



Strategic Place Planning

Report of Handling

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| Site Address: | 31-32 Albyn Place, Aberdeen, AB10 1YL, |
| Application Description: | Change of use from, and conversion of, offices (class 4) to form 16 no. residential flats (sui generis), including the removal of existing link to form separate building, various alterations, the formation of parking to the rear and the installation of railings to the front. |
| Application Ref: | 210311/DPP |
| Application Type: | Detailed Planning Permission |
| Application Date: | 11 March 2021 |
| Applicant: | Albyn Court Ltd |
| Ward: | Hazlehead/Queen's Cross/Countesswells |
| Community Council: | Queen's Cross and Harlaw |
| Case Officer: | Laura Robertson |

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The property at 31-32 Albyn Place comprises a pair of semi-detached traditional granite-built dwellings, that were later converted and extended for office use, located within the Albyn Place/Rubislaw Conservation Area. The buildings are not covered by a listing designation. The property sits on a north – south orientation with their formal frontage to Albyn Place presenting 1½ storeys in height over a basement but to the rear, due to levels, the buildings is 2½ storeys, and has been extended to the rear with a significant extension. The original doors and windows are still present within these properties. Metal railings are still present on the stepped access to the front and the lightwells to the basement but those on the front boundary were removed a number of years ago.

To the rear of the traditional properties is a large, brickwork rendered, 3 storey structure previously built for and used as an office extension. This rear structure was originally physically linked to the semi-detached properties, but the two links have now been removed by the applicant. The site extends to 2520sqm. The rear office building is accessed from car park level to the rear at present which is within the historic curtilages of the properties and served from Albyn Lane

To the front on Albyn Place, the original layout of the garden and vehicular access into the grounds in the form of a grand in-out design remains. Furthermore, there is a large mature beech tree on the frontage covered by the same Tree Preservation Order as the other trees along Albyn Place, showing its significance within the streetscape.

The rear curtilage area is given over to hardstanding for parking except for a small, planted bed.

This rear area has shared pedestrian and vehicular access off Albyn Lane and this access is not proposed to be altered. To the rear of the site and in separate ownership is a mews style house. The historic feu boundary wall between Nos. 31 and 32 is evident in the sales brochure and on Google Streetview in October 2020 but on-site inspection this appears to have been removed.

Within the surrounding area large extensions of varying quality and design are evident as a result of changes in use from large private dwellings to office accommodation, particularly oil-related and professional service uses, that enjoyed the 'kerb appeal' of the Albyn Place address. The principle of extending to the rear preserved the frontage and overall original form of the Albyn Place properties and made the most of their relatively large feus to accommodate offices that were linked to the historic property. Directly to the east at No. 30, occupied by Albyn Medical Practice is a large extension running approximately 14m along the boundary and half the length of the extension at Nos. 31-32. This extension is built on the boundary wall and has a high blank gable facing into the site. This extension is 2 storeys in height, but due to underbuilding and thus elevated floor levels, it is only slightly lower to that at Nos. 31-32. To the west, at No. 33 Albyn Place is another large extension currently in office use. That extension is more comparable in height, scale and projection to that of Nos. 31- 32. The extension at No. 33 has a 10 large windows, spread across two levels and looking west into Nos. 31-32.

In terms of designation the site falls within the West End Office area of the Aberdeen Local Development Plan (ALDP) 2017, to which the policy B3 relates. In the proposed Aberdeen Local Development Plan (PLDP) 2022 this site falls within West End Area and is covered by policy VC6, which are cited and reflected upon within this report.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

The proposal is for the change of use from, and conversion of, offices (class 4) to form 16 no. residential flats (sui generis), including the removal of the existing link to form a separate building to the rear, various alterations, the formation of parking to the rear and the installation of railings to the Albyn Place frontage.

The 3 storey, office structure to the rear is proposed for retention and reclad in granite though the link connecting it to the original buildings is proposed to be removed. The rear structure is proposed to be converted to 10 flats being - 2 flats on ground floor and 4 flats on each of the first and second floors. Two of the flats on each of the first and second floors would have their bedroom and main living spaces facing east or west, directly onto adjacent properties. Balconies would be added to each of the flats to provide private amenity space. The balconies would vary in size from around 12sqm for flat 6 to around 25sqm for flat 7. The traditional properties to the front are proposed for conversion into 6 flats, two in the basement, two in the main ground floor and two in the second floor attic. The ground floor flats would retain the original front stepped access with the two basement and two attic flats proposed to be accessed from the side and new rear stairwell respectively. For the flats on Albyn Place the proposal is to include private amenity space for these flats in the form of either balconies or patios in between the historic property and the rear building 5 metres distant to the closest point and 6.5 metres from the furthest. The new stairwell is approximately 2.3 metres from the rear structure. For the flats in the rear structure private amenity space is in the form of patios and balconies largely to the east and west.

To the rear 13 parking spaces would be provided with a further 3 informal spaces available to the Albyn Place front. No changes are proposed to the ingress/egress to the front and the entrance to the rear is also per existing situation. The site would also provide bike storage including additional visitor cycle parking provision and bin and waste provision. Located between the parking court and the rear structure would be a communal area of amenity measuring around 200 sqm in size. There would also be a few planted flower and shrub beds on the edges of the property feu.

Amendments

The following amendments to the proposal were made to the application.

The original application was for the conversion of the site to 19 residential apartments including an additional 2 storey extension to the top of the rear building. The proposed parking area and alteration to the in-out arrangement to the front is removed and thus the front area now would remain unaltered to avoid eroding the historic fabric and risking damaging the important and protected purple beech tree.

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=QPQU9XBZHFD00>

CONSULTATIONS

ACC - Waste and Recycling

There is the requirement for the following bin store provision as follows:

The 16 flats will be provided with:

- • 2 x 1280l general waste container 128CM W X 145CM H X 100CM D (90cm minimum clearance to manoeuvre bins)
- • 2 x 1280l co-mingled recycling container 128CM W X 145CM H X 100CM D 90cm minimum clearance to manoeuvre bins.
- • 1 x food waste container. 62CM W X 129.8CM H X 74CM D (80CM X 80CM (90cm minimum clearance to remove internal bin from front opening casing)
- • 16 x kitchen caddy and caddy liners (one for each flat)

When planning bin stores, please take these measurements into account to ensure ease of use residents and collection for crew.

The following costs will be charged to the developer:

- • Each 1280l bin costs £413.60
- • Each food waste container costs £514.49
- • Kitchen caddy and caddy liners £0.00
- • A delivery of 10 or less bins will incur a £30 delivery fee.

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

ACC - Developer Obligations

Were consulted on the original scheme but the revised scheme DO contributions would be as follows:

- Core Path Network - £4,613

- Healthcare Facilities - £7,155
- Open Space - £2,269
- Community Facilities/ Sports and Rec - £3,100

In this instance, no affordable housing contribution is required given the temporary waiver which is applicable to all new planning applications within the defined City Centre Affordable Housing Waiver Zone.

ACC - Environmental Policy Team

In April 2021 a tree survey (listed on the plans but not submitted by the applicant at that stage) was requested given the likely impact any work within its vicinity would have on the tree. The tree survey was received in November 2021 and though there were contradictions in the report it was deemed that the proposal to add additional, formal car parking spaces to the front would still have a detrimental impact on the long-term health of the tree. The specification thought reasonable was not appropriate in the context circumstances. The proposal would have caused medium to longer term impacts for root compaction that would have resulted in the decline of the tree. The scheme to the Albyn Place front curtilage was thereafter revised and the proposed alterations removed.

ACC - Roads Development Management (DM) Team

Consulted on the original scheme and on the revised scheme. Their comments are as follows:

There have been fundamental changes in number of units and design from previous, therefore the latest proposals shall be responded/commented on below:

Walking and Cycling - Direct access for pedestrians onto the adopted public footpaths along Albyn Place. The site will be served by the on-road cycle lanes along Albyn Place which connects into further recommended cycle routes by ACC and Aberdeen Cycle Forum and into shared bus/cycle lanes and the National Cycle Route 1 in the city centre.

Public transport - Site is well services by public transport with regular bus routes connecting in/out of the city centre and other areas of the city. Bus stop 100m east heading in either direction.

Parking - Site within inner city boundary, as per ACC guidance the associated parking ratio should be 1.5 spaces per 2/3 bedroom flat/unit. This would equate to 24 spaces for the 16 units. Though the site would be a shortfall as per the standards it is confirmed this would be considered acceptable given the proximity to the city centre boundary and Union Street itself and well as sustainable transport and cycle parking provision. This said per the previous comments the disabled space requires to be additional space over and above the 16. There is also the requirement to delineate the three spaces to the front. Finally plan 210 L[90]101 F shows a coach pick up/ drop off annotation that would not be required for a residential development.

Parking spaces must meet the dimensions 2.5m x 5.0m and a minimum aisle width of 6m. this would appear to be acceptable at the rear and previous comments have been taken onboard

Queen's Cross and Harlaw Community Council

Following the submission of the amended proposals, the Community Council submitted a letter of support to encourage Planning Service to look favourably on the proposal. The Community Council considers that if this development does not go ahead, no better alternatives are likely to ever come forward and the deterioration of the built estate will accelerate to the detriment of the Queen's Cross and Harlaw Community Council area and the physical and visual amenity of the residents.

REPRESENTATIONS

2 representations from the same person have been received (as a result of renotification and revised scheme submission) - 1 in support and 1 neutral. The matters raised can be summarised as follows –

- Have lived in the lane for 30 years and it is an interesting mix of residential and commercial, which co-exist happily,
- Impressed with the design and layout of the proposal. The design is sympathetic to the surrounding and vastly improves the existing building and makes a positive addition.
- Parking on and around the lane is always an issue. The council made improvements to the lane that improve the parking issues but when there are too many cars parked, bin lorries have issues. This scheme should have sufficient parking within the development.
- Upon considering the initial concern expressed by the consultee/interested party the applicant reduced the number of dwellings/flats by 5, which included 3 proposed mews buildings adjacent to my property. Resulting in less parking requirement and usage. *(NB it is unclear what this comment relates to because no proposal such as this was submitted to planning for consideration by the applicant)*
- No objection to the first set of plans but note that the alterations are much improved. The lower skyline is more in keeping with the surrounding buildings and welcomed from their vantage.
- an ugly building will be transformed into an attractive residential development
- no concerns regarding the construction works

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that 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.

National Planning Policy and Guidance

Scottish Planning Policy

Historic Environment Policy for Scotland (HEPS)

Development Plan

Strategic Development Plan

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Local Development Plan

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning &

Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, cognisance should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- Policy B3 (West End Office Area)
- Policy CI1 (Digital Infrastructure)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy D5 (Our Granite Heritage)
- Policy H1 Residential Areas
- Policy R6 (Waste Management Requirements for New Development)
- Policy R7 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)

Supplementary Guidance and Technical Advice Notes

- The Repair and Replacement of Windows and Doors SG
- Transport and Accessibility SG
- Resources for New Developments SG
Repair and reinstatement of cast iron railings
- Materials TAN
- Development along Lanes TAN

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The following policies in the proposed Plan are considered relevant:

- CI1 – Digital Infrastructure
- D1 – Quality Placemaking

- D2 – Amenity
- D6 – Historic Environment
- D7 – Our Granite Heritage
- H5 – Affordable Housing
- I1 – Infrastructure Delivery and Planning Obligations
- NE5 – Trees and Woodland
- R5 – Waste Management Requirements for New Development
- R6 – Low and Zero Carbon Buildings, and Water Efficiency
- T2 – Sustainable Transport
- T3 – Parking

Other Material Considerations

- Albyn Place/Rubislaw Conservation Area Character Appraisal (CACA)
- Historic Environment Scotland's Managing Change in the Historic Environment:
 - Boundaries, Doorways, External fixtures, Setting and Windows.

EVALUATION

Principle of Development

The proposal is for the redevelopment of Nos. 31-32 Albyn Place and its associated rear office block into residential use for 16 apartments. The site is located within the Albyn Place/ Rubislaw Conservation Area. The previous use of the buildings was offices though the site has been vacant since 2017. A large extension was added to the rear at a time when office development of this type was in demand and deemed appropriate. These extensions are evident along this whole street and unfortunately have been built to the detriment of the Conservation Area in varying styles, scales and quality of materials and design. However, at that time, and for office use, the provision of large rear extensions preserved the general Albyn Place frontage and feel of the valued historic properties that comprise and contribute to the Conservation Area.

Change of Use/Principle of Residential Development

Within the Aberdeen Local Development Plan 2017, Nos. 31-32 Albyn Place is located within the West End Office area (Policy B3) which principally supports office development. This policy does also confirm that any application for residential development will be considered on its own merits, and therefore Policy H1 – Residential Areas is relevant to the extent that this sets the criteria for 'high quality'. Within the Proposed Local Development Plan 2020, it is acknowledged that this area is changing and promotes it as suitable for mixed-use development, including high quality residential use that respects, protects and enhances the Conservation Area as one of Aberdeen's valued places.

The principle of reuse to residential of the building is welcomed and can be met within consideration of Policy B3 and given the downturn in recent years of the office market within Aberdeen, the change of use for residential purposes should be acceptable if the criteria within Policy H1 are met, and in consideration of a number of other policies and guidance that require to be complied with for it to be deemed acceptable.

Matters effecting conservation

It is noted that none of the statements submitted by the applicant make reference to the retention and re-cladding of the rear building as being the correct solution in terms of the Conservation Area or indeed design and good placemaking. The Heritage Statement notes that "*The contribution to the landscape value at the rear of the property is negative. The office block and car park are detrimental to significance*". It goes on to classify the extension as Detrimental to the Significance and states "*The late c20 office block has little or no architectural significance relating to its form or*

fabric. It is detrimental to the significance of the site as determined in the 2013 Conservation Area Character Appraisal." This statement does not necessarily say the brick finish on the structure is the issue, but it is the structure itself has a detrimental impact. The Planning or Design and Access Statements have failed to respond to this issue, and no justification is provided. The statements only suggest recladding in a granite, increasing window sizes and adding metal balconies as the solution.

The Heritage Statement does suggest that any historic fabric within the site should be protected and preserved including the boundary walls. In the brochure submitted with appendix 1 of the Planning Statement it shows a boundary wall between Nos. 31 and 32 Albyn Place. It does not appear on any of the plans, but from on-site inspection it appears to have been largely removed. The loss of this wall is unauthorised, is disappointing and its removal contrary to policy given that it was historic fabric. It is also noted that the links between the original buildings and the extension have also been removed. This work and that of the removal of the boundary wall should not have been carried out without first obtaining the required consents and thus could lead to enforcement proceeding if planning permission is refused.

Based on the submitted information there is a lack of consideration and justification for the impact this existing structure makes to the Conservation Area. The submitted Heritage Statement asserts that *"The late c20 office block has little or no architectural significance relating to its form or fabric. It is detrimental to the significance of the site as determined in the 2013 Conservation Area Character Appraisal,"*. As such the application cannot be supported in terms of ALDP Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment).

The proposal is to retain, reclad and convert the large building to the rear into 10 flats. This large brick clad structure, was at one point an extension to the properties to the front but the connecting links have, as noted above, already been removed, resulting in a large standalone building in close proximity to the rear of the two traditional properties which compromises their aspect, daylight and sunlight receipt for conversion into dwellings. The building is clad in red/brown brick with windows on the east, south and west elevations. This large structure currently detracts from the character of, and over dominates, the traditional buildings and detracts from the wider conservation area as a whole. This fact is acknowledged in the submitted Heritage Statement. All additions to the rear of buildings between the junction of St Swithin Street and Albyn Grove are extensions and not separate buildings. Only No. 28 includes a separate building, but this is at the bottom of the historic feu abutting Albyn Lane of a similar position to other mews developments along the lane. The materials, form, proportions and scale of this structure are not in keeping with those of the historic buildings. This is because the building was erected at a time of buoyant office demand capitalising on the quality of the historic environment for its 'kerb appeal' and utilising the feu depth and topography to accommodate the office floor area needed. It is noted that a number of large extensions, largely in office use, are present along this lane but that does mean the scale, siting and location of this one does not detract from the Conservation Area. The redevelopment into residential use therefore will fix this form of development indefinitely, with the consequential long-term harm to the character of the Conservation Area.

It is also considered that with the amount of structural modelling proposed for the large rear building is not considered a wholly sustainable approach to re-use but is to try to capitalise on an existing form of development created to serve a less permanent office use. This large rear building is around 4.7m distant from the eastern feu boundary and also 4.7m distant from the façade of the adjacent eastern property, given it is built right on the boundary. Furthermore, it is 4.3m from the western boundary and 12m from the adjacent western building.

Policies, in particular where they relate to the historic environment, have evolved over the years in order to protect the historic environment and its special character, and in recognition of the entire

building envelope rather than simply a focus on primary elevations. Existing large extensions, that were consented a many years ago, do not provide justification for a development proposal which would otherwise fail to comply with current policy and guidance, and for residential use being different in its requirements to that of office accommodation. This existing extension would not meet current policy and any new proposal must take into consideration and comply with current national and local policy and guidance regardless of the existing situation onsite.

Within the updated Planning Statement submitted reference is made that the ACC Development Along Lanes TAN is irrelevant because the proposal does not include mews buildings. The site is served by Albyn Place and Albyn Lane and the TAN identifies and responds to a context for change specifically written to give a direction to the Albyn Place/Rubislaw and Bon Accord Conservation Areas where historic property is coming onto the market because of the wider oversupply of office accommodation within the city. As such the TAN promotes a form of development that replicates an historic building type that could be successful in comprehensive feu redevelopment. The TAN encourages a respectful approach to reuse of valued historic properties for residential use than might have been the case a few decades ago to ensure that that property and its amenity are safeguarded. The Development Along Lanes TAN, and that on Materials, were not referenced in the original Planning Statements submitted with the proposal and even within the revised statements they have not been reflected upon as local planning context for redevelopment within this site.

As such, no justification has been submitted in terms of how the proposal considers or complies with the Development along Lanes TAN or why the retention of the structure is appropriate in terms of Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) and how this design solution is the most appropriate for the site or the wider conservation area.

It is noted that recladding the building may make a slight positive visual change, but it is unclear where the granite would be sourced from and how it would match in, and importantly the scale of the building in proximity of the historic properties at Nos. 31 and 32 Albyn Place remains, along with the close proximity of the adjacent properties east and west of the site and the compromise that they represent for over-looking and overshadowing. Initial consideration of the Technical Advice Note on Materials could have provided guidance on a more sympathetic redevelopment proposal for the site. However, the guidance and advice are not given as prescriptive but have led to approval and successful development in similar contexts.

The Materials TAN also goes on to state that *“Whilst imported granite could be seen as an obvious material choice for new buildings in the city, it is important to note that its use could actually dilute, rather than reinforce, the city’s granite heritage. Instead, alternative materials can often be a more appropriate choice to help preserve and enhance the status and setting of the city’s existing, locally quarried granite.”* It is also likely that the granite would have to be imported which dilutes any argument of sustainability. Many cladding materials could make a better contribution to the site context than the existing red/brown brick building which does not make a harmonious addition to the place

It is considered that there is no justification for the retention of the rear structure and no explanation on why this is the most appropriate solution for the site, beyond the fact that it is already there. It would require significant reworking and represents a significant negative impact to the redevelopment of the historic property for quality residential use. As such, the proposal does not comply with the Development Along Lanes or Materials TAN or Policy D4 (Historic Environment). Policy D1 Quality Placemaking by Design states that development 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. From the

submitted statement and the proposed site layout it is evident that this has not been considered, particularly the context given the proposed change of use of the site to residential.

Amenity and light

The submitted Planning Statements have included the reference to the importance of Scottish Planning Policy (SPP) and the sustainability arguments. Also, within SPP in its policy principles it states that policies and decisions should also be guided by the following principles:

- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Amenity and the protection of privacy are material considerations within the planning process to secure quality development that offers attractive places to live in Aberdeen. It is important that these aspects are considered for any future residents but also existing uses within adjoining properties. The importance of amenity is reflected in Policy D1 which seeks to avoid unacceptable impacts on adjoining use and the impact on privacy. The importance of amenity for residences, particularly within and close to the city centre is evident with the proposed new policy in the emerging Local Development Plan, specifically Policy D2 – Amenity. This policy also states the need to “*ensure that occupiers are afforded adequate privacy*” which given the proximity of the adjacent office block, will not be the case. In terms of residential development where parking is provided, Policy D2 makes it clear that development should provide “*no less than 50% useable amenity space while it is necessary to provide car-parking within a private court.*” The rear area measures around 788sqm and as stated previously the rear amenity area of 200sqm is well under 50%. It is noted that balconies and patios are included too, but given the overlooking and overshadowing of a number of these their useability could be questionable. Finally, this policy also states that occupiers should be “*afforded adequate levels of amenity (including) immediately outlook*” which is clearly not achieved in the majority of flats.

The proposal also raises significant concerns with regard to ‘the borrowing of amenity’ from the adjacent properties and the overlooking. To the west, the office building is 4.3m from the boundary with large windows and a window-to-window distance of around 12m. The typical rule of thumb for window-to-window distance between habitable rooms is 18m. It is noted that the office building does not technically contain a “habitable room,” but the 18m distance is still relevant because the windows of the office, where people can sit all day, will look directly into the proposed residential accommodation, including main living areas and bedrooms. The principle of this policy is to protect privacy, which given the proximity of the office adjacent, would not occur. The flats proposed in the first and second floors would be compromised by the position of adjacent property and its directly overlooking windows, and those at the ground floor, though they would have the aspect over the communal garden to the south they would also have windows facing east and west onto the boundary walls in very close proximity which affords very little outlook. There are no other positive factors for these properties that would mitigate this issue or can be taken into consideration.

The rear extension at No. 30 Albyn Place is built to the boundary and there are no windows to cause a loss of privacy, however the proximity is approximately 4.7m at best and therefore provides overshadowing for the morning sun and ensures no aspect other than looking directly onto a blank wall from the main living accommodation and bedrooms. The outlook from a number of the flats’ habitable rooms, including the main living space are thus very poor, in some cases,

looking out onto a high blank wall at very close quarters (to the east). Also, any residents here would look directly into the rear parking area of No. 30 Albyn Place. Though not residential, it is part of Albyn Medical Practice and this proposal would be borrowing amenity from here. If this proposal was consented, it would ultimately sterilise the future use of this area for anything other than parking, due to the proximity of the windows and the projecting balconies, which would provide the ability to sit outside and overlook the site to within 2.6 metres of the boundary.

It is noted that though not 'technically' single aspect, flats 5, 6, 13 and 14 have a small single window their north elevation for the kitchen. These windows, however, include opaque glazing, so will provide no outlook and given the fact it is north facing, the proximity to the building opposite and being 2.3m away from the proposed new stairwell it will also afford very little light. As such no benefit is gained from these north facing windows and as such by all intents and purposes the properties are single aspect. This layout provides very little opportunity for a varied outlook and in some flats (5 and 6) very little outlook at all.

The original granite buildings have at basement level flats 8 and 9. These buildings have windows to the front and rear facing North and South (though compromised by the rear structure, which is around 6m away). To the front the basement is below the street level and daylight is afforded via the windows which are within external basement lightwells. The master bedrooms would have very little light from these north facing sunken windows. The second bedrooms in flats 8 and 9, according to the plans, would have no windows, but, from site inspection, there would appear to be a window in each room. This said again they would have a very small area where the lightwell would allow light in. There would be no outlook and the north facing lightwells would afford very little light as such these flats would not have an appropriate level of light or amenity afforded to them.

The principle living room of flats 8 and 9 in the basement would be located to the rear and the lounge/ kitchen area is afforded a reasonable space with large south facing windows. Unfortunately, the retention of the large building interferes with any potential solar gain, outlook or in effect will likely compromise the daylight receipt into the principle living space in either of these flats. This issues of lack of light would be further exacerbated with the overshadowing from the two adjacent properties, boundary walls and their extensions. There would be private amenity areas for both flats to the rear but again these will be heavily overshadowed and over dominated by the existing rear building. Finally, the projecting stairwell would add further overshadowing to the rear dining area if any light had been able to get in. As such these properties would not have sufficient amenity or light.

Flats 16 and 17 (although only 16 flats are proposed this is the annotated number of the plans, likely unchanged since the flat numbers have been reduced) are located on the first floor of Nos. 31-32 Albyn Place. The rooms to the front in these flats are acceptable given they have windows as well as light, though not direct sunlight given their north orientation. To the rear the balconies will provide acceptable outdoor space and should afford some daylight all be it again overshadowed by the stairwell at times of the day. Finally, flats 22 and 23 (as per the note above) will have reasonable outlook, daylight and sunlight and the small outdoor balconies to the rear will provide amenity space. There is no issue of overlooking to this flat.

Sun path diagrams were submitted and they do appear to show some light entering all the rooms in the south elevation of the Albyn Place properties. This said it is a very small amount for the lower flats and that is 1st September not the winter months. No detail or evidence was provided in relation to the light that the flats in the rear building are afforded. The simulation also shows that the private amenity space between the two buildings will get very little direct light also.

Policy D2 – Amenity of the Proposed Aberdeen Local Development Plan states that development will be designed to

- ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook;

it also goes on to state that residential development will also:

- ensure minimal shading of external private and public spaces;
- ensure that occupiers are afforded adequate levels of privacy;

This scheme to convert the front building falls short within the basement level on all of these elements and does not provide sufficient light, sunlight or privacy within the development.

The supporting documentation states that all but 4 of the 16 flats have a south facing aspect. This is technically correct, but the large modern office structure does not allow for the benefit of this aspect to 4 of the flats within the properties to Albyn Place. So, 8 of the 16 flats do not benefit from the south facing orientation of the historic building because of the proximity to the large building to their immediate south.

Proposed flats within the rear building

To the rear the retained building would also provide poor amenity and outlook for some of the properties. The ground floor flats (flat 1 and 2), cover the length of the building with aspects to either the east or west and to the south. This south elevation would afford excellent light and solar gain which 6 of the main living accommodations would benefit from. The bedrooms to the east would look out onto a boundary wall around 4.5m away and to the west 4m away, resulting in very little outlook or daylight receipt. There would also be further overshadowed and over dominated by the balconies of the properties above.

To the first floor there are four flats proposed (flats 4, 5, 6 and 7). Flats 5 and 6, as stated, above would have poor outlook and amenity. There would also likely be issues of overshadowing from the east and west here. Flat 5 on the west would also have issues with overlooking from the office property, a mere 12 metres away. This includes into the principle living space, the bedrooms and the proposed terrace. The addition of the balconies would bring the residents 2m closer to the adjacent windows, a mere 10m away. Furthermore, flat 6, would look onto the blank gable of the adjoining extension again 4.5m away (2.5m from the balconies). Flats 4 and 7 are afforded better light and outlook with the principal accommodation looking south. This said, again the property on the west side would be significantly overlooked by the adjacent office. The balconies proposed for these properties are directly above those on the floor below and would also provide an element of overshadowing to the rooms and their outdoor amenity space.

On the top floor the flats will be afforded a good amount of light. This said, like the floor below the top floor will both be overlooked by the adjacent office extension as well as causing an element of overshadowing on the flats below. It will also again look into the adjacent properties and in particular the rear area of Albyn Medical Practice next door.

In terms of amenity this development falls so significantly shorter than is required and as such is contrary to Policy D1 – Quality Placemaking by design as well as Policies D1 – Quality Placemaking and D2 – Amenity of the Proposed Local Development Plan.

Overdevelopment

The provision of 16 flats within the site, has resulted in a large area to the rear still being given over to parking provision. The South facing communal garden area would be very small and only

measures around 200 sqm in size which, given some of the properties will have very little sunlight afforded to their private amenity areas, is insufficient. The Planning Statement states there is around 500sqm of communal and private spaces in the form of terraces and private gardens is proposed which is apparently 20% of the site. A number of these areas appear to be planted beds and areas which will be largely overshadowed but in the absence of any landscape scheme it is not clear how the communal areas will be laid out. Given the parking court and access to the rear take up around 590sqm, almost three times the communal grassed area, it is disappointing that more was not made of the garden area and the south facing aspect. Only 6 properties of the 16 really benefit from the south facing aspect. The front garden off Albyn Place presents an attractive formal setting to the property, however given its street prominence is unlikely to be a place where residents would be comfortable using for recreation.

The reinstatement of a larger section the rear garden area would have been more appropriate given the lack of amenity some of the flats are afforded. The Heritage Statement makes significant reference to the fact that a previous owner was a horticulturalist and commercial gardener, but no reference or consideration has been given to this when laying out the garden area. The number of flats proposed within the site has resulted in the poor internal and external amenity being afforded to a number of the flats.

Landscaping

No details of the proposed landscaping scheme, planting, or the hardstanding have been provided with the application. A green wall is noted but no detail of what this would consist of is available. There is no reference to clothes drying areas or use of the spaces. As it sits, it does not appear that much consideration has gone into the landscaping scheme. ALDP Policy D2 Landscape states that developments should have a strong landscape framework which improves and enhances the setting and visual impact of the development. It goes on to state that "quality development will:

- be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;
- conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;
- create new landscapes where none exist."

This proposal does not consider the existing context to the rear. Unfortunately, the boundary wall that was present is no longer there and the proposal does not try to restore any features that are evident in the Design and Access Statement historic maps plans or as referenced in the Heritage Statement and does not create any interest in the new landscape that replaces the existing parking area. As such the proposal does not meet the requirements of Policy D2 Landscape of the ALDP.

Main buildings conversion

The proposal is for the division of the two properties into 6 flats, one within each floor with separate side access for the 2 on the lower ground floor, 2 on the ground floor accessing through the original front doors, and a proposed communal rear stairwell access 2 flats on the first floor via a side passage from the front.

The proposed works to the original semi-detached properties to Albyn Place respect the historic structure and the wider Conservation Area and its special character. Though not listed, the proposed window refurbishment as well as the gentle cleaning proposed (consent not required if per statement) would all provide a positive change to the buildings within the Conservation Area

and the kerb appeal of the building. The proposal to repair the windows is welcomed. This said the Design and Access Statement notes that damaged windows would be replaced. Adequate justification for any replacements, would be required in accordance with the Repair and Replacement of windows and Doors Technical Advice Note, this has not been provided. The retention and repair of windows is the preferred option in accordance with the TAN.

Internal changes are also respectful of the building's fabric, though not listed and as such not requiring of planning consent. The proposal aims to retain feature that are still present which is welcomed.

Proposals for the rear wall of 31-32 Albyn Place and the rear roof slope is not fully explained or justified within either the design and access, planning or heritage statement. Though the building is not listed the proposal appears to remove a large area of granite wall from the rear of the buildings and the majority of the rear roof slope which would affect the special character of the building and the wider conservation area. It is unclear from the plans and elevations what exactly is proposed for demolition and it would appear that there are inconsistencies in the information submitted.

Drawing 210 L(00)104 Elevations (demolition) appears to show the link between the two buildings being removed to leave the natural stone walling exposed. However drawing 210 L(00)102 Rev A Floor Plans (demolition) appears to show the removal of the back wall of the existing historic building as well as the link structure. Drawing 210 L(00)100 also appears to show the removal of the majority of the rear roof slope of the historic building. This said it is not clear given there is no key on the drawings and the drawings vary. The Design and Access statement shows the rear wall of the traditional building remaining. The inconsistencies in the plans as well as the demolition itself is not explained, clarified or justified in any of the statements submitted.

Policy D5 Our Granite Heritage states proposals to demolish granite, buildings, structure or feature, partially or completely, that is within a conservation area will not be granted planning consent. The proposed demolition of this rear wall is unclear and unjustified. Furthermore, no detail is provided to explain how it would be rebuilt or the granite reused. Given the lack of clear information on these proposed works they would not be acceptable, due to the potential detrimental effect it would have on the building and the character of the conservation area.

The design of the proposed stairwell to the rear of Nos. 31-32 Albyn Place looks incongruous to the existing building and as an addition within the Conservation Area, albeit a small addition, would require further consideration. Its design also causes overshadowing of the property's balconies either side.

Front curtilage

To Albyn Place the original vehicular 'in' and 'out' arrangement currently exists. The original proposal was to alter this arrangement and provide additional parking in this area. This had an impact on the mature tree as well as the visual amenity of the Conservation Area and was contrary to the Supplementary Guidance document of Transport and Accessibility. This element of the scheme was revised to retain the historic movement pattern, remove the new parking spaces and as such is now deemed acceptable.

Part of the proposal is to reinstate railings to the Albyn Place frontage. This is welcomed; however,

the design of the proposed railings does not appear to have taken into consideration the Council's adopted Technical Advice Note on Repair or Reinstatement of Cast Iron Railings which states *"Where the original railings have been completely removed, the new railings should be as faithful a copy of the original railings, as possible. If none of the original railings can be obtained for use as a guide, then photographic or other archive evidence should be obtained to ascertain the nature of the original railings"*. There are railings present onsite on the stairs and lightwell but again they do not appear to have been considered when designing the new railings. As such the design of the new railings is not in keeping with the Repair or Reinstatement of Cast Iron Railings TAN.

Parking

Though the parking standards are not fully met, ACC Roads DM team are satisfied that there are sufficient spaces available for general parking. This said there is the requirement for an additional space for disabled parking beyond the 16 spaces which has not been provided and it is unclear where it could be provided without being to the detriment to the front area. An additional space to the front would not be supported. Roads DM also ask for delineated spaces to the front which would have to respect the character of the conservation area and for example use setts to delineate the ends and corners of the spaces.

Rear curtilage

The scheme provides additional planting to the rear as well as a small, grassed area which is welcomed. This said, the Heritage Statement makes significant reference the previous rear garden, the complex use of the layout, how they would have had large gardens and its association with horticulturalist and commercial gardener Benjamin Reid. With this important association identified it is surprising to see the rear area given over to a small area of grass with some trees planted in the side beds. Had less flats been provided; less car parking spaces would be required and more space could have been given over to garden ground. There are also no details of a landscaping scheme provided so it would appear that little consideration has been afforded to this element. The Heritage Statement confirms *"The contribution to the landscape value at the rear of the property is negative. The office block and car park are detrimental to significance,"* but the proposal does very little to remedy this highlighted issue.

On the site plan, an area at the entrance off Albyn Lane is shown to be planted, but appears to be outside the redline boundary. It is assumed this does not contribute to the communal open space within the site, given it would appear to be in different ownership.

The area between the traditional property and rear structure, which would be largely in shadow, was originally proposed to be hardstanding but it appears that on the plans submitted as part of the LRB process, that this now includes grassed areas. Either way it is a very over shadowed, over dominated area of land with little amenity value.

Finally, a green wall is proposed on the northern elevation of the existing brick building, presumably to provide a slightly more aesthetic outlook from the traditional flats. there is no detail of how this would be planted, the species proposed or how this proposal would be successful. Again, the lack of consideration to the landscape of the site is of concern and is unacceptable.

Sustainability

The principle for the reuse of this prominent historic building is welcome. The proximity to the City Centre and the Council's aspirations to reuse these historic buildings as residential properties supports the principle of this scheme. There is a strong and welcomed sustainability argument for the reuse of the historic buildings to the front.

With regard to the rear building, the proposal for this part of the site is described in the Design and

Access and Planning Statements as sustainable re-use of the existing built fabric and form of development. The building currently on site is a three-storey brown brick clad building under a concrete tile pitched roof and of a form and design that, according to the submitted heritage statement, in no way either preserves or enhances the Conservation Area. The extension was approved at a time when design quality and placemaking were not firmly within the remit of planning.

Within the submitted documents the justification for the retention of the rear structure appears to be sustainability grounds which is an important factor to consider but this alone as a reason does not justify the retention of this large structure which compromises the site and context. At the time of construction, the building regulations would have been much less restrictive than they are now. The rear extension would not meet current standards and as such it is clear that the structure will have to be completely, or substantially, gutted, insulated, re-clad, and according to the demolition plan largely demolished. If this is the case it brings into question the sustainability of this proposal. If this eyesore of a structure had been demolished, an appropriately designed solution could have been found that would have met the policies within the ALDP, contributed positively to the Conservation Area, been of a high design quality and allowed for the appropriate level of amenity for the residents.

As stated above, from the demolition plan 210L(00)102A it is assumed (given no key is provided) the orange colouration shows areas of demolition which appears to be internal walls and whole roof structure, as well as the rear of the roof and wall on the original house. This said, given the lack of clarity on the drawings, it cannot be ascertained with certainty that the walls of the rear structure are not included in the demolition proposal. This makes it difficult to argue that the retention of the original structure is being done on sustainability grounds when there will be very little of said original structure left.

Finally, the granite for recladding is likely to be imported and as such again how sustainable is this for the proposal, although it is appreciated that local granite can be sourced.

Other issues

Policy H5 would normally require the contribution of 25% affordable housing but the applicant has requested the Affordable Housing Waiver applies. If the application were approved, it would require a Direction added to be the decision notice requiring the planning permission to be implemented within one year.

Given the significant issues with the original proposal, no assessment was provided on the elevations. The original scheme was such a concern that no architectural dressing could resolve the form and volume of development to achieve a harmonious addition to the site and cannot be said to 'preserve and enhance' the wider area status beyond the principle of re-use. It is noted that the two additional storeys were removed, reducing the over-development but no additional engagement was sought from the agent and a request for determination was made. Had further discussions been entered into, significant changes would have been sought on other elements of the proposal including the elevational and design elements proposed on the rear structure.

The design of the proposed stairwell to the rear of Nos. 31-32 Albyn Place looks incongruous to the existing building and as an addition within the Conservation Area, albeit a small addition, required further consideration. Its design also causes overshadowing of the property's balconies either side.

The replacement of the traditional dormer to the rear with a larger dormer which will be situated on

the wall head is not in accordance with policy. But given the wider benefit and the fact that it will allow for private amenity space for the flats and the fact that its design is of an appropriate scale in this instance it is deemed acceptable.

It is unclear from the drawings where ventilation for the bathrooms is proposed. New slappings in the historic principal elevation of the properties would need to be fully considered.

Notice of Review Supporting Statement

It is noted that changes were made to the proposal but as per the details and considerations above this did not go far enough to make the scheme acceptable and in accordance with Policy. Had the agent been open to discussions, as suggested in the statement, then an acceptable solution could have likely been found for the reuse of the site for residential use. However, at no stage, either prior to the planning application being submitted, or during its consideration, did the applicant, or his appointed agent, engage with the Planning Service, or did they show any willingness to do so.

On page 5 of the statement, it notes no material change would be made to the physical appearance of the existing built development and as such there would be no negative impact on the streetscape or the character of the Conservation Area. This statement is contrary to the submitted Heritage Statement which clearly states that *"The late c20 office block has little or no architectural significance relating to its form or fabric. It is detrimental to the significance of the site as determined in the 2013 Conservation Area Character Appraisal."* Furthermore, the statement is actually inaccurate because the recladding and addition of balconies would materially change the physical appearance of the building.

The points raised in the statement in relation to private external space, dual aspect, south facing orientation, daylight and sunlight receipt have been addressed elsewhere in this report.

The Supplementary Statement comments in paragraph 2.6 that there is a *"need to take a holistic view of the amenity which residents would enjoy, with people specifically choosing to live close to the city centre because of the amenity benefits this delivers in terms accessibility and proximity to the services, facilities and employment opportunities this has to offer, and accepting that the amenity this affords is different from that provided in a more suburban residential area."* The last experiences of the previous 2 years have taught and reminded society of the necessity and requirement for private amenity space and clear meaningful direct access to quality external space for our everyday needs. Though this site is located close to the City Centre, and indeed the amenities that the city centre offers, it is not constrained in terms of the provision of outdoor space. If a proposal was designed to an appropriate scale and design, this site has ample space to allow for both private and communal amenity space as well as appropriate level of light and outlook had the proposal considered the site, its context and the relevant policies and representing a high-quality residential environment befitting the site place status within the Conservation Area and its connectivity to the city centre.

The Planning Statement poses the case for the development in terms of SPP and justification for the proposal in terms of sustainable development. It is noted that the location is sustainable as is the reuse of the traditional building and the building on brownfield land. This is all agreed in principle, and had a more appropriate scheme been proposed, that met other policies which are designed to protect and provide the appropriate amenity for residents then it would likely have been supported. It is also noted that the requirement for office accommodation of this type is no longer favoured but again that is not a reason to not comply with the other relevant policies of the plan, guidance and legislation.

Also, within SPP as stated above, its policy principles make it clear that policies and decisions should also be guided by the following principles:

- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Paragraph 3.6 of the Notice of Review Statement argues that it should be approved on sustainability terms because there is, *“no adverse impacts which would ‘significantly and demonstrably’ outweigh these benefits have been identified, with regards to which the Planning Statement, Supplementary Statement and paragraphs 2.5 to 2.8 above clearly demonstrate that is the case in respect of:*

- *the character of the Conservation Area;*
- *the amenity of existing or future residents”*

As per the content of this report this is an inaccurate statement and the importance of amenity as well as the character of the Conservation Area have clearly been overlooked.

Finally, SPP states that where an LDP is more than 5 years old *“the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.”*

The Notice of Review Statement states *“it is submitted that the proposed development would deliver a high-quality residential environment which complies with all relevant policies of Development Plan and is supported by other relevant material considerations, in particular the presumption in favour of development that contributes to sustainable development set out in SPP.”* How the development contributes to sustainable development has been considered as part of the scheme and had been afforded a significant material weight. This said, based on the information provided and the submitted plans it is evident that this proposal does not in fact meet the policies of the Development Plan, and material considerations, and that there are in fact significant concerns that significantly and demonstrably outweigh the benefits of the scheme in terms of sustainable development.

Precedent

This proposal is one of the first of this type which has been submitted along this stretch of Albyn Place. It is likely that the decisions taken here will have an impact on other properties and development along the street, which is one of Aberdeen’s finest pieces of historic townscape planning. Precedent is not normally a factor to consider but there is the potential for a cumulative impact if this application were approved and thus it becomes an important and relevant material consideration. Approval would set a precedent whereby here and on other centrally located sites it could allow for other development with very poor amenity, outlook, sunlight and privacy and a detraction to the quality of the built historic environment. The proposal also raises significant concerns with regard to ‘the borrowing of amenity’ from the adjacent properties and the overlooking to the west in particular. Solutions could have been found and this issue avoided had the agent worked with ACC planning on this scheme.

The Basis of the Notice of Review for Non-determination of the application

The following paragraphs explain why the Planning Service did not make a determination of the planning application, which led to the Notice of Review against non-determination being submitted by the applicant. This primarily arose for two reasons; the late submission of necessary information by the applicant and the re-notification of neighbours and re-advertising of the application following the submission of the revised proposal.

As note earlier in this report, there was no engagement by the applicant, or his appointed agent, with the Planning Service on this proposed development. Planning Service has a formal pre-application process in place, which potential applicants for developments of this type and scale are strongly encouraged to go through. This would have given the agent and applicant a clear steer on what information and supporting documentation and reports were required and a clear indication of what level of development may be appropriate for the site. They chose not to go through this process and submitted an application for the conversion of the existing building, recladding of the rear structure, erection of 2 additional storeys to the roof of the rear structure and a number of other alterations. Unfortunately, the applicant chose not to use this service to get, which at that time, was free advice on the scheme. It may be that had this agreed process been followed, issues of concern as set out above, particularly in terms of overdevelopment and amenity issues, for the development, would have been provided at the time and could have been resolved/discussed prior to an application even being submitted.

At time of submission of the application there was a significant amount of information and relevant documentation missing including Design and Access Statement, as well as an assessment on the proposal within the context of the Albyn Place/ Rubislaw Conservation Area. The agent was advised of these omissions within days of the submission of the application. Furthermore, there was no information provided which considered the large tree at the front of the site, information that should have been provided when the application was lodged. It was not possible or appropriate to begin to fully assess this application without all the relevant supporting information being received. A number of the outstanding documents were submitted in April 2021, but the tree/arboriculture survey was not submitted until November 2021, more than 7 months after it the planning application was lodged.

After full consideration of the submitted Design and Access Statement, it was determined that it did not properly or fully explain, consider or justify why the proposal was the most appropriate design response for the site and its context within a conservation area. To address these deficiencies, the agent was advised in May 2021 that this was best addressed through a Heritage Statement, which would assess the proposal in the context of the Conservation Area (front and rear) and surrounding listed buildings. The Heritage Statement was subsequently submitted in September 2021. The relevant consultations took place with colleagues and an assessment of and comments on the proposal were sent thereafter to the agent. This could not have been done in any comprehensive or meaningful way until we had received all relevant documentation/reports, the last of which was the tree/arboriculture survey in November.

Upon the submission of the revised proposal, it was apparent that the proposal and thus the description of the application had changed significantly, in that the number of residential flats was changed and the addition of the two storey to the rear extension had been removed. Accordingly, the decision was taken by the Planning Service to re-notify neighbours, to re-advertise the proposal and to re-consult relevant consultees to ensure their comments related to the most recent application and plans. When revised proposals are submitted by applicants, para. 4.63 of Scottish Government Planning Circular 3/2013 'Development Management Procedures' states that "*It is for the planning authority to decide what notice they give to other parties regarding any such variation*". Due to the date of the submission of the revised proposal, in the lead-up to the

Christmas holidays and also the lead-in time for placing advertisements in the newspaper, meant that the renotification and re-advertising did not take place until mid to late January.

During the period that the planning application is subject to renotification of neighbours and re-advertisement and thus open for interested parties to submit written representations, it would be unlawful for the planning authority to determine the application. However, the applicant submitted the Notice of Review before the expiry of the advertisement period and thus before a lawful determination of the application could be made by the planning authority.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given. Furthermore Policy D2 Amenity is a relevant consideration for this application.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The site is adjacent to but out-with the city centre boundary and should be able to afford a high-quality residential environment subject to balancing the needs of the conservation area status, the quality and quantity of dwellings proposed and their on-site, as well as their impact or bearing and likely precedent within the vicinity. The proposed development does not do this.

The proposal would not afford sufficient daylight, sunlight or amenity for a number of the flats and in particular those at the ground floor level. The outlook from a number of the flats is onto a high blank wall or a green wall within very close proximity and this relationship would not result in quality residential environment or provide a strong sense of place quality as required within the Conservation Area. The window-to-window distance of five of the proposed flats would not give prospective residents an acceptable level of privacy insofar as to the west they would be directly overlooked at a distance of around 12 metres. Finally, the basement flats in the main building would not have sufficient light or outlook afforded to them. As such, the proposal is considered not to comply with the general amenity expectations implicit to Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017 and in the policies of the proposed Aberdeen Local Development Plan 2020.

The proposed scheme does not fully consider or assess the Conservation Area context and how the proposal impacts on that. The Heritage Statement makes it clear that the “The late c20 office block has little or no architectural significance relating to its form or fabric. It is detrimental to the significance of the site”. The proposal would not suitably respect the site’s historic context in terms of its form, scale, layout and the palette of finishing materials and thus would not preserve or enhance the character of the Albyn Place/ Rubislaw Conservation Area. As such the proposal is contrary to Policy D4: Historic Environment, D1 Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on “Managing Change in the Historic Environment: Guidance Notes”.

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