

# LOCAL REVIEW BODY

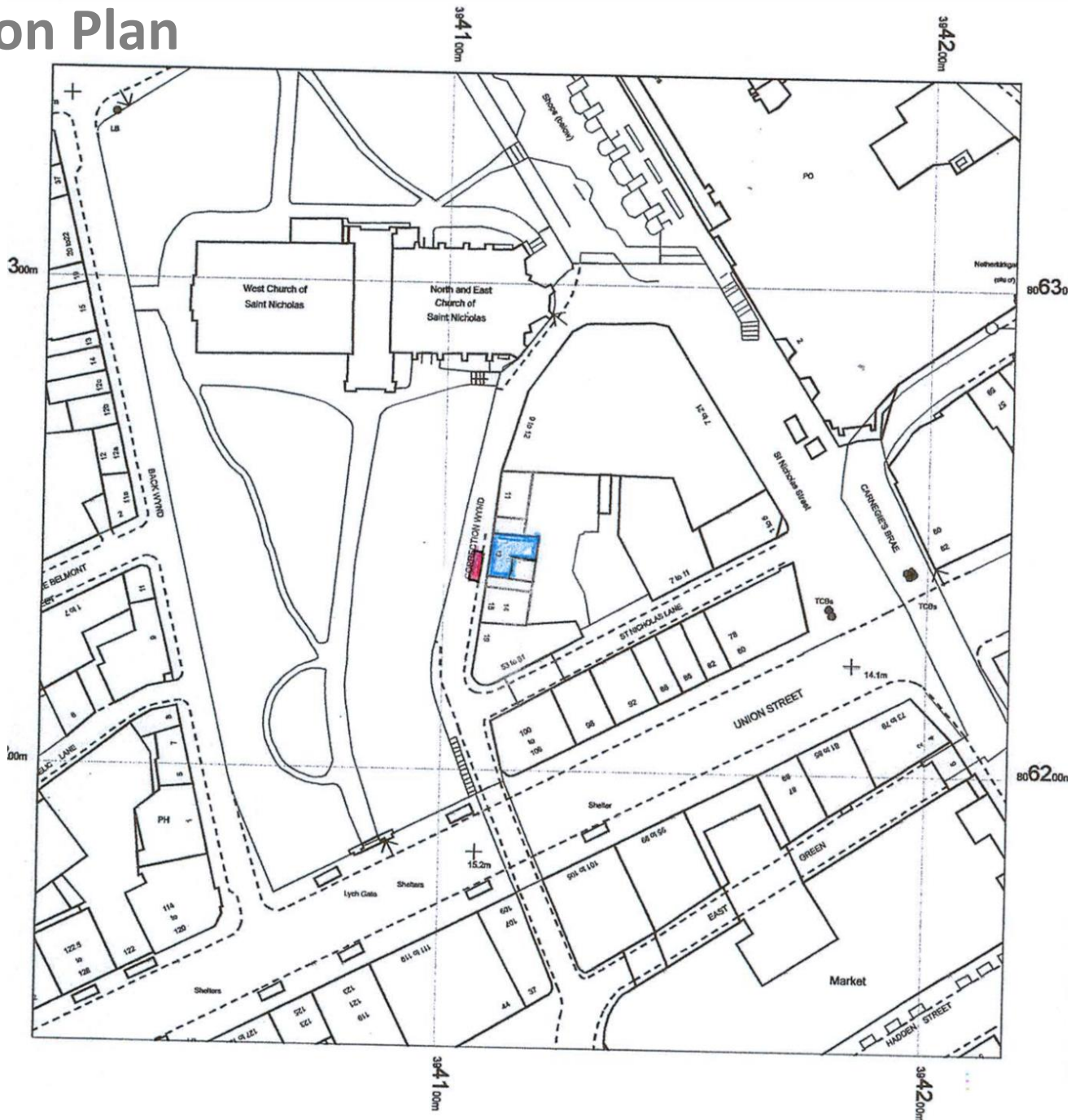


211339/DPP– Review against refusal of planning permission for:

Change of use of road to provide an external seating area with 3  
seating pods

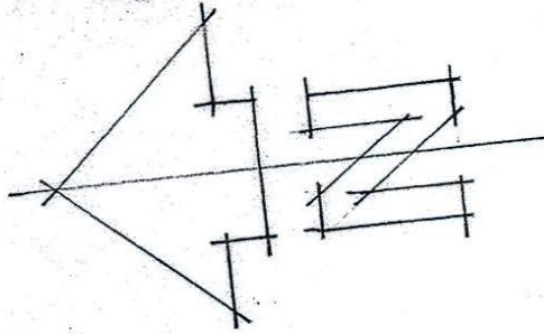
Ground Floor, 13 Correction Wynd  
Aberdeen

# Location Plan

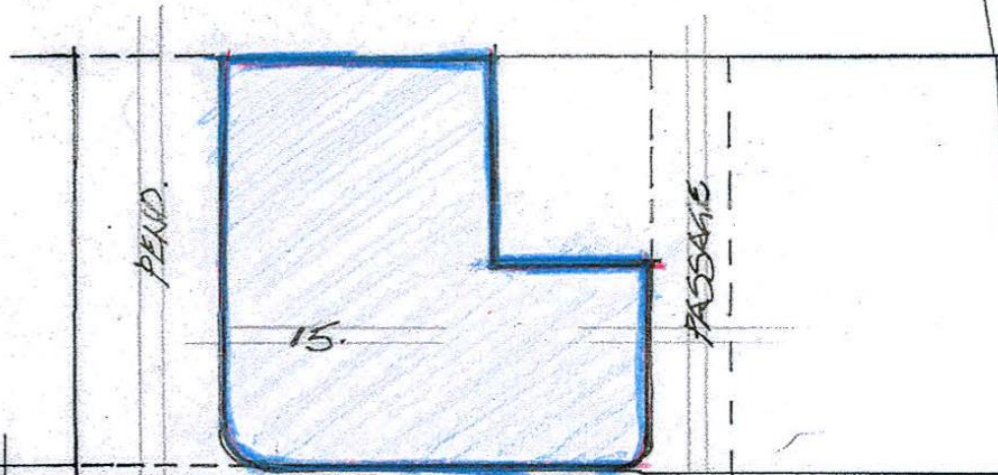


# Site Plan - Proposed

SITE PLAN 1:200



SERVICE YARD



PARKING BAY ALONG ROAD



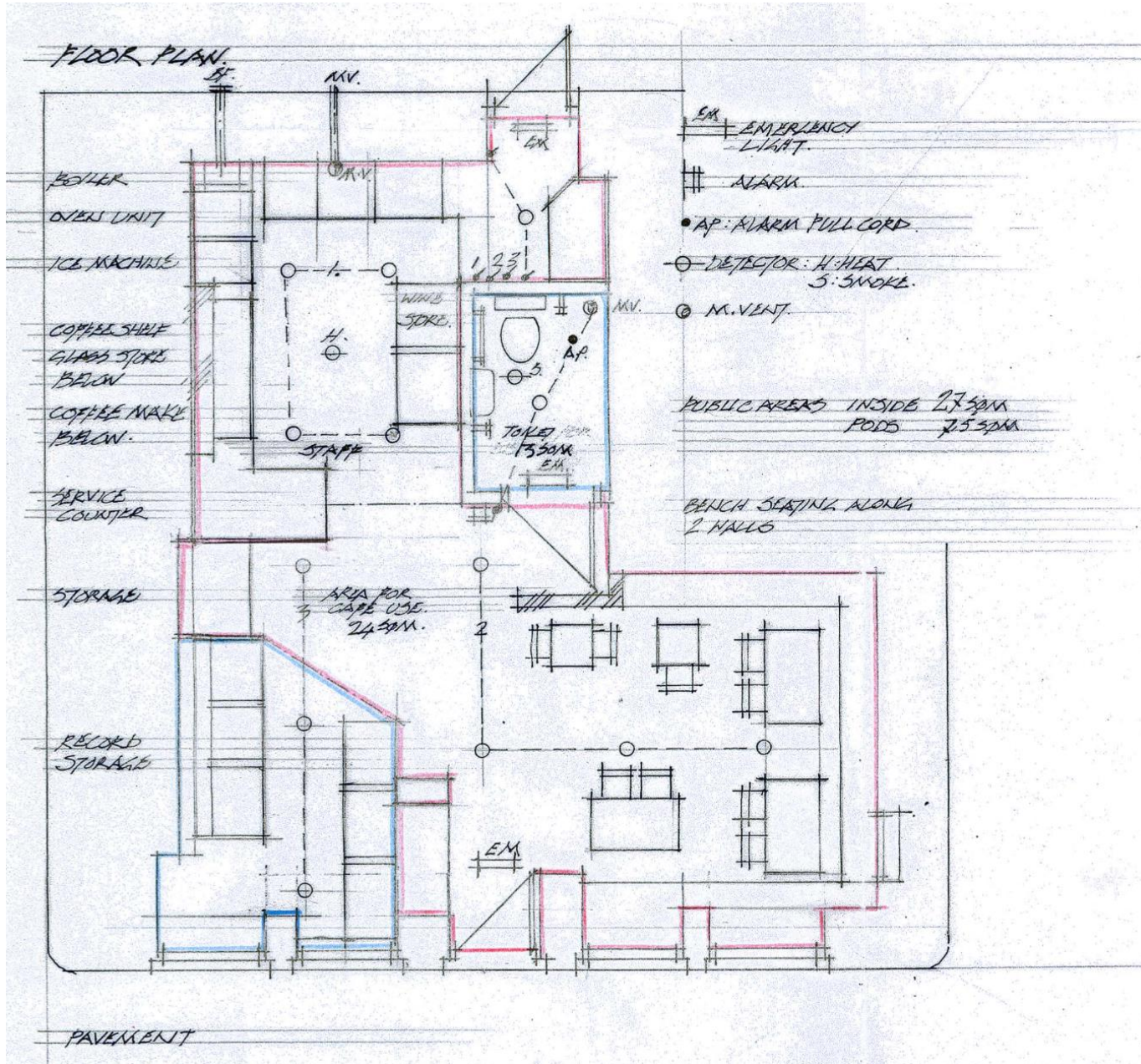


# West Elevation - Existing



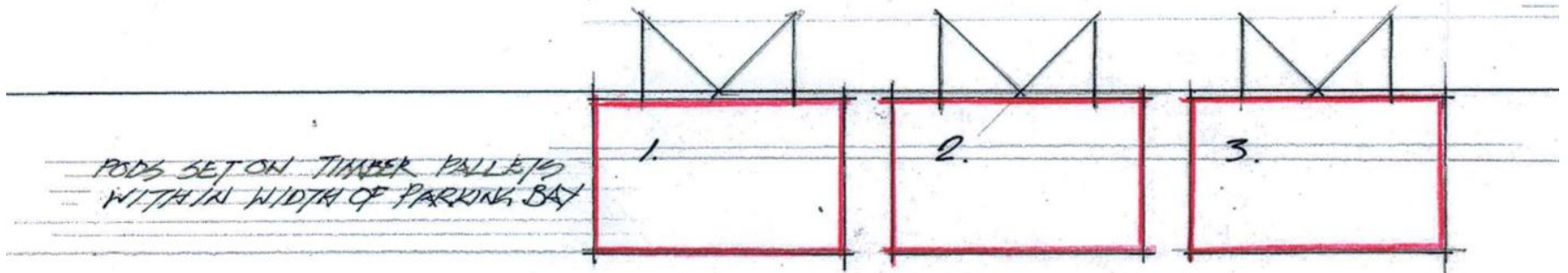
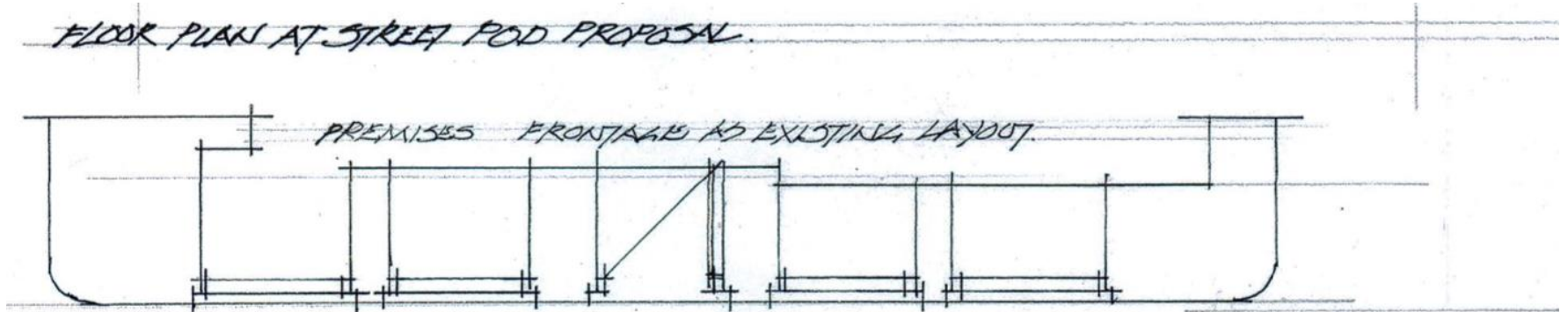


# Existing Building Floor Plan (no change proposed)



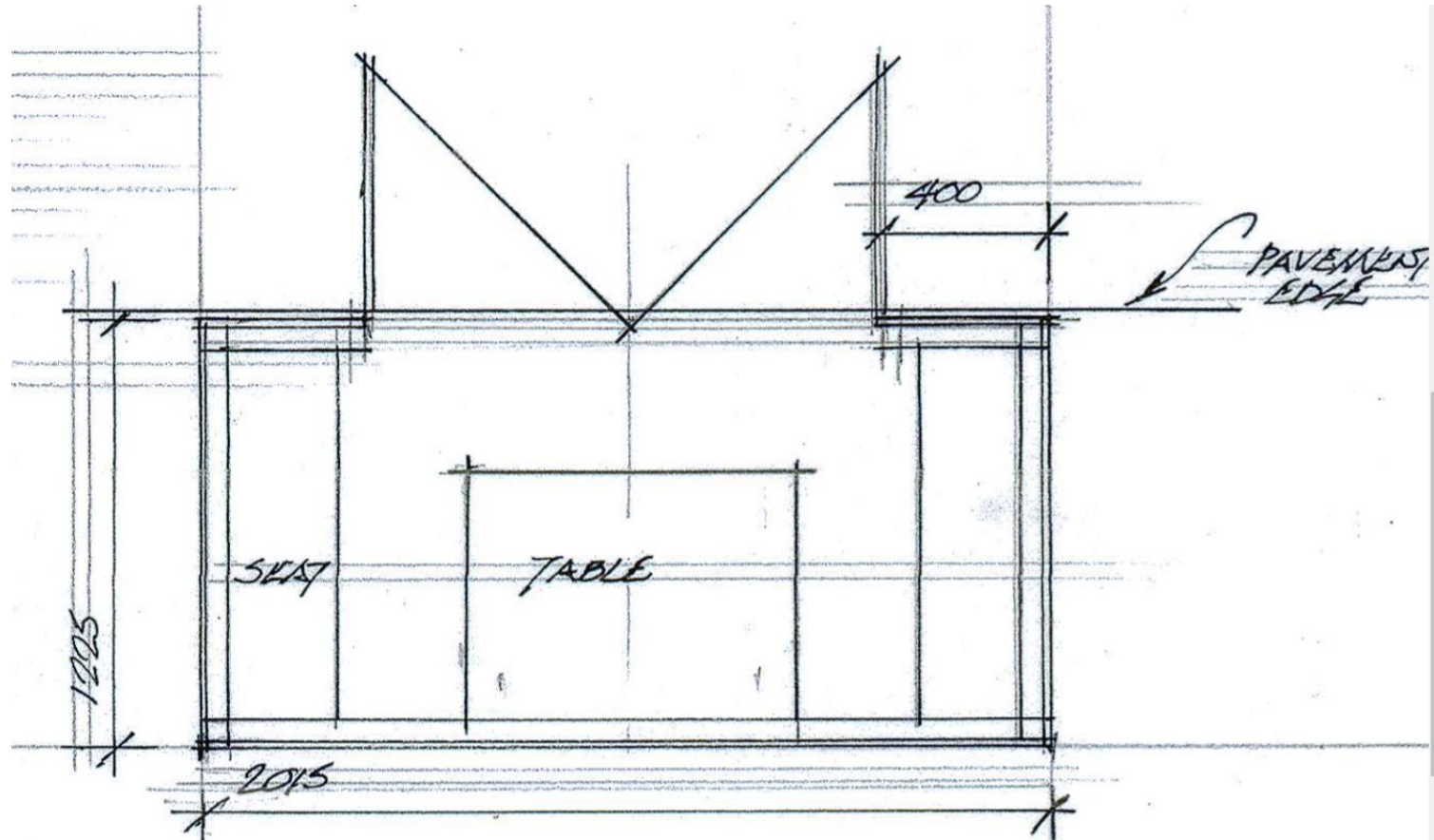
# Floor Plan - Proposed

FLOOR PLAN AT STREET POD PROPOSAL.

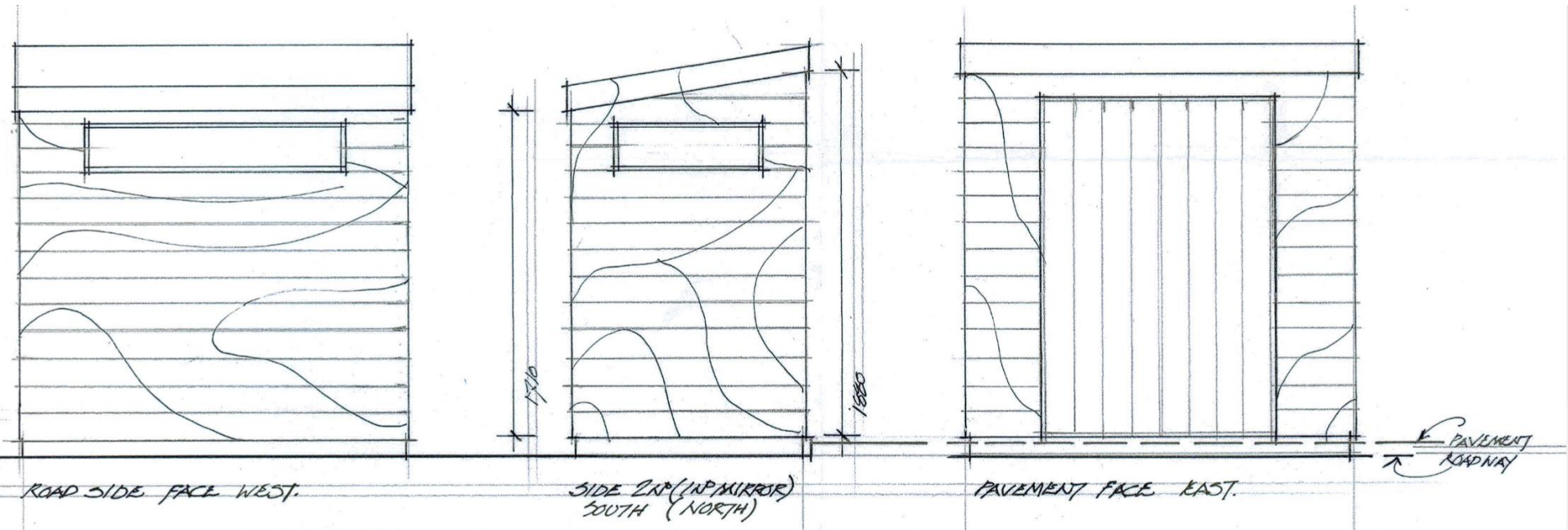




# Interior Floor Plan of Pod



# Pod elevations



PODS CLAD WITH TIMBER LININGS OVER PAINTED  
BASE IN WHITE WITH GRAPHICS OVER THE  
WALLS & WITH "RED ROBIN" LOGO TO DOOR.  
GLAZED PANELS TO SIDE & REAR.  
INTERNALLY FIXED SEATS & TABLE.



# Street View Images – dated 2018





# Street View Images – dated 2018





# Photographs – April 2022





# Photographs – April 2022





# Reasons for Decision

Stated in full in decision notice. Key points:

- Proposed works considered to have a detrimental impact on the character and appearance of the Union Street Conservation Area and the setting of various adjacent listed buildings due to the design, materials, and finishes of the pods.
- Considered to be contrary to policies D1 (Quality Placemaking by Design) and D4 (Historic Environment), of the 2017 ALDP, policies D1 (Quality Placemaking), D6 (Historic Environment) of the 2020 Proposed ALDP; the draft City Centre Conservation Area Character Appraisal and relevant sections of Scottish Planning Policy and the Historic Environment Policy for Scotland (HEPS).
- The proposed siting of the pods would obstruct driver visibility along Correction Wynd and also from the pend serving the parking /servicing area to the rear of Correction Wynd, impacting on safety. The development is thus contrary to policy T2 (Managing the Transport Impact of Development) of the 2017 ALDP, and policy T2 (Sustainable Transport) of the 2020 Proposed ALDP; and Supplementary Guidance on Transport and Accessibility.

# Applicant's Case

- Structures originally erected during Covid-19 pandemic, when Scottish Gov't had endorsed a more flexible approach to such outdoor areas;
- Applicant was advised to formally seek planning permission in light of Covid-related restrictions easing;
- Had expected the application to be straightforward, assuming that any roads issues had been considered at the time of initial discussions with ACC;
- Highlights that there have been no known issues or complaints regarding the siting of the pods whilst they have been in situ;
- Queries whether the site lies within the Union Street Conservation Area;
- Contends that it is not highly visible from Union Street;



# Applicant's Case (continued)

- Highlights that considerable care was taken in converting the property for café use;
- Applicant would be willing to apply different paint/finish to the structures if members of the LRB are so minded;
- Contends that the visibility splay applied by ACC roads relates to a side road accessing onto a main road – argues that the private car park served by the pend and Correction Wynd itself do not fall into these categories;
- Highlights that levels of traffic on Correction Wynd are very low;
- Draws attention to outdoor seating at CASC on Stirling Street, noting that restrictions on placement to ensure visibility do not appear to have been made there.

## **Policy NC1 - City Centre Development – Regional Centre**

Development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and Delivery Programme. As such the city centre is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market.

Proposals for new retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development (unless on sites allocated for that use in this plan) shall be located in accordance with the sequential approach referred to in this section of the Plan and in Supplementary Guidance.

## Policy NC2 - City Centre Retail Core and Union Street

The City Centre Retail Core is the preferred location for major retail developments as defined in Policy NC1. Where sites are not available in the City Centre Retail Core, then sites elsewhere in the city centre may be appropriate.

Proposals for a change of use from retail (Class 1 of the Use Classes Order) to other uses within the City Centre Retail Core will only be acceptable if:

- 1 proposals on the part of Union Street covered by Supplementary Guidance: Union Street Frontages complies with that guidance;
- 2 in other parts of the City Centre Retail Core it can be demonstrated that:
  - a) the new use contributes to the wider aims of the City Centre Masterplan and Delivery Programme;
  - b) the proposed alternative use makes a positive contribution to the vitality and viability of the city centre and creates or maintains an active street frontage;

- c) the proposed alternative will not undermine the principal retail function;
- d) the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants will be required to demonstrate what efforts have been made to secure a new retail use);
- e) the new use does not create overprovision and/ or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and
- f) the alternative use does not conflict with the amenity of the neighbouring area.





# D1: Quality Placemaking by Design

All dev't must *“ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient



## D4: Historic Environment

- ACC will *'protect, preserve and enhance'* the historic environment, in line with national and local policy and guidance
- High quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural and historic interest of its LBs and CAs will be supported



# Policy T2 (Managing the Transport Impact of Development)

## Policy T2 - Managing the Transport Impact of Development

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.

# Scottish Planning Policy (SPP)

- Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.
- Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.
- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.



# Historic Environment Policy for Scotland (HEPS)

## HEP1

Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.

## HEP2

Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.

## HEP3

Plans, programmes, policies and strategies, and the allocation of resources, should be approached in a way that protects and promotes the historic environment.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

## HEP4

Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

## HEP5

Decisions affecting the historic environment should contribute to the sustainable development of communities and places.

## HEP6

Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.

The background image is a collage of four photographs. On the left, a modern glass-fronted building reflects the surrounding city. The top center shows an aerial view of a city street with a mix of modern and traditional architecture. The right side shows a narrow street with traditional stone buildings and a pedestrian crossing. The bottom center shows a street with a bus and a building with a coat of arms.

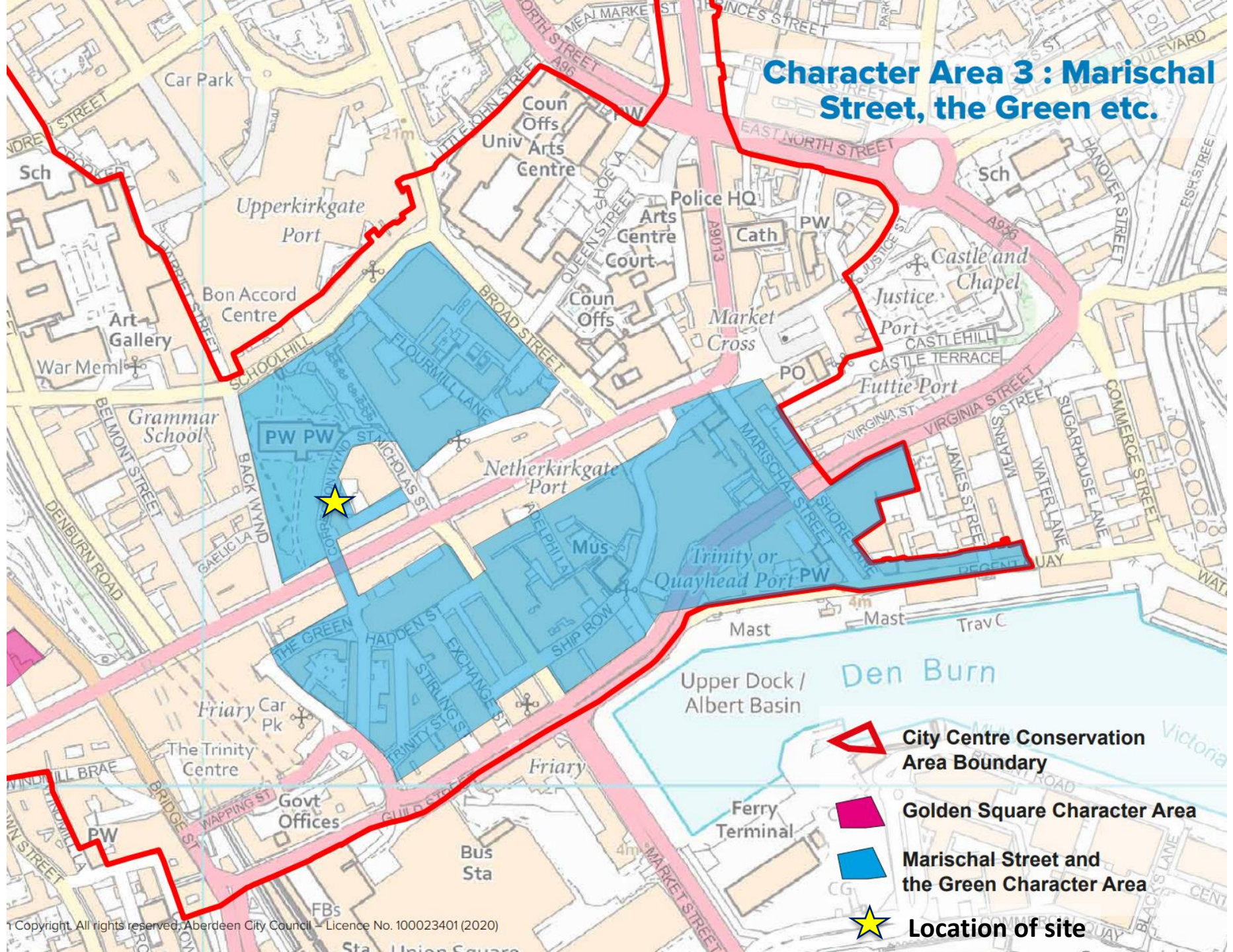
# City Centre Conservation Area Character Appraisal



August 2021



# Character Area 3 : Marischal Street, the Green etc.



-  City Centre Conservation Area Boundary
-  Golden Square Character Area
-  Marischal Street and the Green Character Area
-  Location of site

# City Centre CA Character Appraisal

- Correction Wynd included within Character Area 3: Marischal Street, the Green etc.
- 2.24 - Evidence of the development of medieval Aberdeen around St Katherine's Hill can still be seen today in the street patterns of the Castlegate, Shiprow, Netherkirkgate, Correction Wynd, Back Wynd, Flourmill Lane and Carnegie's Brae.
- 5.5.2 - Views out of the Central character area, into the Kirkyard and over Correction Wynd and the greenery / historic feel of these areas, give important contrast with Union Street. These views also show the undulating nature of these streets which people often assume are flat.
- Positive characteristics of the character area include its streetscape; uses and activity; signage (both street and shop); and the high quality of materials in key areas
- Negatives include building maintenance; street bins; vacant units and the gap site adjacent to Back Wynd steps.
- Views from Union Street to Along Correction Wynd with St Nicholas Kirk are noted as important within this character area;



# City Centre CA Character Appraisal

- 7.5.1 – *“smaller more enclosed streets like Shiprow, Flourmill Lane and Correction Wynd are reflective of the earlier (medieval) time period they date back to. Although these medieval streets have had a number of modern buildings constructed along them, they still retain a distinctive historic character which should be retained as some of the last remaining streets of this type”.*
- 7.5.2 Notes that the manner in which Union Street flies over Correction Wynd, emphasises the difference in topography;
- 7.6.12 – Notes that Correction Wynd is enclosed by both the St Nicholas graveyard wall and the flats opposite. The solid, high graveyard wall is a very strong feature within this part of the character area. The solid, high graveyard wall is a very strong feature within this part of the character area.
- 7.7.1 & 7.7.2 – notes that Correction Wynd is pedestrian focused in its treatment and materials, with original setts still present.
- 7.7.6 – Shop signage at Correction Wynd includes particularly high-quality fascia signs made of timber, with console brackets and of appropriate proportions.

# Points for Consideration:

**Zoning:** Do members consider that the proposed structures are consistent with the vision for the city centre, as required by policy NC1 (City Centre Development)? Are members satisfied that the development is of a type supported by policy NC2 (City Centre Retail Core and Union Street)?

**Historic Environment:** Do members consider that the proposed works preserve or enhance the character and amenity of the Conservation Area and the setting of nearby Listed Buildings, as required by SPP, HESPS and policy D4 of the ALDP?

**Design:** Is the proposal of sufficient design quality (D1), appropriate to its context?

**1. Does the proposal comply with the Development Plan when considered as a whole?**

**2. Do other material considerations weigh for or against the proposal? (e.g. consultee responses, issues raised in reps or applicant's case, national policy/guidance) Are they of sufficient weight to overcome any conflict with the Development Plan?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)