that these are for “information and advice.” This specific APG encourages development along rear lanes and offers 19 points of guidance. **These are reviewed in section 3.4 of the Planning Review (AD2) but concludes that the proposals can be considered to comply with all 19. Specifically the APG supports “responsive contemporary design” in the historic context.**
- (on pages 7-9) The Planning Review considers the APG checklist guidance. We would refer you to these pages in AD2 but these have also been included in Appendix 2 for convenience. In essence though, the proposal is considered to:
 - Have considered the historic and surrounding context (see the Heritage Statement lodged with the application - Document AD3);
 - Form a strong boundary edge and maintains a sense of enclosure;
 - Have been designed to benefit from solar gain with south facing rooms;
 - Have conducted the requisite surveys;

- Incorporate the original boundary walls;
- Improve the amenity of the neighbouring buildings;
- Be in line with the guidance in that it builds across the entire feu to create the security need for the proposed residential users;
- Be no more than 2 domestic storeys in height and although it exceeds a notional guidance height (which we question in the review) is still in line with other contextual buildings along the lane;
- Reflect the existing built context along the lane (note that the existing office is approximately 10m deep);
- Reflect the need for a robust ground floor public elevation;
- Have a clearly defined and secure pedestrian access;
- Provide an attractive level of low maintenance hard and soft landscaped areas;
- Comply with daylight and sunlight needs;
- Include a canted (stepped in) upper floor to reduce visual impact (note that the current office is stepped out into the lane);
- Introduce natural surveillance onto the lane with new openings; and
- **Overall – suggests that the APG should not be used as a reason for refusal.**

2.1 National Planning Framework 4

In response to points set in the Planning Service Report of Handling (RoH) - NPF4 is a high level strategy document which sets out a number of policy intentions and outcomes as well as the policies themselves. These policies do not include specific detail or specific design criteria so are not applicable to the detailed elements of proposals. They are more related to the principle of development. NPF4 supports the reuse of brownfield sites, provision of modern and flexible housing development, urban intensification as a means of sustainable development and locating new homes in areas that can access existing services and facilities (localism and the 20-minute neighbourhood concept). **None of NPF4 suggests that this development should be refused and in fact the key policies and their policy intent and outcomes would support the proposed development.**

2.1.1 Applying NPF4 Policy

NPF4 is a single strategy document which forms part of the Development Plan but it should be read as a whole to allow balanced decision making. The Scottish Government recognise that policy conflicts are inevitable and anticipate that Planning Authorities are able to take decisions that are not necessarily in line with every policy. Individual policy elements shouldn't be picked out and used as reasons for refusal without a corresponding balanced review of how a proposal meets the overall objectives and requirements of other policies. NPF4 therefore supports a balanced planning process. This is especially important in decision-making on planning applications as set out by Scotland's Chief Planner in their letter of February 2023 (Document SS4) on how to interpret and apply the policies of NPF4.

In that letter the Chief Planner reinforces that *“Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise”* and that ***“planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.”***

That also state “*It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. **Factors for and against development will be weighed up in the balance of planning judgement.***”

The policies of NPF4 are not designed to be applied individually or at a detailed design level. We are therefore of the view that using the NPF4 policies referred to in the Decision Notice and Report of Handling is not appropriate and does not reflect NPF4 as a whole.

The refusal notice specifically mentions Policy 7 and 14 of NPF4. We have examined these and do not believe that these are defensible or valid reasons for refusal.

2.1.2 Policy 7 Historic assets and places (included in Document SS5- NPF4 Extracts) sets out its policy intent “*To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places*” and policy outcomes to value the historic environment, protect and enhance it, support the transition to net zero and ensuring resilience to impacts of climate change.

Replacing a poorly designed office with the proposed contemporary, high quality and modern energy efficient house meets those policy intentions. The new house will have a positive impact on this part of Aberdeen when compared to the existing situation.

The policy itself (part 7a) requires a statement of impact on historic assets (as lodged with the application – Document AD3).

Part 7b) and c) relate to the demolition or re-use of listed buildings and does not apply here as the existing office is not listed.

Part 7d) relates to the development in Conservation areas, indicating that proposals will be supported where “*the character and appearance of the conservation area and its setting is preserved **or** enhanced.*” Note the highlighted “**or**” in Policy 7d). NPF4 policy 7 only requires that conservation area setting be preserved and not enhanced. However, in this case we would argue that the conservation area setting will be significantly enhanced as a result of the development and the existing poor quality office removed. The Community Council letter of support confirms that is also their view.

Part 7e) requires that existing natural and built features are retained. The proposal retains the existing boundary walls and the hedge to the rear of the site. Some trees are being removed but these need to be removed as they have been identified as poor quality and their removal and direct replacement has been agreed with the Planning Service and the tree officer.

Part 7f) relates to the demolition of buildings in conservation areas which make a positive contribution to its character. The existing building does not make any positive contribution therefore this part of the policy does not apply.

Part 7g) is a procedural issue relating to when Conservation Area Consent should be issued so is not relevant to this appeal.

The remaining parts h-o of Policy 7 do not apply to this application.

NPF4 Policy 7 is therefore not a valid reason for refusing this application. We would argue instead that it supports the proposal by virtue of its compliance with the relevant parts of the policy as set out above.

2.1.3 Policy 14 - Design, quality and place (See extract in SS5) includes a policy intent to “*encourage, promote and facilitate well designed development*” and taking a design-led approach. The policy outcomes are stated as: “*Quality places, spaces and environments; Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.*”

Design is a subjective issue but it’s quite clear that the proposed development is a well-designed development which meets the tests for quality places.

Part a) of policy 14 requires well-designed development and part b) supports development which is consistent with the six qualities of successful places. Part c) indicates that poorly designed development that is detrimental to the amenity of the area or is incompatible with the six qualities of a successful place should not be supported. The reasons for refusal as stated by the Planning Service in their decision notice, however, has linked Policy 14 with the historical context when that issue should really be considered under Policy 7 (set out above).

As stated previously, the 6 qualities of a successful place have been examined in the Planning Review (Document SS2, pages 4-6) and found the proposal to contribute to all 6. This is not a poorly designed development by any means. NPF4 Policy 14 is not a valid reason for refusal for the reasons set out here, backed up by the analysis in the Planning Review.

2.1.4 Other NPF4 Policies

As indicated earlier it is NPF4 as a whole which should be applied to planning decisions. In mentioning only a few policies, the Planning Service excludes some key policies which support the development and the overarching spatial principles of NPF4. These include (see extracts in Document SS5):

The Overarching Spatial Principles (page 4 of NPF 4)

- *Just transition - empowering people to shape their places and ensure the transition to net zero is fair and inclusive.* The Community Council have lodged a letter of support for this application and have made it clear in separate communication with the architect that they wish to see more regeneration and development of this type in this area of the City.
- *Conserving and recycling assets – to make productive use of existing buildings, places, infrastructure and services.* The existing building is poor quality and replacing it with a modern house will have a long-standing and more positive outcome than retaining it. The proposal makes best use of this brownfield site and the existing infrastructure.
- *Local living – to support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.* The location perfectly meets these requirements.
- *Compact urban growth – to limit urban expansion and optimise the use of land.* Again the proposal perfectly meets these requirements.

By applying these spatial principles, the national spatial strategy aims to support the planning and delivery of:

- *Sustainable places*, where we reduce emissions, restore and better connect biodiversity;
- *Liveable places*, where we can all live better, healthier lives; and
- *Productive places*, where we have a greener, fairer and more inclusive wellbeing economy.

We are of the view that this proposal will contribute to all 3 of these.

Page 6 of RoH mentions **Policy 16 – Quality homes** but suggests no evidence has been provided to show how the proposal complies with that policy. It's quite simple. This proposal will deliver more quality and sustainable homes, even if it's only the one. Policy 16 includes the policy intent to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. Policy 16 is not aimed at one housing sector only and instead promotes good quality housing in sustainable locations.

In terms of policy outcomes it encourages:

- Good quality homes are at the heart of great places that contribute to strengthening the health and wellbeing of communities. It's worthwhile noting the Community Council response in this respect.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure and,
- More energy efficient, net zero emissions homes, supporting a greener, fairer and more inclusive wellbeing economy and community wealth building.

Clearly one house can't tackle all of these issues but it does provide a modern, energy efficient new home which is welcomed by the local community and should be supported.

Policy 15 Local Living of NPF4 (included in Document SS5) supports and encourages localism and specifically proposals which contribute to local living with good interconnectivity to the surroundings area using public transport, walking, cycling to access employment, shopping, health and social care facilities, childcare, schools and recreational areas. This site is perfectly located to access everyday needs by non-car modes and will contribute to and is therefore supported by Policy 15.

2.1.5 NPF4 Conclusions

Overall NPF4 is not considered to be justifiable reason for refusal. It has been used as a generic justification for refusal by the Planning Service which is not its intention. NPF4 supports the principle of brownfield urban development, densification in urban areas and new homes close to services and facilities. **This site reflects all three of those key principles and, as a result, we are of the view that NPF4 is a reason to support the proposal.**

3.0 Aberdeen City Local Development Plan (LDP) 2023

The 2023 LDP is the key policy document relating to development decisions in the City. It contains policies and references Aberdeen Planning Guidance (APG) but also contains conflicting policies requiring a balanced decision making process. Our view is the LDP does support the proposed development albeit it may not comply with every piece of guidance in the plan or associated documents. No application ever will. In this case, however, we are of the view that the proposal complies with the majority of policy tests and guidance. These have been examined in depth in the Planning Review lodged with the application (Document AD2). Further analysis or reference to that is included below.

The RoH mentions Policy H1 Residential Areas (the site falls within that zoning), suggesting that the principle of residential use in these areas is acceptable subject to certain tests. These are shown in the policy extract below/over. On these:

1. *Over-development* – the ROH states on page 7, paragraph 2 that neither ALDP policy 1 nor the relevant APG on Development Along Lanes includes any guidance on the calculations of what is an acceptable level of development for the type of development proposed. Defining “*over development*” is therefore a matter of opinion rather than fact. **We are of the view that the proposal is not over-development. This is examined further in sections 3.1 and 3.3 of this statement but in summary the house has been designed to make best use of the site and still provide a substantial garden and amenity area. It therefore makes best use of a brownfield site in a highly sustainable location.**

The RoH also mentions the APG on the Sub-Division and Redevelopment of Residential Curtilages as alternative guidance on the extent of site to be developed. **We would suggest that does not apply here.** That APG specifically relates to subdividing residential feus. As there is a specific APG on Developing in Rear Lanes that should take precedence and planning decisions should not be based on the content of guidance not directly related to the type of development being proposed. The APG on Developing on Rear Lanes (Document SS6) quite rightly considers the context rather than applying a specific development coverage. However, if the Planning Service was to continue to apply the APG on Sub-Division of Residential Curtilages then it also includes many other policy provisions which may support this proposed development. These have not been considered in the analysis set out in the RoH. The APG on splitting residential feus is not a reason for concluding that the proposal is over-development. Comments on the scale of amenity space is covered later.

2. *Does not have an adverse impact in the residential amenity or character or appearance of the area* – again these are matters of opinion and are subjective. The existing vacant office development is of a poor design and the rest of the site is a car park (For noting the building is not subject of a live commercial lease so is effectively empty). **The proposal, on the other hand, will have a positive impact on the residential amenity, character and appearance of Spademill Lane. This is a point recognised by the Community Council in their comments.**

3. *Does not result in the loss of open space* – the RoH already recognises that it doesn't and therefore complies with this element of the policy.

The proposal then fulfils all three requirements to be acceptable under this policy. **Policy H1 is therefore considered to support the proposal and the principle of housing on this site.**

Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential and householder development will be approved in principle if it:

1. does not constitute over-development; and
2. does not have an adverse impact to residential amenity and the character and appearance of an area; and
3. does not result in the loss of open space.

Within existing residential areas, proposals for non-residential uses will be supported if:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

3.1 Scale, Form and Quantum of Development

The RoH makes much of the scale of development in relation to the scale of the existing office development. These are not comparable uses so they are not comparing like for like. An office requires car parking associated with the number of employees working within it. The scale of building to car parking, and therefore site area, is therefore much lower i.e. less building and more car parking in order that the site can accommodate both. For a house, the parking requirements are substantially lower meaning that the site can be used much more efficiently with the scale of building to overall site area higher while still maintaining enough space to create good amenity and create a quality development.

The APG on Development in Rear Lane does not set out a specific ratio for development on brownfield sites and instead allows the context and design to be considered in coming to a decision. The RoH mentions the APG on Subdivision of Residential Curtilages and uses that as justification for the decision. We have indicated previously why that APG is not relevant. Even if it was that APFG also contains a range of other criteria that are met by this proposal including:

- *At section 2.7 that garden ground in rear gardens of houses up to two storeys in height should have an average length of at least 9 metres and dwellings of more than 2 storeys should have garden lengths of at least 11 metres. **This proposal's garden is approximately 21.5 metres deep and 10.5 metres wide. This suits the scale of the proposed house.***
- *Garden ground should be conveniently located immediately adjoining residential properties, be in a single block of a size and layout to be usable for sitting out and have an acceptable level of privacy and amenity. **This proposal positions the garden to the rear immediately adjacent to the house with good privacy and amenity.***
- *Rear garden grounds should be enclosed by solid fences or walls of at least 1.8 metres in height in order to ensure security and privacy, details of which will be secured through the evaluation of the application or via condition. **This application uses the existing***

boundary walls and introduces a new boundary treatment to the rear reflecting this requirement.

These criteria are only included above to illustrate that there are many factors which planning policy and guidance seek in new development. The proposal satisfies the majority of these. The proposed house fits physically and contextually within the site, replaces a poorly designed/poor quality office development and improves the amenity and character of the Conservation Area. Its garden is larger than the average garden for a 4-bedroom house, creates the amenity and privacy required by planning policy and guidance, and overall reflects the requirements of the APG on Development in Rear Lanes.

The open space/green space associated with the development includes the following:

Type	Area (approximate)	Usable/Amenity
Garden Ground	210 sqm	Usable
Green Roof/planted boundary to south	126 sqm	Amenity
Open Terrace (1 st Floor)	12 sqm	Usable
Pedestrian access/Open Space for car parking (under building)	50 sqm	Usable
Total Usable	272 sqm	
Total Amenity	126 sqm	
Total	398 sqm	

Of the total site area the careful design and inclusion of a green roof can therefore deliver over 80% of the site area as open space or green amenity space. Even excluding the green roof it can achieve over 60% open space coverage. Basing a planning decision on a simple calculation of site coverage of the built element does not take account of the overall proposal.

3.2 Physical and Historic Context

The Planning Review (AD2) also considered the physical and historic context of the site and Spademill Lane. We refer you to the contents and appendices of that document for more detail. It found that:

“Spademill Lane is not a typical rear lane. It tends to feel slightly wider than other City lanes and with many more rear lane buildings fronting onto it. A review of the depth of buildings fronting it indicates an average depth of around 12 metres. Residential uses have a range of building depths between 13 metres and almost 43 metres. Garages that front onto the lane range from just under 7 metres to 19.5 metres. 87.5% of the rear lane buildings are greater than 7 metres in depth.

Applying a maximum 7 metre depth for new development would therefore run contrary to the existing context in this particular rear lane. In saying that, however, the main 2-storey element of the proposed design is approximately 7 metres deep. This is the only element of the building visible from the lane and appears from the lane as a 7 metre deep 2-storey contemporary

building and therefore meets the aims of the guidance. The remaining single storey element sits behind an existing traditional boundary wall and is hidden from view.”

Details and analysis of the character are included in the Planning Review lodged with the application and included as Document AD2 in this appeal.

The RoH disputes some of these findings but we remain of the view that Spademill Lane does have the character or “feels” wider than other lanes in the City and that the proposed development does complement the surrounding context. We dispute the suggestion that Spademill is only 5 metres wide as it varies along its length with some sections opening up to almost 10 metres wide at site entrances. However, the character of an area is related to how it feels and in this case debating exactly how wide a lane is not the point. The decision should be whether the proposed development improves the character of the lane and the Conservation Area.

Page 9 of the RoH suggests that there are only 3 rear lane developments that are relevant to this proposal on the south side of the lane. We disagree. It is the whole lane context which is important. In any event two thirds of those examples chosen by the Planning Service are greater than 7 metres deep. The suggestion that as some of these were consented in previous policy regimes means they are of no relevance to this decision is absolutely not the case. Built form and context is what is currently built regardless of when and how that decision was taken. We therefore refer to the Planning Review content and appendices in respect of a fuller review of context.

We have also included an extract from Google Maps Aerial photos showing the site in context (Document SS7). It’s quite clear from that image that the 2 plots to the west have large extensions to the rear of the historic villas, the plots to the east have been amalgamated and have a very large extension running the length of the rear garden and plots eastwards of that have many and varied rear extensions and rear lane buildings. The northern boundary of the lane is almost continuously built up (buildings and high walls) with development either almost the width of some of the feus (and deeper than 7 metres) and a house (The Cottage located 130 metres to the east of this site) extending over more than the width of a single feu. The context here then is one of a range of building forms along the lane. That context does not support the approach being taken by the Planning Service in their refusal of this application. In our view the proposed development has considered this varied context and offers an excellent solution to achieve the required residential amenity for the residents as well as improving the character of the Conservation Area.

3.3 Impact on 78 Queen’s Road

78 Queen’s Road and this site have been separate planning units with separate feus for many years. The Planning Service in the recent standalone approval for residential use at number 78 considered it to have acceptable amenity (Document SS8– 78 Queen’s Road Report of Handing extract). It did not need the Spademill Lane site to achieve that amenity. Development at Spademill Studio conversely will not impact on number 78.

Queen’s Road is a 2.5 storey traditional granite building approximately 12 metres tall. The development of a 2 storey domestic building onto the rear lane (well over 20 metres away) with a single storey extension to the rear will not have an overbearing impact on such a large

building. That is especially the case as the rear hedge of number 78 is being retained and a 1.8 metre new wall, or equivalent boundary, is proposed.

The architect has annotated the application drawings (Document SS3) with the actual heights to assist with this appeal. Page 10 of the RoH, paragraph 2 suggests some estimated heights which are incorrect. The architect's annotated drawings illustrate the following accurate measurements:

- Ground floor depth (2 storey element) – 7.01 metres
- Upper Floor depth (2 storey section) – 6.74 metres (to open terrace) to 7.94 metres maximum
- Single Storey rear wing depth – 20.07 metres
- Building width (at lane) – 16.48 metres
- Building width (rear wing) – 6.18 metres
- Building height to eaves (westmost) – 4.95 metres
- Building height to eaves (eastmost) – 5.6 metres
- Building height to ridge (highest element) – 7.01 metres
- Garden width (16.48 metres – 6.18 metres) – 10.3 metres
- Garden Depth – 21.87 metres
- Green Roof – 106.93 square metres

We note the comments on the proposed rear boundary wall in the RoH page 11, paragraph 4. When the revised plans were lodged the agent offered to discuss that element should it be of concern. The Planning Service did not take up this offer but it remains an element which could be changed should that be considered worthwhile.

We would also refute the statement on page 7 of the RoH that the proposed house will be of a similar size as number 78 Queen's Road. This is an overstatement of scale. Number 78 is a 2.5 storey traditional large villa approximately 12 metres tall. This proposed single house has a footprint of 230sqm (see plans in SS3 – and not 255 sqm as suggested in the RoH) but arranged as a 2 storey element to the north (max. 7.01 metres) and a single storey extension to the rear closest to number 78. Even assuming the footprint suggested for number 78 in the RoH of 242 sqm (which we believe is too low) the overall floorspace over 3 floors will be around 2.5 times each floor i.e. 242x2.5 equalling 605 sqm and incorporating three large apartments. In contrast the proposed house has an overall floor area on only 257.6 sqm arranged in such a way to reduce or remove any potential impact on number 78. These are not buildings of a similar size or scale and the massing is substantially different.

Any impacts on the setting of number 78 Queen's road will be positive by removing the ugly office and site-wide car parking and replacing it with a quality contemporary home and garden.

This application did not need listed building consent. Historic Environment Scotland (HES) has also responded to the CAC application (Document SS9) re the demolition of the existing office and have made no comment. We note the Planning Service has briefly mentioned HES document Managing Change in the Historic Environment: Setting. That document does not set out to stop development but to encourage it to consider its setting in context, particularly the impact of the change on the setting of a historic building. In this case the change is for the better and has been considered extensively in preparing the proposals.

3.4 Amenity Space

The proposed house has a large garden and other external amenity space, including a green roof. The garden is over 20 metres deep and 10 metres wide. The building also incorporates a covered terrace at first floor level and a green roof covering the extent of the single storey wing, There is therefore plenty of amenity space for the proposed house.

3.5 Impact on the Conservation Area

The existing office is poor quality design and the remainder of the site is hardstanding used for car parking. Replacing the existing office with a contemporary house and extensive garden will have a positive impact on the Conservation Area. The RoH on page 10, paragraph 5, recognises that the upper floors have been stepped in from the original proposals and that has helped with massing, the development has a robust appearance which is contemporary in design which “*in one sense*” meets design checklist criteria. We are of the view that the new proposal is a significantly better design solution for this site than the view presented by the planning service. Our view is echoed by the Community Council in their letter of support.

The proposal is considered to have a positive impact on the Conservation Area.

4. Statement of Case Conclusions

This Statement of Case has considered the reasons for refusal set out in the decision notice and the Report of Handling. It has concluded that the reasons set out do not constitute and overriding justification for the refusal of this application. In examining the key policy elements we have found:

- The proposal complies with national policies for the reuse of brownfield sites, urban development and the location of new homes in accessible locations close to services and facilities;
- The proposal is also be considered to comply with Local Development Plan Policy H1 as it is located in an H1 zoning and meets the three criteria within that policy in that it does not constitute over-development, does not have an adverse impact on amenity or character (it will in fact have a positive impact) and does not result in the loss of open space. The principle of a single house on this site is therefore supported by the H1 policy;
- The proposal also complies with the substantial majority of the guidance in the APG on Developing in Rear Lanes. That guidance does not set out a scale of acceptable development and instead requires consideration of context when developing designs for such sites. In particular the proposal can be considered to comply with the APG checklist guidance (see appendix 2). APG is guidance and allows for imagination and design flair – it is not a set of strict rules;
- The house and large garden are suited to a site of this scale, location and context and the design approach is of an extremely high standard. A very high level of amenity will be provided by locating the house onto the lane and the enclosed garden;
- It will not impact unduly on the neighbouring C listed building at 78 Queen’s Road and cannot be considered to have an overbearing impact. That building is being

redeveloped at present from offices into three flats and has recently been granted a standalone consent. The two plots have been operating as separate entities for many years. This proposal will replace the poorly designed office and car park to the rear with a contemporary high quality house and garden. It will have a positive impact;

- Similarly the high quality design approach will have a positive impact on the Conservation Area and constitutes an enhancement where the policy only requires that the character and amenity be maintained; and
- There are no public objections to the application, the technical consultees have no objections and the Queen's Cross and Harlaw Community Council have responded to this application indicating their unanimous support for the proposals.

Overall, we are of the view that this application will be a positive development for the City and is exactly the type of development that should be supported to help bring outdated and redundant sites back into active use, with the associated benefits of supporting local services. This view is supported by the comments of the Community Council. We therefore request that this appeal is upheld and consent granted.

Appendix 1 – Appeal Documents

Application Documents

- AD1 – Aberdeen City Council Decision Notice dated 22nd August 2024
- AD2 – Planning Review (Halliday Fraser Munro)
- AD3 – Heritage Statement (Brown & Brown)
- AD4 – Application Form
- AD5 – Location Plan (Brown & Brown)
- AD6 – Existing Elevations and Site Sections (Brown & Brown)
- AD7 – Existing Site Plan (Brown & Brown)
- AD8 – Proposed Site Plan (Brown & Brown)
- AD9 – Proposed Ground Floor Plan (Brown & Brown)
- AD10 – Proposed First Floor Plan (Brown & Brown)
- AD11 – Proposed Roof Plan (Brown & Brown)
- AD12 – Proposed Elevations 01 (Brown & Brown)
- AD13 – Proposed Elevations 02 (Brown & Brown)
- AD14 – Proposed Site Section (Brown & Brown)
- AD15 – Design Statement (Brown & Brown)

Other Documents Referred to:

- SS1 – Queen’s Cross and Harlaw Community Council letter of support
- SS2 – Aberdeen City Council Report of Handling (RoH)
- SS3 – Annotated application drawings (showing measured dimensions) (Brown & Brown)
- SS4 - Chief Planners letter dated February 2023
- SS5 – NPF4 extracts
- SS6 – APG Developing in Rear Lanes
- SS7 – Extract (Google Maps) Showing Context
- SS8 – Report of Handling Extract – 78 Queen’s Road (Aberdeen City Council Planning Service)
- SS9 – Historic Environment Scotland Response to Conservation Area Consent Application
- SS10 – Existing Building Dimensions
- SS11 – New York Times Article on The Arbor House, Aberdeen

Appendix 2 – Planning Review Extract – APG Development Along Rear Lanes checklist review

1.1 APG – Checklist Guidance

The Development Along Lanes APG (2023) sets out guidance on the development along existing and new lanes. It suggests that development should:

a) Look to the historic context in terms of footprint, orientation, walls, entrances and other features.

In this instance the context on site is the relatively recent existing 2-storey hipped roof office building, which has no design merit, set within the original walls that run north-south along the edges of the feu and an access point on the west of the site. **The proposed design has considered that context as well as surrounding context.** This is covered further in the Design and Conservation statements prepared by the architect.

b) Form a strong boundary to the edge of the lane and maintain a sense of enclosure and define the curtilage.

The proposals meet this requirement, with a strong boundary edge and a clear sense of enclosure that helps create the residential amenity required for the proposed use.

c) Have regard to solar orientation and design in maximum passive solar gain.

The orientation of the feu is such that the lane side is north facing and the garden is south facing. The design has been developed to maximise that south facing aspect and maximise passive solar gain. **This criteria is therefore satisfied.**

d) Ensure a tree survey is carried out for trees within 15m of the site.

A tree survey has been prepared. No trees outside of the site will be impacted and any trees impacted within the site will be replaced as part of the site landscaping.

e) Recognise the role of trees in new development and ensure that appropriate tree species are chosen.

This will be the case and could be subject to a condition should the application be supported. Alternatively a replanting schedule can be prepared for agreement. **This criteria can easily be satisfied.**

f) Respect the built environment context by incorporating existing original boundary walls.

The proposal does this.

g) Not prejudice the amenity or servicing of adjacent property.

The proposal sits within its own planning unit, previously used as office space and associated car parking. It offered no amenity or servicing value to adjacent properties. This new proposal will introduce a garden where car parking used to be and a new quality development incorporating green roofs, instead of the existing inferior quality office building. **It will not prejudice amenity or servicing of adjacent properties.**

h) Be built across the entire feu width, or most of the feu width to maintain the sense of enclosure of the lane.

The proposal is built across the width of the feu for two reasons. The first is to maintain the sense of enclosure in the lane as per the policy requirements. At ground floor level the car port/garage approach offers the opportunity for good vehicular access off of the lane and glimpses into the site during the day. It also offers a clear sense of enclosure and security for

those living in the property. If the building didn't extend the full width of the feu it would still need a gate across the remainder to create the level of security required for residential use in a rear lane. Residential uses accessed from Spademill Lane generally have secure boundaries. **This proposal therefore meets the requirements of part h) and supports the amenity and security of the property for residential use.**

i) Be no more than two domestic storeys in height and be equal or less than 5.6 metres to the ridge line from the ground floor level in order to maintain a traditional domestic height and scale.

The proposal is no more than two domestic storey. **It therefore complies with the first part of this policy.**

The 5.6 metre to ridge line though is an unrealistic figure to aim for. Current building control and energy efficiency standards require new homes to be energy efficient and well insulated. Floor to ceiling heights are generally at least 2.4m excluding foundations and intermediate floor build outs which could add a further 0.3m to 0.5m across two floors. These elements alone create a building between 5.1m and 5.3m in height to the eaves and leaves only 30cm to 50cm for a well-insulated pitched roof. On a sloping site such as that on Spademill Lane the overall height will differ across the site. Applying a strict maximum height therefore introduces restrictions that compromise the potential quality and buildability of new housing in rear lanes. Where the built context is clearly that of low level buildings along a lane there may be some merit in trying to achieve a modern equivalent. On Spademill Lane, however, that isn't the case. Contextual analysis of the range of rear lane buildings suggest an average depth of just over 12 metres with existing office and residential mews buildings around 5.7 to 7.3 metres in height immediately adjacent to the lane. The proposal reflects that context with the main building onto the lane approximately 7 metres deep and ranges between 5.2 metres adjacent to the lane to 7.5 metres in height. The highest part of the roof is set back approximately 4.2 metres from the edge of the lane and will therefore have substantially less impact than had it been adjacent to the lane. The building form adjacent to the lane is no higher than approximately 5.6 metres.

See table and plan in Appendix 1 and 2 for contextual analysis

j) Be no deeper than 7 metres in order to maintain a relatively narrow footprint in keeping with traditional mews.

Spademill Lane is not a typical mews lane. It tends to feel slightly wider than other City lanes and with many more rear lane buildings fronting onto it. A review of the depth of buildings fronting it indicates an average depth of around 12 metres. Residential uses have a range of building depths between 13 metres and almost 43 metres. Garages that front onto the lane range from just under 7 metres to 19.5 metres. 87.5% of the rear lane buildings are greater than 7 metres in depth.

Applying a maximum 7 metre depth for new development would therefore run contrary to the existing context in this particular rear lane. In saying that, however, the main 2-storey element of the proposed design is approximately 7 metres deep. This is the only element of the building visible from the lane and appears from the lane as a 7 metre deep 2-storey contemporary building and **therefore meets the aims of the guidance**. The remaining single storey element sits behind an existing traditional boundary wall and is hidden from view.

k) Have a ground floor public elevation with a robust appearance, with appropriate materials, to reinforce the sense of enclosure of the lane with a defensible edge to the property.

The proposal has a ground floor robust public elevation that reinforces the sense of enclosure of the lane and provides the new house with defensible edge. **That is a clear aim of the design approach and meets the requirements set out in k).** Materials have been chosen carefully to reflect the context and create a contemporary home but if there are any concerns with the materials then these can be discussed and potentially amended.

l) Have a clearly defined and secure pedestrian access to/through the mews to a private courtyard.

It does and therefore complies with this requirement.

m) Provide an attractive level of low maintenance hard and soft landscaped amenity space incorporating a drying green/courtyard.

It does and therefore complies with this requirement.

n) be capable of fulfilling necessary daylight and sunlight needs to habitable rooms.

The design has been established to offer south facing and light-filled accommodation to habitable rooms. **It therefore complies.**

o) Consider the practical supply and servicing of the site (water, sewerage bike storage).

Easily complies.

p) Consult with the Council's Waste Management Team.

The Council's Waste Management Team have responded to the application setting out requirements. **There are no issues complying with these.**

q) Be sited off a lane that is adopted by Aberdeen City Council

Complies.

r) Have an upper floor of a stepped or canted form to reduce any potential over-bearing to the lane and to allow for architectural expression.

The revised drawings now step the first floor in. This is in stark contrast to the existing office building which projects into the lane at first floor level. The proposed new design is a substantial improvement on the existing. Context photographs show that (see Appendix 3).

s) Provide for natural surveillance across the lane without compromising the privacy of habitable rooms in nearby residential properties

Additional openings have been added to the northern elevation to improve natural surveillance. There are no residential properties impacted as a result. **The proposed design complies with this requirement.**

The above review of the APG criteria identifies that the proposals can be considered to comply with all criteria. The APG then shouldn't be a reason for refusal.

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Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	46 Marischal Street, Aberdeen, AB11 5AL
Application Description:	Replacement of external door with flood mitigation door
Application Ref:	240300/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 March 2024
Applicant:	Scottish Water
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application property is a category 'B' listed building, situated within the City Centre Conservation Area. The 3-storey and attic, 3-bay town house, forms part of a terraced row of properties, and dates back to circa 1789 and 1821. The application building has 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 is five storeys in height, with irregular fenestration and a pair of tripartite, canted piended dormers. There is an existing timber door at ground floor level on the rear elevation of the building to Theatre Lane.

The application property adjoins 48 Marischal Street to the north and 56 Marischal Street to the south.

Relevant Planning History

- 240299/LBC – 46 Marischal Street - Detailed planning permission for the replacement of external door with flood mitigation door; Pending determination in conjunction with this listed building consent application.
- 240301/LBC – 48 Marischal Street – Listed building consent for the replacement of external basement door with flood mitigation door. Pending determination.
- 240302/DPP - 48 Marischal Street – Detailed planning permission for the replacement of external basement door with flood mitigation door. Pending determination.

- 240298/LBC – 12, 12a Virginia Street – Listed building consent for the replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused; 28th June 2024
- 240297/DPP – 12, 12a Virginia Street – Detailed planning permission for the replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused; 28th June 2024
- 240294/DPP - 24 Virginia Street – Detailed planning permission for the replacement of external doors with flood mitigation doors – Refused; 28th June 2024.
- 240296/DPP - 22 Virginia Street – Detailed Planning permission for the replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused; 28th June 2024.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is 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 hinged 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 are proposed by Scottish Water in order to provide mitigation against sewer flooding on Theatre Lane, which they advise occurs on an increasingly frequent basis due to climate change, and has seen the building's interior flooded in recent years.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SA1DTUBZL0V00>

- Design and Access Statement

CONSULTATIONS

Castlehill and Pittodrie Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H2 (Mixed Use Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)

Aberdeen Planning Guidance

- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Doorways

Other Material Considerations

- City Centre Conservation Area Character Appraisal

EVALUATION

Necessity of the proposed works

The applicant, Scottish Water, advises that the proposed replacement door is required in order to provide protection to the building's interior from sewer flooding on Theatre Lane, which has occurred a number of times in recent years and they advise is likely to increase in frequency in the future, due to climate change.

SEPA's flood hazard maps show that the section of Theatre Lane, to the rear of the building at no. 46 has a medium likelihood of surface water flooding (1 in 200 years, without taking into account climate change). As such, the Planning Service does not dispute the applicant's claim that some form of flood mitigation / protection is required.

The existing door is a non-original dual-leaf unit of timber construction, without any incorporated flood prevention measures. It is proposed to replace the existing door with a steel-reinforced unit with uPVC external facings. The applicant advises that the proposed door would provide enhanced protection for the building from any future flooding on Theatre Lane.

Criterion c) of Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4) states that: *'development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported'* whilst the intent of Policy 22 (Flood Risk and Water Management) of NPF4 is: *'To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.'*

The necessity of the proposed works, to provide enhanced flood protection for the host building and therefore also ensure its long term viable use, is thus considered to be acceptable in accordance with the aims and intent of Policies 2 and 22 of NPF4. However, assessment of the proposals against various other relevant policies of both NPF4 and the Aberdeen Local Development Plan 2023 (ALDP) are required, in order to ensure that the proposed works would be of an appropriate design that would either preserve or enhance the historic environment and the character and amenity of the surrounding area.

Mixed Use Areas

In terms of the Aberdeen Local Development Plan 2023 (ALDP), the application site is located in a mixed-use area under Policy H2 (Mixed Use Areas).

Applications for development in mixed use areas must take into account the existing uses and character of the surrounding area, and avoid direct conflict with the adjacent land uses and amenity.. The proposed works would comprise of minor physical alterations to the existing building with no change of use proposed. The potential impact of the proposed works on the character of the surrounding area (including the City Centre Conservation Area) is assessed below. Due to the nature of the works, there would be no adverse impacts on the amenity or viability of any neighbouring or nearby uses.

Design, impact on the historic environment and the character of the area

Policy Context

Policy 14 (Design, Quality and Place) of NPF4 expects development to be designed to be consistent with the six qualities of successful places and to not have an adverse impact on the amenity of the surrounding area. To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking) of the ALDP. This policy expects all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place.

Policy 7 (Historic Assets and Places) of NPF4 would only support development proposed in the conservation area where the character and appearance and its setting is preserved or enhanced. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Turning to the ALDP, Policy D6 (Historic Environment)

expects development to protect, preserve and enhance the historic environment and requires adverse development impacts to be minimised and for development to maintain the character, appearance and setting of the historic environment and to protect the special architectural or historic interest of the listed building and the conservation area. Policy D8 (Windows and Doors) requires historic doors to be retained, repaired and restored, with replacement only supported where it has been demonstrated that historic doors have deteriorated beyond practicable repair. It also notes that further guidance can be found in the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors.

Significance of doors towards the special character of listed buildings and conservation areas

The Council's Windows and Doors APG notes that historic and original features add to the overall pleasant experience of buildings and their wider surroundings and that inappropriate design, proportions or materials can detract from a building and the wider streetscape and setting. On listed buildings and public elevations in conservation areas, any new door should match the original in terms of proportion, profile and material and replacement doors on listed buildings should be in timber with the correct detailing. Composite and uPVC doors are not acceptable. The Historic Environment Scotland (HES) 'Managing Change in the Historic Environment' on doorways details the importance of doors and doorways and their associated features which are usually an important element of a building's design, weatherproofing and security. Their style, detailing and fixtures help us to understand when a building was constructed or altered, and how the building was used. The design and arrangement of doorways can be a notable component of groups of buildings or streets. The predominant material of traditional historic doors and frames is timber and from the 18th century most timber doors were treated with a durable paint finish.

In terms of this application, Historic Environment Scotland's list description notes that classical styling of No. 46 forms a significant part of Marischal Street's lengthy run, contributing to its refined character. Marischal Street (designed by William Law, 1767) is of great historic interest in terms of the early development of Classical Aberdeen and is the earliest example of this type of construction in Aberdeen. The street as a whole retains much of its original character despite the gradual move from domestic to commercial ownership throughout the 19th Century. The Council's City Centre Conservation Area Character Appraisal details the importance of Marischal Street, as it was the first formally planned street in Aberdeen, the style of building and use of material plays an important part in the overall character of the street. Whilst the door proposed to be replaced is located on the rear elevation of the building that fronts onto Theatre Lane, and is of secondary importance architecturally in terms of its contribution towards the special character of the building, the rear elevation is nevertheless still visible from a public viewpoint and does contribute towards the character of the building.

Principle of replacement

HES's Managing Change in the Historic Environment guidance on Doorways states: *'Replacement doors may be appropriate where woodwork is beyond repair or in instances where historic doors have previously been replaced using inappropriate designs or materials. Any new replacement proposals must seek to improve the situation through designs and materials that are sympathetic to the character of the building.'*

The existing double door, which is proposed to be replaced, whilst being constructed of timber is not original, nor is it historic. As such, the principle of its replacement is acceptable, subject to any replacement unit being of an acceptable design that would either preserve or enhance the special character of the listed building and the character and appearance of the conservation area.

Design and impact on the historic environment

The replacement uPVC door, to be located on the south-west elevation, fronting Theatre Lane, would diverge from the type of material currently in place and that which is predominantly found on the adjacent properties, all set within the wider conservation area. Whilst the replacement door would be situated on the rear elevation, that elevation fronts onto Theatre Lane and is thus visible from a public viewpoint. The rear elevation, whilst not as refined as the principal elevation to Marischal Street in terms of architectural detailing, nevertheless still contributes towards the special character of the building and remains largely unaltered. PVC is an inappropriate modern material for doors in listed and historic buildings, both being a non-traditional material and also failing to replicate the appearance of traditional timber doors. The introduction of a PVC door on the rear of the building, including the large, utilitarian external hinges, would thus have an adverse impact on the special character of the listed building and the character and appearance of the wider conservation area. Whilst the transom light would be retained, the thick panelling effect of the double leafs and transom light, with large external hinges to either side of the door, would deviate significantly from the existing style of the historic building. Further to this, the finish of the coloured PVC, with woodgrain effect, would diverge from the traditional painted finish of the existing door, thus adversely impacting the special character of the category 'B' listed building as well as the appearance of the wider conservation area.

It is noted in the applicant's Design and Access Statement that 'Stormeister' timber flood doors use an inappropriate door mechanism which would not meet the flood protection requirements for the applicant. However, the Planning Service is aware of other door manufacturers whom offer timber flood doors which meet the operational requirements of PAS 1188, as has been noted as a requirement by the agent. An example of heritage-style timber flood doors which meet these requirements was provided to the agent and there are other manufacturers who offer flood doors in a range of materials including timber and metal. Whilst timber would be preferred, as the most authentic material that would replicate the material of the original and existing door, the use of an appropriate metal door would be a more suitable alternative to PVC for the special character of the listed building, offering a material finish which can be designed to be more streamlined and sympathetic to the appearance of the original door than PVC. As such, it is considered that suitable alternatives to the proposed PVC door are available that would meet the operational flood prevention requirements for the building whilst preserving its special character. The use of PVC, a modern material of inferior aesthetic quality that would be alien within the context of the historic, 18th/19th century building and would therefore not be acceptable as it would harm, and thus fail to preserve, the special character of the listed building and the character and appearance of the conservation area.

Whilst the replacement of the existing non-historic door is accepted, as is the proposal to replace them with a flood door, the proposed PVC flood door would introduce a modern material that would harm the character and appearance of the listed building and its historic significance within the wider City Centre Conservation Area. More appropriate and sympathetic alternatives to PVC are available and as such, its use would not be acceptable in this context. The proposal would therefore fail to preserve the special character of the listed building and the character and appearance of the conservation area, contrary to the aims and requirements of Historic Environment Policy for Scotland, Policy 7 of NPF4, Policies D6 and D8 of the ALDP and the guidance contained in Managing Change in the Historic Environment: Doorways, and the Council's Repair and Replacement of Windows and Doors APG.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and

facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) of NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change.

The Design and Access Statement has referenced NPF4 climate change policies, proposing that assets should be resilient to current and future impacts of climate change. The principle of installing a flood protection door to the property, in order to enhance protection against flooding events only likely to worsen due to climate change, is acceptable in accordance with the aims of Policies 1 and 2.

DECISION

Refuse

REASON FOR DECISION

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.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100663023-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed replacement of external rear door with flood mitigation door

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

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details


Company/Organisation:	Bell Ingram		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Catherine	Building Name:	Durn
Last Name: *	Newton	Building Number:	
Telephone Number: *	01738621121	Address 1 (Street): *	Isla Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Perthshire
		Postcode: *	PH2 7HF
Email Address: *	catherine.newton@bellingram.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Fairmilehead Office
First Name: *	Colin	Building Number:	55
Last Name: *	Faulds	Address 1 (Street): *	Buckstone Terrace
Company/Organisation	Scottish Water	Address 2:	Fairmilehead
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH10 6XH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

46A MARISCHAL STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 5AL

Please identify/describe the location of the site or sites

Northing

806215

Easting

394513

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

≤ Yes No

Trees

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

≤ Yes No

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

Access and Parking

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

≤ Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

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

≤ Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name: Mr M Blair

Address: Flat B , 46, Marischal Street, Aberdeen , UK, AB11 5AL

Date of Service of Notice: * 14/03/2024

Name: Ms K Badland

Address: Flat A , 46, Marischal Street, Aberdeen , AB11 5AL

Date of Service of Notice: * 14/03/2024

Name: Mr Scott Finlayson

Address: Flat C, 46, Marischal Street, Aberdeen , UK, AB11 5AL

Date of Service of Notice: * 14/03/2024

Name: Mr Jack MacPherson

Address: Flat D, 46, Marischal Street, Aberdeen , UK, AB11 5AL

Date of Service of Notice: * 14/03/2024

Name: Ms C Innes

Address: Fat E, 46, Marischal Street, Aberdeen , UK, AB11 5AL

Date of Service of Notice: *

14/03/2024

Name:

Mr Darren Jackson

Address:

Flat F, 46, Marischal Street, Aberdeen , UK, AB11 5AL

Date of Service of Notice: *

14/03/2024

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Catherine Newton

On behalf of: Scottish Water

Date: 13/03/2024

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

- a) Have you provided a written description of the development to which it relates?. * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Ms Catherine Newton

Declaration Date: 13/03/2024

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Catherine Newton
Bell Ingram
Durn
Isla Road
Perth
Perthshire
PH2 7HF

on behalf of **Scottish Water**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	240300/DPP
Address of Development	46 Marischal Street Aberdeen AB11 5AL
Description of Development	Replacement of external door with flood mitigation door
Date of Decision	4 July 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are 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.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

L(PL)0003 P01
1 - SHEET 2 OF 6
1 - SHEET 6 OF 6
1 - SHEET 6 OF 6
L(PL)0004 rev P01

Proposed Site Plan
Proposed 46A Door Details
Proposed SW Elevation
Proposed Elevations
Proposed Door Cross Section

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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1. Rear Elevation



2. Rear door to be replaced

Applications for Flood Doors at

240297/DPP	12/12a Virginia Street
240296/DPP	22 Virginia Street
240294/DPP	24 Virginia Street
240300/DPP	46 Marischal Street
240302/DPP	48 Marischal Street

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](#)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 7 (Historic Assets and Places)
- 14 (Design, Quality and Place)
- 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan 2023

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

- Policy H2 (Mixed Use Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)

Aberdeen Planning Guidance

[Aberdeen Planning Guidance \(APG\)](#)

[Repair and Replacement of Windows and Doors](#)

Other National Policy and Guidance

[Managing Change in the Historic Environment: Doorways](#)

Historic Environment Policy for Scotland (HEPS)

[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

Other Material Considerations

City Centre Conservation Area Character Appraisal

[Conservation areas | Aberdeen City Council](#)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100663023-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bell Ingram"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Catherine"/>	Building Name:	<input type="text" value="Durn"/>
Last Name: *	<input type="text" value="Newton"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01738621121"/>	Address 1 (Street): *	<input type="text" value="Isla Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Perthshire"/>
		Postcode: *	<input type="text" value="PH2 7HF"/>
Email Address: *	<input type="text" value="catherine.newton@bellingram.co.uk"/>		

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

≤ Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Fairmilehead Office"/>
First Name: *	<input type="text" value="Colin"/>	Building Number:	<input type="text" value="55"/>
Last Name: *	<input type="text" value="Faulds"/>	Address 1 (Street): *	<input type="text" value="Buckstone Terrace"/>
Company/Organisation	<input type="text" value="Scottish Water"/>	Address 2:	<input type="text" value="Fairmilehead"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 6XH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="46A MARISCHAL STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 5AL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806215"/>	Easting	<input type="text" value="394513"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Replacement of external door with flood mitigation door

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Statement of Appeal Attached.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Existing elevation, Proposed elevation, Existing door elevation , proposed door elevation, site photos, Design and supporting statement, Existing site plan, Proposed site plan, Location plan, Statement of Appeal.

Application Details

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

240300/DPP

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

08/03/2024

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

04/07/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Catherine Newton

Declaration Date: 13/08/2024

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46 Marischal Street, Aberdeen, AB11 5AL

Statement of Appeal Against Refusal of Planning Permission Ref: 240302/DPP

Planning permission was sought and refused for the installation of a replacement door to protect the building from being flooded with sewage. The flooding occurs during periods of heavy rainfall and has become an increasingly common occurrence in this part of Aberdeen in recent years due to climate change. The flood protection is therefore required to ensure that the building continues to be occupied, maintained and in viable use, which will 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. The StormMeister uPVC doors with an 'active flood seal' mechanism are installed by Scottish Water because they provide the tried, tested and guaranteed solution which is urgently required to prevent extensive damage to the interior contents, décor and fabric of the building which happens each time it is flooded.

The Planning Officer did suggest other companies that can supply flood doors which incorporate timber materials (as mentioned in the Report of Handling) and we did investigate further. However, the companies/doors that were suggested as suitable alternatives could not provide the same guarantee of high level protection against repeat flood events; were only available as a single door style; and/or were no longer available (because they were too expensive to manufacture). The products that were suggested by the Planning Officer were also sourced via internet searches, rather than any direct experience or working knowledge of their reliability and longevity - which Scottish Water does have with StormMeister.

We did offer to negotiate and discuss further the style, colour and finish of the proposed StormMeister door to seek to address concerns. There would for example be the option to consider a simple modern style of door, rather than a copy or pastiche of an existing. A modern design could help to make it apparent that the doors are a modern intervention and then easily read as such - which is necessary to address and adapt to a modern day problem - as buildings have always done throughout history.

The Report of Handling acknowledges flood mitigation measures are required to protect the building due to surface water flooding and that retrofit measures to adapt to climate change are supported by NPF4. The reasons for refusal are however based on the proposed use of modern uPVC materials as being contrary to HES, NPF4 and LDP policies on the preservation and enhancement of the character and appearance of the area. The arguments put forward to support that refusal in the Report of Handling are also focused on the introduction of modern materials in the historic environment.

The StormMeister flood doors are a good quality product which have been specifically engineered in the UK to provide a high level of flood protection against urban surface water flooding, which is becoming increasingly common due to climate change. The reason for refusal takes into account the need to preserve the historic environment, but fails to balance this against the need to give full consideration to the need to adapt buildings to address the climate change emergency - which is given significant weight in NPF4 and in this case requires the use of modern materials in order to ensure its future long term viable use. It is for this reason that we have requested a review of the decision to refuse permission for the installation of flood mitigation measures.

The refusal of the corresponding Listed Building application (Ref: 240299/LBC) will be referred to the DPEA as required.

August 2024

Durn, Isla Road, Perth, PH2 7HF
Telephone 01738 621 121 Fax 01738 630 904
bellingram.co.uk enquires@bellingram.co.uk

Chartered Surveyors

A list of members is available from our Perth Office

Bell Ingram LLP Registered Office: Durn, Isla Road, Perth, PH2 7HF
ISO 9001 Accredited Registered in Scotland No SO303737

Regulated by RICS

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Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	48 Marischal Street, Aberdeen, AB11 5AL
Application Description:	Replacement of external basement door with flood mitigation door
Application Ref:	240302/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 March 2024
Applicant:	Scottish Water
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application property relates to a category 'B' listed building, situated within the City Centre Conservation Area. The 3-storey, 2-bay townhouse is situated on a sloping site and incorporates a secondary entrance to the Elim Pentecostal Church as ground floor, and dates back to circa 1789-1821. The application building has 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 is five storeys in height, and has irregular fenestration. There is an existing timber door at ground floor level on the rear elevation of the building to Theatre Lane.

The application property adjoins 46 Marischal Street to the north and the Elim Pentecostal Church to the south.

Relevant Planning History

- 240301/LBC – 48 Marischal Street – Detailed planning permission for the replacement of external basement door with flood mitigation door; Pending determination in conjunction with this detailed planning permission application.
- 240301/LBC – 48 Marischal Street – Listed building consent for the replacement of external basement door with flood mitigation door. Pending determination.
- 240302/DPP - 48 Marischal Street – Detailed planning permission for the replacement of external basement door with flood mitigation door. Pending determination.

- 240298/LBC – 12, 12a Virginia Street – Listed building consent for the replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused; 28th June 2024
- 240297/DPP – 12, 12a Virginia Street – Detailed planning permission for the replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused; 28th June 2024
- 240294/DPP - 24 Virginia Street – Detailed planning permission for the replacement of external doors with flood mitigation doors - Refused; 28th June 2024
- 240296/DPP - 22 Virginia Street – Detailed Planning permission for the replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters - Refused; 28th June 2024

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the installation of a replacement door for the existing timber double door, 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 both externally and internally, with a wood grain effect on both sides. The proposed door would hinged on either side with 4 flag hinges and would open outward. The proposed doors would have satin silver lever handles, located on both sides of the doors as a fire exit.

The works are proposed by Scottish Water in order to provide mitigation against sewer flooding on Theatre Lane, which they advise occurs on an increasingly frequent basis due to climate change, and has seen the building's interior flooded in recent years.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SA1DU4BZL1100>

- Design and Access Statement

CONSULTATIONS

Castlehill and Pittodrie Community Council – No comments received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H2 (Mixed Use Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)

Aberdeen Planning Guidance

- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Doorways

Other Material Considerations

- City Centre Conservation Area Character Appraisal

EVALUATION

Necessity of the proposed works

The applicant, Scottish Water, advises that the proposed replacement door is required in order to provide protection to the building's interior from sewer flooding on Theatre Lane, which has occurred a number of times in recent years and they advise is likely to increase in frequency in the future, due to climate change.

SEPA's flood hazard maps show that the section of Theatre Lane, to the rear of the building at no. 48 has a medium likelihood of surface water flooding (1 in 200 years, without taking into account climate change). As such, the Planning Service does not dispute the applicant's claim that some form of flood mitigation / protection is required.

The existing door is a non-original dual-leaf unit of timber construction, without any incorporated flood prevention measures. It is proposed to replace the existing door with a steel-reinforced units with uPVC external facings. The applicant advises that the proposed door would provide enhanced protection for the building from any future flooding on Theatre Lane.

Criterion c) of Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4) states that: *'development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported'* whilst the intent of Policy 22 (Flood Risk and Water Management) of NPF4 is: *'To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.'*

The necessity of the proposed works, to provide enhanced flood protection for the host building and therefore also ensure its long term viable use, is thus considered to be acceptable in accordance with the aims and intent of Policies 2 and 22 of NPF4. However, assessment of the proposals against various other relevant policies of both NPF4 and the Aberdeen Local Development Plan 2023 (ALDP) are required, in order to ensure that the proposed works would be of an appropriate design that would either preserve or enhance the historic environment and the character and amenity of the surrounding area.

Mixed Use Areas

In terms of the Aberdeen Local Development Plan 2023 (ALDP), the application site is located in a mixed-use area under Policy H2 (Mixed Use Areas).

Applications for development in mixed use areas must take into account the existing uses and character of the surrounding area, and avoid direct conflict with the adjacent land uses and amenity. The proposed works would comprise minor physical alterations to the existing building with no change of use proposed. The potential impact of the proposed works on the character of the surrounding area (including the City Centre Conservation Area) and amenity is assessed below. Due to the nature of the works, there would be no adverse impacts on the amenity or viability of any neighbouring or nearby uses.

Design, impact on the historic environment and the character of the area

Policy Context

Policy 14 (Design, Quality and Place) of NPF4 expects development to be designed to be consistent with the six qualities of successful places and to not have an adverse impact on the amenity of the surrounding area. To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking) of the ALDP. This policy expects all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place.

Policy 7 (Historic Assets and Places) of NPF4 would only support development proposed in the conservation area where the character and appearance and its setting is preserved or enhanced. Development proposals affecting the setting of a listed building should preserve its character, and

its special architectural or historic interest. Turning to the ALDP, Policy D6 (Historic Environment) expects development to protect, preserve and enhance the historic environment and requires adverse development impacts to be minimised and for development to maintain the character, appearance and setting of the historic environment and to protect the special architectural or historic interest of the listed building and the conservation area. Policy D8 (Windows and Doors) requires historic doors to be retained, repaired and restored, with replacement only supported where it has been demonstrated that historic doors have deteriorated beyond practicable repair. It also notes that further guidance can be found in the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors.

Significance of doors towards the special character of listed buildings and conservation areas

The Council's Windows and Doors APG notes that historic and original features add to the overall pleasant experience of buildings and their wider surroundings and that inappropriate design, proportions or materials can detract from a building and the wider streetscape and setting. On listed buildings and public elevations in conservation areas, any new door should match the original in terms of proportion, profile and material and replacement doors on listed buildings should be in timber with the correct detailing. Composite and uPVC doors are not acceptable. The Historic Environment Scotland (HES) 'Managing Change in the Historic Environment' on doorways details the importance of doors and doorways and their associated features which are usually an important element of a buildings design, weatherproofing and security. Their style, detailing and fixtures help us to understand when a building was constructed or altered, and how the building was used. The design and arrangement of doorways can be a notable component of groups of buildings or streets. The predominant material of traditional historic doors and frames is timber and from the 18th century most timber doors were treated with a durable paint finish.

In terms of this application, Historic Environment Scotland's list description notes that classical styling of No. 48 forms a significant part of Marischal Street's lengthy run, contributing to its refined character. Marischal Street (designed by William Law, 1767) is of great historic interest in terms of the early development of Classical Aberdeen and is the earliest example of this type of construction in Aberdeen. The street as a whole retains much of its original character despite the gradual move from domestic to commercial ownership throughout the 19th Century. The Council's City Centre Conservation Area Character Appraisal details the importance of Marischal Street, as it was the first formally planned street in Aberdeen, the style of building and use of material plays an important part in the overall character of the street. Whilst the door proposed to be replaced is located on the rear elevation of the building that fronts onto Theatre Lane, and is of secondary importance architecturally in terms of its contribution towards the special character of the building, the rear elevation is nevertheless still visible from a public viewpoint and does contribute towards the character of the building.

Principle of replacement

HES's Managing Change in the Historic Environment guidance on Doorways states: *'Replacement doors may be appropriate where woodwork is beyond repair or in instances where historic doors have previously been replaced using inappropriate designs or materials. Any new replacement proposals must seek to improve the situation through designs and materials that are sympathetic to the character of the building.'*

The existing double door, which is proposed to be replaced, whilst being constructed of timber is not original, nor is it historic. As such, the principle of its replacement is acceptable, subject to any replacement unit being of an acceptable design that would either preserve or enhance the special character of the listed building and the character and appearance of the conservation area.

Design and impact on the historic environment

The replacement uPVC door, to be located on the south-west elevation, fronting Theatre Lane, would diverge from the type of door and material currently in place and that which is predominantly found on the adjacent properties, all set within the wider conservation area. Whilst the replacement door would be situated on the rear elevation, that elevation fronts onto Theatre Lane and is thus visible from a public viewpoint. The rear elevation, whilst not as refined as the principal elevation to Marischal Street in terms of architectural detailing, nevertheless still contributes towards the special character of the building and remains largely unaltered. PVC is an inappropriate modern material for doors in listed and historic buildings, both being a non-traditional material and also failing to replicate the appearance of traditional timber doors. The introduction of a PVC door on the rear of the building, including the large, utilitarian hinges, would thus have an adverse impact on the special character of the listed building and the character and appearance of the wider conservation area. The thick panelling effect of the double leafs with large hinges to either side of the door, would deviate significantly from the existing style of the historic building. Further to this, the finish of the coloured PVC, with woodgrain effect, would diverge from the traditional painted finish of the existing door, thus adversely impacting the special character of the category 'B' listed building as well as the appearance of the wider conservation area.

It is noted in the applicant's Design and Access Statement that 'Stormeister' timber flood doors use an inappropriate door mechanism which would not meet the flood protection requirements for the applicant. However, the Planning Service is aware of other door manufacturers whom offer timber flood doors which meet the operational requirements of PAS 1188, as has been noted as a requirement by the agent. An example of heritage-style timber flood doors which meet these requirements was provided to the agent and there are other manufacturers who offer flood doors in a range of materials including timber and metal. Whilst timber would be preferred, as the most authentic material that would replicate the material of the original and existing door, the use of an appropriate metal door would be a more suitable alternative to PVC for the special character of the listed building, offering a material finish which can be designed to be more streamlined and sympathetic to the appearance of the original door than PVC. As such, it is considered that suitable alternatives to the proposed PVC door are available that would meet the operational flood prevention requirements for the building whilst preserving its special character. The use of PVC, a modern material of inferior aesthetic quality that would be alien within the context of the historic, 18th/19th century building and would therefore not be acceptable as it would harm, and thus fail to preserve, the special character of the listed building and the character and appearance of the conservation area.

Whilst the replacement of the existing non-historic door is accepted, as is the proposal to replace them with a flood door, the proposed PVC flood door would introduce a modern material that would harm the character and appearance of the listed building and its historic significance within the wider City Centre Conservation Area. More appropriate and sympathetic alternatives to PVC are available and as such, its use would not be acceptable in this context. The proposal would therefore fail to preserve the special character of the listed building and the character and appearance of the conservation area, contrary to the aims and requirements of Historic Environment Policy for Scotland, Policy 7 of NPF4, Policies D6 and D8 of the ALDP and the guidance contained in Managing Change in the Historic Environment: Doorways, and the Council's Repair and Replacement of Windows and Doors APG.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly,

Policy 2 (Climate Mitigation and Adaptation) of NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change.

The Design and Access Statement has referenced NPF4 climate change policies, proposing that assets should be resilient to current and future impacts of climate change. The principle of installing flood protection doors to the property, in order to enhance protection against flooding events only likely to worsen due to climate change, is acceptable in accordance with the aims of Policies 1 and 2.

DECISION

Refuse

REASON FOR DECISION

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.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100663161-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed replacement of external rear door with flood mitigation door

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

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bell Ingram		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Catherine	Building Name:	Durn
Last Name: *	Newton	Building Number:	
Telephone Number: *	01738621121	Address 1 (Street): *	Isla Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Perthshire
		Postcode: *	PH2 7HF
Email Address: *	catherine.newton@bellingram.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Fairmilehead Office
First Name: *	Colin	Building Number:	55
Last Name: *	Faulds	Address 1 (Street): *	Buckstone Terrace
Company/Organisation	Scottish Water	Address 2:	Fairmilehead
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH10 6XH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

48 Marischal Street - Rear Basement Door on Theatre Lane

Northing

806208

Easting

394514

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

≤ Yes No

Trees

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

≤ Yes No

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

Access and Parking

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

≤ Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

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

≤ Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Mr Edmund Faulks

Address:

Flat F, 48, Marischal Street, Aberdeen , UK, AB11 5AL

Date of Service of Notice: *

14/03/2024

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Catherine Newton

On behalf of: Scottish Water

Date: 13/03/2024

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Ms Catherine Newton

Declaration Date: 13/03/2024



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Catherine Newton
Bell Ingram
Durn
Isla Road
Perth
Perthshire
PH2 7HF

on behalf of **Scottish Water**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	240302/DPP
Address of Development	48 Marischal Street Aberdeen AB11 5AL
Description of Development	Replacement of external basement door with flood mitigation door
Date of Decision	4 July 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are 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.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

L(PL)0003 P01	Proposed Site Plan
1 - SHEET 6 OF 6	Proposed Elevations
1 - SHEET 4 OF 6	Proposed 48A Door Details
DWG NO. 1 - SHEET 6 OF 6	Proposed SW Elevation
L(PL)0004 REV P01	Proposed Door Cross Section

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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48 Marischal Street – site photos



1. Basement door to be replaced



2. Rear elevation

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

Thank you for completing this application form:

ONLINE REFERENCE 100663161-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bell Ingram"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Catherine"/>	Building Name:	<input type="text" value="Durn"/>
Last Name: *	<input type="text" value="Newton"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01738621121"/>	Address 1 (Street): *	<input type="text" value="Isla Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Perthshire"/>
		Postcode: *	<input type="text" value="PH2 7HF"/>
Email Address: *	<input type="text" value="catherine.newton@bellingram.co.uk"/>		

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

≤ Individual **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Fairmilehead Office"/>
First Name: *	<input type="text" value="Colin"/>	Building Number:	<input type="text" value="55"/>
Last Name: *	<input type="text" value="Faulds"/>	Address 1 (Street): *	<input type="text" value="Buckstone Terrace"/>
Company/Organisation	<input type="text" value="Scottish Water"/>	Address 2:	<input type="text" value="Fairmilehead"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 6XH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="48 Marischal Street - Rear Basement Door on Theatre Lane"/>

Northing	<input type="text" value="806208"/>	Easting	<input type="text" value="394514"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Replacement of external basement door with flood mitigation door.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Statement of Appeal attached.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Existing site plan, Proposed site plan, Existing elevation, Proposed elevation, Elevation of existing door, Elevation of proposed door, Design and Supporting Statement; Site photos; Location plan.

Application Details

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

240302/DPP

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

08/03/2024

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

05/07/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Catherine Newton

Declaration Date: 13/08/2024

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48 Marischal Street, Aberdeen, AB11 5AL

Statement of Appeal Against Refusal of Planning Permission Ref: 240302/DPP

Planning permission was sought and refused for the installation of a replacement door to protect the building from being flooded with sewage. The flooding occurs during periods of heavy rainfall and has become an increasingly common occurrence in this part of Aberdeen in recent years due to climate change. The flood protection is therefore required to ensure that the building continues to be occupied, maintained and in viable use, which will 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. The StormMeister uPVC doors with an 'active flood seal' mechanism are installed by Scottish Water because they provide the tried, tested and guaranteed solution which is urgently required to prevent extensive damage to the interior contents, décor and fabric of the building which happens each time it is flooded.

The Planning Officer did suggest other companies that can supply flood doors which incorporate timber materials (as mentioned in the Report of Handling) and we did investigate further. However, the companies/doors that were suggested as suitable alternatives could not provide the same guarantee of high level protection against repeat flood events; were only available as a single door style; and/or were no longer available (because they were too expensive to manufacture). The products that were suggested by the Planning Officer were also sourced via internet searches, rather than any direct experience or working knowledge of their reliability and longevity - which Scottish Water does have with StormMeister.

We did offer to negotiate and discuss further the style, colour and finish of the proposed StormMeister door to seek to address concerns. There would for example be the option to consider a simple modern style of door, rather than a copy or pastiche of an existing. A modern design could help to make it apparent that the doors are a modern intervention and then easily read as such - which is necessary to address and adapt to a modern day problem - as buildings have always done throughout history.

The Report of Handling acknowledges flood mitigation measures are required to protect the building due to surface water flooding and that retrofit measures to adapt to climate change are supported by NPF4. The reasons for refusal are however based on the proposed use of modern uPVC materials as being contrary to HES, NPF4 and LDP policies on the preservation and enhancement of the character and appearance of the area. The arguments put forward to support that refusal in the Report of Handling are also focused on the introduction of modern materials in the historic environment.

The StormMeister flood doors are a good quality product which have been specifically engineered in the UK to provide a high level of flood protection against urban surface water flooding, which is becoming increasingly common due to climate change. The reason for refusal takes into account the need to preserve the historic environment, but fails to balance this against the need to give full consideration to the need to adapt buildings to address the climate change emergency - which is given significant weight in NPF4 and in this case requires the use of modern materials in order to ensure its future long term viable use. It is for this reason that we have requested a review of the decision to refuse permission for the installation of flood mitigation measures.

The refusal of the corresponding Listed Building application (Ref: 240301/LBC) will be referred to the DPEA as required.

August 2024

Durn, Isla Road, Perth, PH2 7HF
Telephone 01738 621 121 Fax 01738 630 904
bellingram.co.uk enquires@bellingram.co.uk

Chartered Surveyors

A list of members is available from our Perth Office

Bell Ingram LLP Registered Office: Durn, Isla Road, Perth, PH2 7HF
ISO 9001 Accredited Registered in Scotland No SO303737

Regulated by RICS

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Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	12/12a Virginia Street, Aberdeen, AB11 5AU
Application Description:	Replacement of external doors with flood mitigation doors and installation of barrier to an existing roller shutters
Application Ref:	240297/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 March 2024
Applicant:	Scottish Water
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates 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 relates to three timber single doors and a roller shutter door on the northwest elevation of the building. The application site lies in the City Centre Conservation Area.

Relevant Planning History

240298/LBC - Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused 28/06/2024.

240294/DPP - 24 Virginia Street - Replacement of external doors with flood mitigation doors – Pending determination.

240296/DPP - 22 Virginia Street - Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters. Pending determination.

240299/LBC – 46 Marischal Street - Replacement of external door with flood mitigation door. Pending determination.

240300/DPP - 46 Marischal Street - Replacement of external door with flood mitigation door. Pending determination.

240301/LBC – 48 Marischal Street - Replacement of external basement door with flood mitigation door. Pending determination.

240302/DPP - 48 Marischal Street - Replacement of external basement door with flood mitigation door. Pending determination.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is 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 seeks 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 are proposed by Scottish Water in order to provide mitigation against sewer flooding on Virginia Street, which they advise occurs on an increasingly frequent basis due to climate change, and has seen the building's interior flooded in recent years.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at – <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SA1DTABZL0M00>

- Design and Access Statement

CONSULTATIONS

ACC - Roads Development Management Team – No objection to the application. The proposed works would have no impact from a roads perspective.

Castlehill and Pittodrie Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 22 (Flood Risk and water management)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H2 (Mixed Use Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)

Aberdeen Planning Guidance

- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Doorways

Other Material Considerations

- City Centre Conservation Area Character Appraisal

EVALUATION

Necessity of the proposed works

The applicant, Scottish Water, advises that the proposed replacement doors and demountable flood barrier are required in order to provide protection to the building's interior from sewer flooding on Virginia Street, which has occurred several times in recent years and they advise is likely to increase in frequency in the future, due to climate change.

SEPA's flood hazard maps show that the section of Virginia Street immediately in front of the building at no. 12 has a high likelihood of surface water flooding (a 10% chance each year). As such, the Planning Service does not dispute the applicant's claim that some form of flood mitigation / protection is required.

The existing doors are non-original units of timber construction, without any incorporated flood prevention measures. It is proposed to replace the existing doors with steel-reinforced units with uPVC external facings. The applicant advises that the proposed doors would provide enhanced protection for the building from any future flooding on Virginia Street.

Criterion c) of Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4) states that: *'development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported'* whilst the intent of Policy 22 (Flood Risk and Water Management) of NPF4 is: *'To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.'*

The necessity of the proposed works, to provide enhanced flood protection for the host building and therefore also ensure its long term viable use, is thus considered to be acceptable in accordance with the aims and intent of Policies 2 and 22 of NPF4. However, assessment of the proposals against various other relevant policies of both NPF4 and the Aberdeen Local Development Plan 2023 (ALDP) is required, in order to ensure that the proposed works would be of an appropriate design that would either preserve or enhance the historic environment and the character and amenity of the surrounding area.

Mixed Use Areas

In terms of the Aberdeen Local Development Plan 2023 (ALDP), the application site is located in a mixed-use area under Policy H2 (Mixed Use Areas).

Applications for development in mixed use areas must take into account the existing uses and character of the surrounding area, and avoid direct conflict with the adjacent land uses and amenity. Conversely, where new industrial, business or commercial uses are deemed appropriate, development should not adversely affect the amenity of people living and working in the area. The proposed works would comprise minor physical alterations to the existing building with no change of use proposed. The potential impact of the proposed works on the character of the surrounding area (including the City Centre Conservation Area) and amenity is assessed below.

Design, impact on the historic environment and the character of the area

Policy Context

Policy 14 (Design, Quality and Place) of NPF4 expects development to be designed to be consistent with the six qualities of successful places and to not have an adverse impact on the amenity of the surrounding area. To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking) of the ALDP. This policy expects all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place.

Policy 7 (Historic Assets and Places) of NPF4 would only support development proposed in the conservation area where the character and appearance and its setting is preserved or enhanced. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Turning to the ALDP, Policy D6 (Historic Environment) expects development to protect, preserve and enhance the historic environment and requires adverse development impacts to be minimised and for development to maintain the character, appearance and setting of the historic environment and to protect the special architectural or historic interest of the listed building and the conservation area. Policy D8 (Windows and Doors) requires historic doors to be retained, repaired and restored, with replacement only supported where it has been demonstrated that historic doors have deteriorated beyond practicable repair. It also notes that further guidance can be found in the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors.

Significance of doors towards the special character of listed buildings and conservation areas

The Council's Windows and Doors APG notes that historic and original features add to the overall pleasant experience of buildings and their wider surroundings and that inappropriate design, proportions or materials can detract from a building and the wider streetscape and setting. On listed buildings and public elevations in conservation areas, any new door should match the original in terms of proportion, profile and material and replacement doors on listed buildings should be in timber with the correct detailing. Composite and uPVC doors are not acceptable. The Historic Environment Guidance (HES) guidance for doorways attributes the pattern of design, materials and details of construction and finish as important considerations which contribute to the interest of a historic door. The materials and construction of doors can reveal much about local joinery traditions and stylistic fashions of the period and the historical status/use of the building. The predominant material of traditional historic doors and frames is timber and from the 18th century most timber doors were treated with a durable paint finish.

Historic Environment Scotland's list description notes that the application building sits within a distinctive set of warehouses, with its near-intact elevations and distinctive turret adding significant value to the streetscape of the harbour area. Warehouses were critical to Aberdeen's mercantile history and this set is crucially sited very close to the harbour. Only a handful of warehouses remain and these are an increasingly important part of the character of the harbour area. The Council's City Centre Conservation Area Character Appraisal also notes the importance of these warehouses which provide a strong frontage to this area and a recognition of the industrial past and the harbour beyond. The construction and materials used in the building contribute to the traditional character of these warehouses, which should be maintained to retain the clear recognition of them as a historic part of the harbour. The edge of the conservation area, instead of following Shore Lane, diverts to include these warehouse buildings as a key feature for preservation that was mindfully included in the conservation area.

Principle of replacement

HES's Managing Change in the Historic Environment guidance on Doorways states: *'Replacement doors may be appropriate where woodwork is beyond repair or in instances where historic doors have previously been replaced using inappropriate designs or materials. Any new replacement proposals must seek to improve the situation through designs and materials that are sympathetic to the character of the building.'*

The existing three doors that are proposed to be replaced, whilst being constructed of timber (and one being of a panelled design, with modern mouldings), are not original, nor are they historic. As such, the principle of their replacement is acceptable, subject to their replacements being of an acceptable design that would either preserve or enhance the special character of the listed building and the character and appearance of the conservation area.

Design and impact on the historic environment

The neighbouring warehouse buildings are fitted with similar existing timber doors as seen on the front elevation of 8 Virginia Street and extend along the public elevations of 7 Weigh-House Square which contribute to the appearance of the streetscape and setting of the conservation area. The proposed PVC doors would not closely match the original doors on the listed building and diverge from the established historic character of this set of warehouses. The use of PVC would introduce thick framed doors owing to its modern finish and would result in an altered panelling design on the front of door 3. The finish of the coloured PVC would also diverge from the traditional painted finish of these doors, failing to maintain the historic appearance of these features. The introduction of PVC doors would visibly harm the appearance of the historic

warehouse building which fronts onto Virginia Street, a prominent and heavily trafficked arterial route, a large part of the southern side of which contributes to the historic character of the nearby harbour and the City Centre Conservation Area. The proposal would therefore diminish the distinctive appearance of this street, failing to maintain local architectural styles which reinforce this historic identity.

It is noted in the applicant's Design and Access Statement that 'Stormeister' timber flood doors use an inappropriate door mechanism which would not meet the flood protection requirements for the applicant. However, the Planning Service is aware of other door manufacturers whom offer timber flood doors which meet the operational requirements of PAS 1188, as has been noted as a requirement by the agent. An example of heritage-style timber flood doors which meet these requirements was provided to the agent and there are other manufacturers who offer flood doors in a range of materials including timber and metal. Whilst timber would be preferred, as the most authentic material that would replicate the material of the original and existing doors, the use of an appropriate metal would be a more suitable alternative to PVC for the special character of the listed building within the conservation area, offering a high quality material finish which can be designed to be more streamlined and sympathetic to the appearance of the original doors. As such, it is considered that suitable alternatives to the proposed PVC doors are available that would meet the operational flood prevention requirements for the building whilst preserving its special character. The use of PVC, a modern material of inferior aesthetic quality that would be alien within the context of the historic, 19th century building and would therefore not be acceptable as it would harm, and thus fail to preserve, the special character of the listed building and the character and appearance of the conservation area.

Demountable storm barrier

The proposed rapid assembly barrier would introduce aluminium posts to the opening of the roller shutter door and the barrier itself would only be installed when in use. The proposed barrier is considered to be of an appropriate design, with an acceptable material and, due to its non-permanent, demountable design, it would not be a permanent fixture. The fixings required to accommodate the barrier when necessary in the event of any flooding would be minimal and would not have any significant impact on the building's special character or the character and appearance of the conservation area.

Conclusion

In summary, whilst the replacement of the existing non-historic doors is accepted, as is the proposal to replace them with flood doors, the proposed PVC flood doors would introduce a modern material that would present visual harm to the appearance of the listed building and its historic significance in the setting of the neighbouring warehouse buildings in relation to the nearby harbour. More appropriate and sympathetic alternatives to PVC are available and as such, its use would not be acceptable in this context. The proposal would therefore fail to preserve the character and appearance of the conservation area and the special character of the listed building, contrary to the aims and requirements of Historic Environment Policy for Scotland, Policies 7 and 14 of NPF4, Policies H2, D1 and D6 of the ALDP and the guidance contained in Managing Change in the Historic Environment: Doorways, and the Council's Repair and Replacement of Windows and Doors APG.

Amenity

Due to the nature of the proposed development, the replacement of ground floor level doors that front onto the dual carriageway of Virginia Street would not adversely affect the amenity of any neighbouring or nearby uses. The rapid assembly barrier would only be in place when required

and would not encroach on the public pavement. As such, the proposal would not present harm to the general amenity of the surrounding area or the neighbouring uses, in accordance with Policy H2 of the ALDP

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) of NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change.

The Design and Access Statement has referenced NPF4 climate change policies, proposing that assets should be resilient to current and future impacts of climate change. The principle of installing flood protection doors to the property, in order to enhance protection against flooding events only likely to worsen due to climate change, is acceptable in accordance with the aims of Policies 1 and 2.

DECISION

Refuse

REASON FOR DECISION

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 are 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 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.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100662985-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

Replacement of three external doors with new flood doors.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details


Company/Organisation:	Bell Ingram		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Catherine	Building Name:	Durn
Last Name: *	Newton	Building Number:	
Telephone Number: *	01738621121	Address 1 (Street): *	Isla Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Perthshire
		Postcode: *	PH2 7HF
Email Address: *	catherine.newton@bellingram.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Fairmilehead Office
First Name: *	Colin	Building Number:	55
Last Name: *	Faulds	Address 1 (Street): *	Buckstone Terrace
Company/Organisation	Scottish Water	Address 2:	Fairmilehead
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH10 6XH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

SHORE PORTERS SOCIETY

Address 2:

12 VIRGINIA STREET

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 5AU

Please identify/describe the location of the site or sites

Northing

806254

Easting

394540

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

575.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Warehouse

Access and Parking

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

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0</p> <p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 0</p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes T No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>≤ Yes</p> <p>≤ No, using a private water supply</p> <p>T No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * T Yes ≤ No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ≤ Yes T No</p>

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

NA

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Mr Curtis Milne

Address:

12, Virginia Street, Aberdeen, UK, AB11 5AU

Date of Service of Notice: *

01/03/2024

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Catherine Newton

On behalf of: Scottish Water

Date: 08/03/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Ms Catherine Newton

Declaration Date: 08/03/2024

Payment Details

Online payment: ABSP00010642

Payment date: 08/03/2024 15:17:00

Created: 08/03/2024 15:17



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Catherine Newton
Bell Ingram
Durn
Isla Road
Perth
Perthshire
PH2 7HF

on behalf of **Scottish Water**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	240297/DPP
Address of Development	12/12a Virginia Street Aberdeen AB11 5AU
Description of Development	Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters
Date of Decision	28 June 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are 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 are 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 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.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

L(PL)0001 P01	Location Plan
1 - SHEET 2 OF 9	Other Elevation (Proposed)
1 - SHEET 3 OF 9	Other Elevation (Proposed)
1 - SHEET 5 OF 9	Other Elevation (Proposed)
1 - SHEET 7 OF 9	Other Elevation (Proposed)
SHEET 12 OF 12	Other Elevation (Proposed)
	Design and Access Statement

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

Daniel Lewis

Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 240297/DPP

Application Summary

Application Number: 240297/DPP

Address: 12/12a Virginia Street Aberdeen AB11 5AU

Proposal: Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters

Case Officer: Sam Smith

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for the replacement of external doors with flood mitigation doors at 12/12a Virginia Street, Aberdeen AB11 5AU.

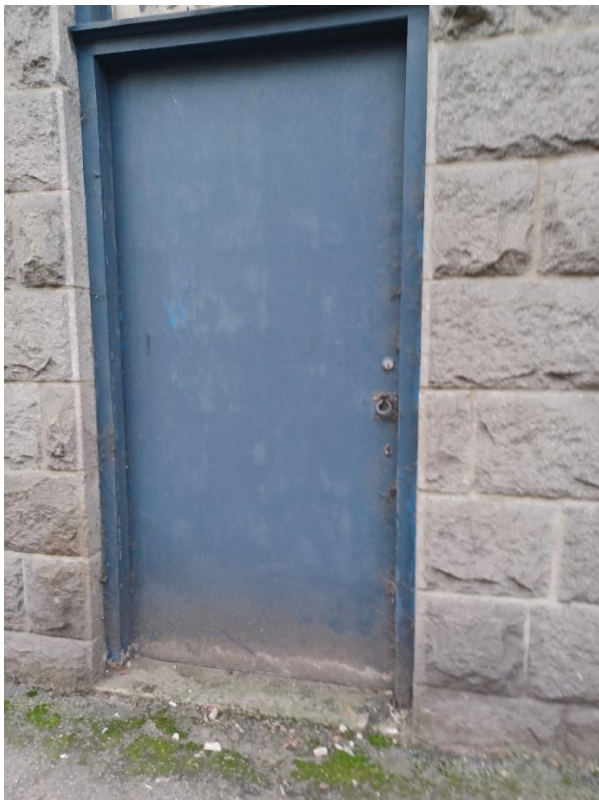
It is confirmed that the proposed works has no impact from a roads perspective nor impedes that of the adopted carriageway/footpath along the southern side of Virginia Street. Therefore, Roads Development Management have no observations or objections to this application.

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12 Virginia Street – Site Photos



1. Front Elevation



2. Existing door no.1

12 Virginia Street – Site Photos



3. Existing door no. 2



4. Existing door no. 3



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100662985-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bell Ingram		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Catherine	Building Name:	Durn
Last Name: *	Newton	Building Number:	
Telephone Number: *	01738621121	Address 1 (Street): *	Isla Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Perthshire
		Postcode: *	PH2 7HF
Email Address: *	catherine.newton@bellingram.co.uk		

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

≤ Individual **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Fairmilehead Office"/>
First Name: *	<input type="text" value="Colin"/>	Building Number:	<input type="text" value="55"/>
Last Name: *	<input type="text" value="Faulds"/>	Address 1 (Street): *	<input type="text" value="Buckstone Terrace"/>
Company/Organisation	<input type="text" value="Scottish Water"/>	Address 2:	<input type="text" value="Fairmilehead"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 6XH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="SHORE PORTERS SOCIETY"/>
Address 2:	<input type="text" value="12 VIRGINIA STREET"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 5AU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806254"/>	Easting	<input type="text" value="394540"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Replacement of external doors with flood mitigation doors and installation of flood barrier to existing roller shutters.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached appeal statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Proposed demountable barrier elevation; Current door 1 elevation; Proposed door 1 elevation; Current door 2 elevation; Proposed door 2 elevation; Current door 3 elevation; Proposed door 3 elevation; Current building elevation; Proposed building elevation; Site photos; Design and Supporting Statement; Existing site plan; Proposed Site Plan; Location plan.

Application Details

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

240297/DPP

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

08/03/2024

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

28/06/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Catherine Newton

Declaration Date: 13/08/2024

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12 Virginia Street, Aberdeen, AB11 5AU

Statement of Appeal Against Refusal of Planning Permission Ref: 240297/DPP

Planning permission was sought and refused for the installation of replacement doors and flood barriers to protect the building from being flooded with sewage. The flooding occurs during periods of heavy rainfall and has become an increasingly common occurrence in this part of Aberdeen in recent years due to climate change. The flood protection is therefore required to ensure that the building continues to be occupied, maintained and in viable use, which will 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. The StormMeister uPVC doors with an 'active flood seal' mechanism are installed by Scottish Water because they provide the tried, tested and guaranteed solution which is urgently required to prevent extensive damage to the interior contents, décor and fabric of the building which happens each time it is flooded.

The Planning Officer did suggest other companies that can supply flood doors which incorporate timber materials (as mentioned in the Report of Handling) and we did investigate further. However, the companies/doors that were suggested as suitable alternatives could not provide the same guarantee of high level protection against repeat flood events; were only available as a single door style; and/or were no longer available (because they were too expensive to manufacture). The products that were suggested by the Planning Officer were also sourced via internet searches, rather than any direct experience or working knowledge of their reliability and longevity - which Scottish Water does have with StormMeister.

We did offer to negotiate and discuss further the style, colour and finish of the proposed StormMeister doors to seek to address concerns. There would for example be the option to consider a simple modern style of door, rather than a copy or pastiche of an existing. A modern design could help to make it apparent that the doors are a modern intervention and then easily read as such - which is necessary to address and adapt to a modern day problem - as buildings have always done throughout history.

The Report of Handling acknowledges flood mitigation measures are required to protect the building due to surface water flooding and that retrofit measures to adapt to climate change are supported by NPF4. The reasons for refusal are however based on the proposed use of modern uPVC materials as being contrary to HES, NPF4 and LDP policies on the preservation and enhancement of the character and appearance of the area. The arguments put forward to support that refusal in the Report of Handling are also focused on the introduction of modern materials in the historic environment.

The StormMeister flood doors are a good quality product which have been specifically engineered in the UK to provide a high level of flood protection against urban surface water flooding, which is becoming increasingly common due to climate change. The reason for refusal takes into account the need to preserve the historic environment, but fails to balance this against the need to give full consideration to the need to adapt buildings to address the climate change emergency - which is given significant weight in NPF4 and in this case requires the use of modern materials in order to ensure its future long term viable use. It is for this reason that we have requested a review of the decision to refuse permission for the installation of flood mitigation measures.

The refusal of the corresponding listed building consent (Ref: 240298/LBC) will be appeal to the DPEA.

August 2024

Durn, Isla Road, Perth, PH2 7HF
Telephone 01738 621 121 Fax 01738 630 904
bellingram.co.uk enquires@bellingram.co.uk

Chartered Surveyors

A list of members is available from our Perth Office

Bell Ingram LLP Registered Office: Durn, Isla Road, Perth, PH2 7HF
ISO 9001 Accredited Registered in Scotland No SO303737

Regulated by RICS

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Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	Warehouse, 22 Virginia Street, Aberdeen AB11 5AU
Application Description:	Replacement of external door with flood mitigation door and installation of barrier to an existing roller shutters
Application Ref:	240296/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 March 2024
Applicant:	Scottish Water
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

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 is constructed with grey granite blockwork walls and a slate pitched roof, incorporating a half dormer on the front elevation. The proposal relates to a timber pedestrian access door and a larger roller shutter door at ground floor level on the front (northwest) elevation of the building. The application site lies in the City Centre Conservation Area.

Relevant Planning History

240298/LBC – 12/12a Virginia Street - Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters. Refused 28/06/2024.

240297/DPP – 12/12a Virginia Street - Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters. Refused 28/06/2024.

240294/DPP – 24 Virginia Street - Replacement of external doors with flood mitigation doors. Pending determination.

240299/LBC – 46 Marischal Street - Replacement of external door with flood mitigation door. Pending determination.

240300/DPP - 46 Marischal Street - Replacement of external door with flood mitigation door. Pending determination.

240301/LBC – 48 Marischal Street - Replacement of external basement door with flood mitigation door. Pending determination.

240302/DPP - 48 Marischal Street - Replacement of external basement door with flood mitigation door. Pending determination.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is 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 seeks 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 are proposed by Scottish Water in order to provide mitigation against sewer flooding on Virginia Street, which they advise occurs on an increasingly frequent basis due to climate change, and has seen the building's interior flooded in recent years.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at – <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SA1DT4BZL0J00>

- Design and Access Statement

CONSULTATIONS

ACC - Roads Development Management Team – No objection to the application. The proposed works would have no impact from a roads perspective.

Castlehill and Pittodrie Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H2 (Mixed Use Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)

Aberdeen Planning Guidance

- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Doorways

Other Material Considerations

- City Centre Conservation Area Character Appraisal

EVALUATION

Necessity of the proposed works

The applicant, Scottish Water, advises that the proposed replacement door and demountable flood barrier are required in order to provide protection to the building's interior from sewer flooding on Virginia Street, which has occurred several times in recent years and they advise is likely to increase in frequency in the future, due to climate change.

SEPA's flood hazard maps show that the section of Virginia Street immediately in front of the building at no. 22 has a high likelihood of surface water flooding (a 10% chance each year). As such, the Planning Service does not dispute the applicant's claim that some form of flood mitigation / protection is required.

The existing door is a non-original unit of timber construction, without any incorporated flood prevention measures. It is proposed to replace the existing door with a steel-reinforced unit with

uPVC external facings. The applicant advises that the proposed door would provide enhanced protection for the building from any future flooding on Virginia Street.

Criterion c) of Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4) states that: *'development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported'* whilst the intent of Policy 22 (Flood Risk and Water Management) of NPF4 is: *'To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.'*

The necessity of the proposed works, to provide enhanced flood protection for the host building and therefore also ensure its long term viable use, is thus considered to be acceptable in accordance with the aims and intent of Policies 2 and 22 of NPF4. However, assessment of the proposals against various other relevant policies of both NPF4 and the Aberdeen Local Development Plan 2023 (ALDP) are required, in order to ensure that the proposed works would be of an appropriate design that would either preserve or enhance the historic environment and the character and amenity of the surrounding area.

Mixed Use Areas

In terms of the Aberdeen Local Development Plan 2023 (ALDP), the application site is located in a mixed-use area under Policy H2 (Mixed Use Areas).

Applications for development in mixed use areas must take into account the existing uses and character of the surrounding area, and avoid direct conflict with the adjacent land uses and amenity. Conversely, where new industrial, business or commercial uses are deemed appropriate, development should not adversely affect the amenity of people living and working in the area. The proposed works would comprise minor physical alterations to the existing building with no change of use proposed. The potential impact of the proposed works on the character of the surrounding area (including the City Centre Conservation Area) and amenity is assessed below.

Design, impact on the historic environment and the character of the area

Policy Context

Policy 14 (Design, Quality and Place) of NPF4 expects development to be designed to be consistent with the six qualities of successful places and to not have an adverse impact on the amenity of the surrounding area. To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking) of the ALDP. This policy expects all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place.

Policy 7 (Historic Assets and Places) of NPF4 would only support development proposed in the conservation area where the character and appearance and its setting is preserved or enhanced. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Turning to the ALDP, Policy D6 (Historic Environment) expects development to protect, preserve and enhance the historic environment and requires adverse development impacts to be minimised and for development to maintain the character, appearance and setting of the historic environment and to protect the special architectural or historic interest of the conservation area. Policy D8 (Windows and Doors) requires historic doors to be retained, repaired and restored, with replacement only supported where it has been demonstrated that historic doors have deteriorated beyond practicable repair. It also notes that

further guidance can be found in the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors.

Significance of doors towards the character and appearance of conservation areas

The Council's Windows and Doors APG notes that historic and original features add to the overall pleasant experience of buildings and their wider surroundings and that inappropriate design, proportions or materials can detract from a building and the wider streetscape and setting. On listed buildings and public elevations in conservation areas, any new door should match the original in terms of proportion, profile and material and replacement doors on public elevations of unlisted buildings in the conservation area should be in timber with the correct detailing. uPVC doors are not acceptable. The Historic Environment Scotland (HES) 'Managing Change' guidance for doorways attributes the pattern of design, materials and details of construction and finish as important considerations which contribute to the interest of a historic door. The materials and construction of doors can reveal much about local joinery traditions and stylistic fashions of the period and the historical status/use of the building. The predominant material of traditional historic doors and frames is timber and from the 18th century most timber doors were treated with a durable paint finish.

The Council's City Centre Conservation Area Character Appraisal notes the importance of the Virginia Street warehouses which provide a strong frontage to this area and a recognition of the industrial past and the harbour beyond. Warehouses were critical to Aberdeen's mercantile history and this row is crucially sited very close to the harbour. Only a handful of warehouses remain and these are an increasingly important part of the character of the harbour area. The construction and materials used in the building contribute to the traditional character of these warehouses, which should be maintained to retain the clear recognition of them as a historic part of the harbour. The edge of the conservation area, instead of following Shore Lane, diverts to include these warehouse buildings as a key feature for preservation that was mindfully included in the conservation area.

Principle of replacement

HES's Managing Change in the Historic Environment guidance on Doorways states: *'Replacement doors may be appropriate where woodwork is beyond repair or in instances where historic doors have previously been replaced using inappropriate designs or materials. Any new replacement proposals must seek to improve the situation through designs and materials that are sympathetic to the character of the building.'*

The existing door that is proposed to be replaced, whilst being constructed of timber, is not original, nor is it historic. As such, the principle of replacement is acceptable, subject to its replacement being of an acceptable design that would either preserve or enhance the character and appearance of the conservation area.

Design and impact on the historic environment

The neighbouring warehouse buildings are fitted with similar existing timber doors as seen on the front elevations of 8, 12 and 24 Virginia Street and along the public elevations of 7 Weigh-House Square, which contributes to the appearance of the streetscape and setting of the conservation area. The proposed PVC door would not closely match the original door and would diverge from the established historic character of this set of warehouses. The use of PVC would introduce a thick framed door owing to its modern finish and the coloured PVC would diverge from the traditional painted finish of the existing door, thus failing to maintain the historic appearance of this feature. The introduction of a PVC door would harm the appearance of the historic warehouse

building which fronts onto Virginia Street, a prominent and heavily trafficked arterial route, a large part of the southern side of which contributes to the historic character of the nearby harbour and the City Centre Conservation Area. The introduction of PVC on this elevation would also conflict with the traditional character of the neighbouring listed building, adversely impacting on its historic setting. The proposal would therefore diminish the distinctive appearance of this street, failing to maintain local architectural styles which reinforce this historic identity.

It is noted in the applicant's Design and Access Statement that 'Stormeister' timber flood doors use an inappropriate door mechanism which would not meet the flood protection requirements for the applicant. However, the Planning Service is aware of other door manufacturers whom offer timber flood doors which meet the operational requirements of PAS 1188, as has been noted as a requirement by the agent. An example of heritage-style timber flood doors which meet these requirements was provided to the agent and there are other manufacturers who offer flood doors in a range of materials including timber and metal. Whilst timber would be preferred, as the most authentic material that would replicate the material of the original and existing doors, the use of an appropriate metal would be a more suitable alternative to PVC for the character and appearance of the conservation area, offering a high quality material finish which can be designed to be more streamlined and sympathetic to the appearance of the original door. As such, it is considered that suitable alternatives to the proposed PVC doors are available that would meet the operational flood prevention requirements for the building whilst preserving its character and that of the wider conservation area. The use of PVC, a modern material of inferior aesthetic quality that would be alien within the context of the historic, 19th century building, would therefore not be acceptable as it would harm, and thus fail to preserve the character and appearance of the conservation area.

Demountable storm barrier

The proposed rapid assembly barrier would introduce aluminium posts to the opening of the roller shutter door and the barrier itself would only be installed when in use. The proposed barrier is considered to be of an appropriate design, with an acceptable material and, due to its non-permanent, demountable design, it would not be a permanent fixture. The fixings required to accommodate the barrier when necessary in the event of any flooding would be minimal and would not have any significant impact on the building or the character and appearance of the conservation area.

Conclusion

In summary, whilst the replacement of the existing non-historic door is accepted, as is the proposal to replace it with a flood door, the proposed PVC flood door would introduce a modern material that would present visual harm to the appearance of the historic warehouse building and its historic significance in the setting of the neighbouring warehouse buildings, as well as the setting of the neighbouring listed building, in relation to the nearby harbour. More appropriate and sympathetic alternatives to PVC are available and as such, its use would not be acceptable in this context. The proposal would therefore fail to preserve the character and appearance of the conservation area, contrary to the aims and requirements of Historic Environment Policy for Scotland, Policies 7 and 14 of NPF4, Policies H2, D1 and D6 of the ALDP and the guidance contained in Managing Change in the Historic Environment: Doorways, and the Council's Repair and Replacement of Windows and Doors APG.

Amenity

Due to the nature of the proposed development, the replacement of the ground floor level door which fronts onto the dual carriageway of Virginia Street would not adversely affect the amenity of any neighbouring or nearby uses. The rapid assembly barrier would only be in place when

required and would not encroach on the public pavement. As such, the proposal would not present harm to the general amenity of the surrounding area or the neighbouring uses, in accordance with Policy H2 of the ALDP

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) of NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change.

The Design and Access Statement has referenced NPF4 climate change policies, proposing that assets should be resilient to current and future impacts of climate change. The principle of installing a flood protection door to the property, in order to enhance protection against flooding events only likely to worsen due to climate change, is acceptable in accordance with the aims of Policies 1 and 2.

DECISION

Refuse

REASON FOR DECISION

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 is 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 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.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100662854-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

Replacement of existing door with flood mitigation door. Planning permission is required because the building is located in a Conservation Area.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
(Answer 'No' if there is no change of use.) *

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

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details


Company/Organisation:	Bell Ingram		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Catherine	Building Name:	Durn
Last Name: *	Newton	Building Number:	
Telephone Number: *	01738621121	Address 1 (Street): *	Isla Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Perthshire
		Postcode: *	PH2 7HF
Email Address: *	catherine.newton@bellingram.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Fairmilehead Office
First Name: *	Colin	Building Number:	55
Last Name: *	Faulds	Address 1 (Street): *	Buckstone Terrace
Company/Organisation	Scottish Water	Address 2:	Fairmilehead
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH10 6XH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

22 Virginia Street

Northing

806284

Easting

394577

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

333.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Warehouse

Access and Parking

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

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0</p> <p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 0</p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes T No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>≤ Yes</p> <p>≤ No, using a private water supply</p> <p>T No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * T Yes ≤ No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ≤ Yes T No</p>

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

NA

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Mr Ean Emslie

Address:

Emslie Properties , 22, Virginia Street, Aberdeen , UK, AB11 5AU

Date of Service of Notice: *

29/02/2024

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Catherine Newton

On behalf of: Scottish Water

Date: 08/03/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Ms Catherine Newton

Declaration Date: 08/03/2024

Payment Details

Online payment: ABSP00010641
Payment date: 08/03/2024 15:13:00

Created: 08/03/2024 15:13



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Catherine Newton
Bell Ingram
Durn
Isla Road
Perth
Perthshire
PH2 7HF

on behalf of **Scottish Water**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	240296/DPP
Address of Development	Warehouse 22 Virginia Street Aberdeen AB11 5AU
Description of Development	Replacement of external door with flood mitigation door and installation of barrier to an existing roller shutters
Date of Decision	28 June 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are 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 is 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 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.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

L(PL)0001 P02
L(PL)0003 P02
1 - SHEET 1 OF 8
1 - SHEET 3 OF 8
1 - SHEET 5 OF 8

Location Plan
Site Layout (Proposed)
Other Floor Plan (Proposed)
Other Elevation (Proposed)
Other Elevation (Proposed)
Design and Access Statement

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 240296/DPP

Application Summary

Application Number: 240296/DPP

Address: Warehouse 22 Virginia Street Aberdeen AB11 5AU

Proposal: Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters

Case Officer: Sam Smith

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for the replacement of external doors with flood mitigation doors at 22 Virginia Street, Aberdeen AB11 5AU.

It is confirmed that the proposed works has no impact from a roads perspective nor impedes that of the adopted carriageway/footpath along the southern side of Virginia Street. Therefore, Roads Development Management have no observations or objections to this application.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100662854-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bell Ingram		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Catherine	Building Name:	Durn
Last Name: *	Newton	Building Number:	
Telephone Number: *	01738621121	Address 1 (Street): *	Isla Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Perthshire
		Postcode: *	PH2 7HF
Email Address: *	catherine.newton@bellingram.co.uk		

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

≤ Individual **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Fairmilehead Office"/>
First Name: *	<input type="text" value="Colin"/>	Building Number:	<input type="text" value="55"/>
Last Name: *	<input type="text" value="Faulds"/>	Address 1 (Street): *	<input type="text" value="Buckstone Terrace"/>
Company/Organisation	<input type="text" value="Scottish Water"/>	Address 2:	<input type="text" value="Fairmilehead"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 6XH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="22 Virginia Street"/>

Northing	<input type="text" value="806284"/>	Easting	<input type="text" value="394577"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Replacement of external door with flood mitigation door and installation of barrier to existing roller shutters.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached appeal statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Proposed barrier elevation; Current main door elevation; Proposed main door elevation; Current building elevation; Proposed building elevation; Site photos; Design and supporting statement; Existing site plan; Proposed site plan, Location plan.

Application Details

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

240296/DPP

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

08/03/2024

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

28/06/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Catherine Newton

Declaration Date: 13/08/2024

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22 Virginia Street, Aberdeen, AB11 5AU

Statement of Appeal Against Refusal of Planning Permission Ref: 240296/DPP

Planning permission was sought and refused for the installation of replacement doors and installation of flood barrier to protect the building from being flooded with sewage. The flooding occurs during periods of heavy rainfall and has become an increasingly common occurrence in this part of Aberdeen in recent years due to climate change. The flood protection is therefore required to ensure that the building continues to be occupied, maintained and in viable use, which will 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. The StormMeister uPVC doors with an 'active flood seal' mechanism are installed by Scottish Water because they provide the tried, tested and guaranteed solution which is urgently required to prevent extensive damage to the interior contents, décor and fabric of the building which happens each time it is flooded.

The Planning Officer did suggest other companies that can supply flood doors which incorporate timber materials (as mentioned in the Report of Handling) and we did investigate further. However, the companies/doors that were suggested as suitable alternatives could not provide the same guarantee of high level protection against repeat flood events; were only available as a single door style; and/or were no longer available (because they were too expensive to manufacture). The products that were suggested by the Planning Officer were also sourced via internet searches, rather than any direct experience or working knowledge of their reliability and longevity - which Scottish Water does have with StormMeister.

We did offer to negotiate and discuss further the style, colour and finish of the proposed StormMeister doors to seek to address concerns. There would for example be the option to consider a simple modern style of door, rather than a copy or pastiche of an existing. A modern design could help to make it apparent that the doors are a modern intervention and then easily read as such - which is necessary to address and adapt to a modern day problem - as buildings have always done throughout history.

The Report of Handling acknowledges flood mitigation measures are required to protect the building due to surface water flooding and that retrofit measures to adapt to climate change are supported by NPF4. The reasons for refusal are however based on the proposed use of modern uPVC materials as being contrary to HES, NPF4 and LDP policies on the preservation and enhancement of the character and appearance of the area. The arguments put forward to support that refusal in the Report of Handling are also focused on the introduction of modern materials in the historic environment.

The StormMeister flood doors are a good quality product which have been specifically engineered in the UK to provide a high level of flood protection against urban surface water flooding, which is becoming increasingly common due to climate change. The reason for refusal takes into account the need to preserve the historic environment, but fails to balance this against the need to give full consideration to the need to adapt buildings to address the climate change emergency - which is given significant weight in NPF4 and in this case requires the use of modern materials in order to ensure its future long term viable use. It is for this reason that we have requested a review of the decision to refuse permission for the installation of flood mitigation measures.

August 2024

Durn, Isla Road, Perth, PH2 7HF
Telephone 01738 621 121 Fax 01738 630 904
bellingram.co.uk enquires@bellingram.co.uk

Chartered Surveyors

A list of members is available from our Perth Office

Bell Ingram LLP Registered Office: Durn, Isla Road, Perth, PH2 7HF
ISO 9001 Accredited Registered in Scotland No SO303737

Regulated by RICS

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling by Development Management Manager</p>
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Site Address:	24 Virginia Street, Aberdeen, AB11 5AU
Application Description:	Replacement of external doors with flood mitigation doors
Application Ref:	240294/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 March 2024
Applicant:	Scottish Water
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates 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 is constructed with grey granite blockwork walls and a slate pitched roof. It is visually split into two frontages, each with a front half dormer window. The application building lies within, and forms 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 relates to two timber pedestrian access doors on the northwest elevation of the building.

Relevant Planning History

240298/LBC – 12/12a Virginia Street - Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused 28/06/2024.

240297/DPP – 12/12a Virginia Street - Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters. Refused 28/06/2024.

240296/DPP - 22 Virginia Street - Replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters. Refused 28/06/2024.

240299/LBC – 46 Marischal Street - Replacement of external door with flood mitigation door. Pending determination.

240300/DPP - 46 Marischal Street - Replacement of external door with flood mitigation door. Pending determination.

240301/LBC – 48 Marischal Street - Replacement of external basement door with flood mitigation door. Pending determination.

240302/DPP - 48 Marischal Street - Replacement of external basement door with flood mitigation door. Pending determination.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is 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 are proposed by Scottish Water in order to provide mitigation against sewer flooding on Virginia Street, which they advise occurs on an increasingly frequent basis due to climate change, and has seen the building's interior flooded in recent years.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at – <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SA1DSQBZL0D00>

- Design and Supporting Statement

CONSULTATIONS

ACC - Roads Development Management Team – No objection to the application. The proposed works would have no impact from a roads perspective.

Castlehill and Pittodrie Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan (2023)

- Policy H2 (Mixed Use Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)

Aberdeen Planning Guidance

- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Doorways

Other Material Considerations

- City Centre Conservation Area Character Appraisal

EVALUATION

Necessity of the proposed works

The applicant, Scottish Water, advises that the proposed replacement doors are required in order to provide protection to the building's interior from sewer flooding on Virginia Street, which has occurred several times in recent years and they advise is likely to increase in frequency in the future, due to climate change.

SEPA's flood hazard maps show that the section of Virginia Street immediately in front of the building at no. 24 has a high likelihood of surface water flooding (a 10% chance each year). As such, the Planning Service does not dispute the applicant's claim that some form of flood mitigation / protection is required.

The existing doors are non-original units of timber construction, without any incorporated flood prevention measures. It is proposed to replace the existing doors with a steel-reinforced units with uPVC external facings. The applicant advises that the proposed doors would provide enhanced protection for the building from any future flooding on Virginia Street.

Criterion c) of Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4) states that: *'development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported'* whilst the intent of Policy 22 (Flood Risk and Water Management) of NPF4 is: *'To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.'*

The necessity of the proposed works, to provide enhanced flood protection for the host building and therefore also ensure its long term viable use, is thus considered to be acceptable in accordance with the aims and intent of Policies 2 and 22 of NPF4. However, assessment of the proposals against various other relevant policies of both NPF4 and the Aberdeen Local Development Plan 2023 (ALDP) are required, in order to ensure that the proposed works would be of an appropriate design that would either preserve or enhance the historic environment and the character and amenity of the surrounding area.

Mixed Use Areas

In terms of the Aberdeen Local Development Plan 2023 (ALDP), the application site is located in a mixed-use area under Policy H2 (Mixed Use Areas).

Applications for development in mixed use areas must take into account the existing uses and character of the surrounding area, and avoid direct conflict with the adjacent land uses and amenity. Conversely, where new industrial, business or commercial uses are deemed appropriate, development should not adversely affect the amenity of people living and working in the area. The proposed works would comprise minor physical alterations to the existing building with no change of use proposed. The potential impact of the proposed works on the character of the surrounding area (including the City Centre Conservation Area) and amenity is assessed below.

Design, impact on the historic environment and the character of the area

Policy Context

Policy 14 (Design, Quality and Place) of NPF4 expects development to be designed to be consistent with the six qualities of successful places and to not have an adverse impact on the amenity of the surrounding area. To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking) of the ALDP. This policy expects all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place.

Policy 7 (Historic Assets and Places) of NPF4 would only support development proposed in the conservation area where the character and appearance and its setting is preserved or enhanced. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Turning to the ALDP, Policy D6 (Historic Environment) expects development to protect, preserve and enhance the historic environment and requires adverse development impacts to be minimised and for development to maintain the character, appearance and setting of the historic environment and to protect the special architectural or historic interest of the conservation area. Policy D8 (Windows and Doors) requires historic doors to be retained, repaired and restored, with replacement only supported where it has been demonstrated that historic doors have deteriorated beyond practicable repair. It also notes that further guidance can be found in the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors.

Significance of doors towards the character and appearance of conservation areas

The Council's Windows and Doors APG notes that historic and original features add to the overall pleasant experience of buildings and their wider surroundings and that inappropriate design, proportions or materials can detract from a building and the wider streetscape and setting. On listed buildings and public elevations in conservation areas, any new door should match the original in terms of proportion, profile and material and replacement doors on public elevations of unlisted buildings in the conservation area should be in timber with the correct detailing. uPVC doors are not acceptable. The Historic Environment Scotland (HES) 'Managing Change' guidance for doorways attributes the pattern of design, materials and details of construction and finish as important considerations which contribute to the interest of a historic door. The materials and construction of doors can reveal much about local joinery traditions and stylistic fashions of the period and the historical status/use of the building. The predominant material of traditional historic doors and frames is timber and from the 18th century most timber doors were treated with a durable paint finish.

The Council's City Centre Conservation Area Character Appraisal notes the importance of the Virginia Street warehouses which provide a strong frontage to this area and a recognition of the industrial past and the harbour beyond. Warehouses were critical to Aberdeen's mercantile history and this row is crucially sited very close to the harbour. Only a handful of warehouses remain and these are an increasingly important part of the character of the harbour area. The construction and materials used in the building contribute to the traditional character of these warehouses, which should be maintained to retain the clear recognition of them as a historic part of the harbour. The edge of the conservation area, instead of following Shore Lane, diverts to include these warehouse buildings as a key feature for preservation that was mindfully included in the conservation area.

Principle of replacement

HES's Managing Change in the Historic Environment guidance on Doorways states: *'Replacement doors may be appropriate where woodwork is beyond repair or in instances where historic doors have previously been replaced using inappropriate designs or materials. Any new replacement proposals must seek to improve the situation through designs and materials that are sympathetic to the character of the building.'*

The existing doors that are proposed to be replaced, whilst being constructed of timber, are not original, nor are they historic. As such, the principle of replacement is acceptable, subject to their replacements being of an acceptable design that would either preserve or enhance the character and appearance of the conservation area.

Design and impact on the historic environment

The neighbouring warehouse buildings are fitted with similar existing timber doors as seen on the front elevations of 8, 12 and 22 Virginia Street and along the public elevations of 7 Weigh-House Square which contribute to the appearance of the streetscape and setting of the conservation area. The proposed PVC doors would not closely match the original doors and would diverge from the established historic character of this set of warehouses. The use of PVC would introduce thick framed doors owing to its modern finish and the coloured PVC would diverge from the traditional painted finish of the existing doors, thus failing to maintain the historic appearance of these features. The introduction of PVC doors would harm the appearance of the historic warehouse building which fronts onto Virginia Street, a prominent and heavily trafficked arterial route, a large part of the southern side of which contributes to the historic character of the nearby harbour and the City Centre Conservation Area. The west-most warehouse building in this row is category 'C'

listed and the introduction of PVC on this elevation would conflict with the traditional character of this neighbouring listed building, adversely impacting on its historic setting in this set of warehouse buildings. The proposal would therefore diminish the distinctive appearance of this street, failing to maintain local architectural styles which reinforce this historic identity.

It is noted in the applicant's Design and Access Statement that 'Stormeister' timber flood doors use an inappropriate door mechanism which would not meet the flood protection requirements for the applicant. However, the Planning Service is aware of other door manufacturers whom offer timber flood doors which meet the operational requirements of PAS 1188, as has been noted as a requirement by the agent. An example of heritage-style timber flood doors which meet these requirements was provided to the agent and there are other manufacturers who offer flood doors in a range of materials including timber and metal. Whilst timber would be preferred, as the most authentic material that would replicate the material of the original and existing doors, the use of an appropriate metal would be a more suitable alternative to PVC for the character and appearance of the conservation area, offering a high quality material finish which can be designed to be more streamlined and sympathetic to the appearance of the original doors. As such, it is considered that suitable alternatives to the proposed PVC doors are available that would meet the operational flood prevention requirements for the building whilst preserving its character and that of the wider conservation area. The use of PVC, a modern material of inferior aesthetic quality that would be alien within the context of the historic, 19th century building. would therefore not be acceptable as it would harm, and thus fail to preserve, the character and appearance of the conservation area.

Conclusion

In summary, whilst the replacement of the existing non-historic doors is accepted, as is the proposal to replace them with flood doors, the proposed PVC flood doors would introduce a modern material that would present visual harm to the appearance of the historic warehouse building and its historic significance in the setting of the neighbouring warehouse buildings, as well as the setting of the listed warehouse building in this set, in relation to the nearby harbour. More appropriate and sympathetic alternatives to PVC are available and as such, its use would not be acceptable in this context. The proposal would therefore fail to preserve the character and appearance of the conservation area, contrary to the aims and requirements of Historic Environment Policy for Scotland, Policies 7 and 14 of NPF4, Policies H2, D1 and D6 of the ALDP and the guidance contained in Managing Change in the Historic Environment: Doorways, and the Council's Repair and Replacement of Windows and Doors APG.

Amenity

Due to the nature of the proposed development, the replacement of the ground floor level doors which front onto the dual carriageway of Virginia Street would not adversely affect the amenity of any neighbouring or nearby uses. As such, the proposal would not present harm to the general amenity of the surrounding area or the neighbouring uses, in accordance with Policy H2 of the ALDP.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) of NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change.

The Design and Access Statement has referenced NPF4 climate change policies, proposing that assets should be resilient to current and future impacts of climate change. The principle of installing flood protection doors to the property, in order to enhance protection against flooding events only likely to worsen due to climate change, is acceptable in accordance with the aims of Policies 1 and 2.

DECISION

Refuse

REASON FOR DECISION

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 are 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 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.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100662818-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

Replacement of external doors x 2 with new flood mitigation doors. Planning permission is required because the building is located in the Conservation Area.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
(Answer 'No' if there is no change of use.) *

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

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details


Company/Organisation:	Bell Ingram		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Catherine	Building Name:	Durn
Last Name: *	Newton	Building Number:	
Telephone Number: *	01738621121	Address 1 (Street): *	Isla Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Perthshire
		Postcode: *	PH2 7HF
Email Address: *	catherine.newton@bellingram.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Fairmilehead Office
First Name: *	Colin	Building Number:	55
Last Name: *	Faulds	Address 1 (Street): *	Buckstone Terrace
Company/Organisation	Scottish Water	Address 2:	Fairmilehead
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH10 6XH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

24 VIRGINIA STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 5AU

Please identify/describe the location of the site or sites

Northing

806266

Easting

394580

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

684.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Warehouse storage

Access and Parking

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

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0</p> <p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 0</p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes T No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>≤ Yes</p> <p>≤ No, using a private water supply</p> <p>T No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * T Yes ≤ No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ≤ Yes T No</p>

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

NA

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Mr Craig Thomson

Address:

Shore Porters , 24, Virginia Street, Aberdeen , UK, AB11 5AU

Date of Service of Notice: *

29/02/2024

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed:

Catherine Newton

On behalf of:

Scottish Water

Date:

08/03/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Ms Catherine Newton

Declaration Date: 08/03/2024

Payment Details

Online payment: ABSP00010640

Payment date: 08/03/2024 15:03:00

Created: 08/03/2024 15:03



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Catherine Newton
Bell Ingram
Durn
Isla Road
Perth
Perthshire
PH2 7HF

on behalf of **Scottish Water**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	240294/DPP
Address of Development	24 Virginia Street Aberdeen AB11 5AU
Description of Development	Replacement of external doors with flood mitigation doors
Date of Decision	28 June 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are 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 are 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 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.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

L(PL)0001 P02
L(PL)0003 P02
1 - SHEET 4 OF 8
1 - SHEET 6 OF 8
1 - SHEET 8 OF 8

Location Plan
Site Layout (Proposed)
Other Elevation (Proposed)
Other Elevation (Proposed)
North Elevation (Proposed)
Design and Access Statement

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 240294/DPP

Application Summary

Application Number: 240294/DPP

Address: 24 Virginia Street Aberdeen AB11 5AU

Proposal: Replacement of external doors with flood mitigation doors

Case Officer: Sam Smith

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for replacement of external doors with flood mitigation doors at 24 Virginia Street, Aberdeen AB11 5AU.

It is confirmed that the proposed has no impact from a roads perspective and therefore Roads Development Management have no observations or objections to this application.

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24 Virginia Street – Site Photos



1. Front elevation



2. Door 2 – existing internal flood barrier mountings



3. Door 1 – existing



4. Door 2 - existing

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100662818-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bell Ingram		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Catherine	Building Name:	Durn
Last Name: *	Newton	Building Number:	
Telephone Number: *	01738621121	Address 1 (Street): *	Isla Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Perthshire
		Postcode: *	PH2 7HF
Email Address: *	catherine.newton@bellingram.co.uk		

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

≤ Individual **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Fairmilehead Office"/>
First Name: *	<input type="text" value="Colin"/>	Building Number:	<input type="text" value="55"/>
Last Name: *	<input type="text" value="Faulds"/>	Address 1 (Street): *	<input type="text" value="Buckstone Terrace"/>
Company/Organisation	<input type="text" value="Scottish Water"/>	Address 2:	<input type="text" value="Fairmilehead"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 6XH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="24 VIRGINIA STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 5AU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806266"/>	Easting	<input type="text" value="394580"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Replacement of external doors with flood mitigation doors

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See separate appeal statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Current door 1 elevation; Proposed door 1 elevation; Current door 2 elevation; Proposed door 2 elevation; Current building elevation; Proposed building elevation; Site photos; Design and supporting statement; Location plan; Existing site plan; Proposed site plan.

Application Details

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

240294/DPP

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

08/03/2024

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

28/06/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Catherine Newton

Declaration Date: 13/08/2024

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24 Virginia Street, Aberdeen, AB11 5AU

Statement of Appeal Against Refusal of Planning Permission Ref: 240294/DPP

Planning permission was sought and refused for the installation of replacement doors to protect the building from being flooded with sewage. The flooding occurs during periods of heavy rainfall and has become an increasingly common occurrence in this part of Aberdeen in recent years due to climate change. The flood protection is therefore required to ensure that the building continues to be occupied, maintained and in viable use, which will 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. The StormMeister uPVC doors with an 'active flood seal' mechanism are installed by Scottish Water because they provide the tried, tested and guaranteed solution which is urgently required to prevent extensive damage to the interior contents, décor and fabric of the building which happens each time it is flooded.

The Planning Officer did suggest other companies that can supply flood doors which incorporate timber materials (as mentioned in the Report of Handling) and we did investigate further. However, the companies/doors that were suggested as suitable alternatives could not provide the same guarantee of high level protection against repeat flood events; were only available as a single door style; and/or were no longer available (because they were too expensive to manufacture). The products that were suggested by the Planning Officer were also sourced via internet searches, rather than any direct experience or working knowledge of their reliability and longevity - which Scottish Water does have with StormMeister.

We did offer to negotiate and discuss further the style, colour and finish of the proposed StormMeister doors to seek to address concerns. There would for example be the option to consider a simple modern style of door, rather than a copy or pastiche of an existing. A modern design could help to make it apparent that the doors are a modern intervention and then easily read as such - which is necessary to address and adapt to a modern day problem - as buildings have always done throughout history.

The Report of Handling acknowledges flood mitigation measures are required to protect the building due to surface water flooding and that retrofit measures to adapt to climate change are supported by NPF4. The reasons for refusal are however based on the proposed use of modern uPVC materials as being contrary to HES, NPF4 and LDP policies on the preservation and enhancement of the character and appearance of the area. The arguments put forward to support that refusal in the Report of Handling are also focused on the introduction of modern materials in the historic environment.

The StormMeister flood doors are a good quality product which have been specifically engineered in the UK to provide a high level of flood protection against urban surface water flooding, which is becoming increasingly common due to climate change. The reason for refusal takes into account the need to preserve the historic environment, but fails to balance this against the need to give full consideration to the need to adapt buildings to address the climate change emergency - which is given significant weight in NPF4 and in this case requires the use of modern materials in order to ensure its future long term viable use. It is for this reason that we have requested a review of the decision to refuse permission for the installation of flood mitigation measures.

August 2024

Durn, Isla Road, Perth, PH2 7HF
Telephone 01738 621 121 Fax 01738 630 904
bellingram.co.uk enquires@bellingram.co.uk

Chartered Surveyors

A list of members is available from our Perth Office

Bell Ingram LLP Registered Office: Durn, Isla Road, Perth, PH2 7HF
ISO 9001 Accredited Registered in Scotland No SO303737

Regulated by RICS

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