



Notice of review in respect of
Non-determination of planning application reference 210311/DPP
Comments on Report of Handling

1 Introduction

1.1 We refer to the planning authority's Report of Handling for planning application reference 210311/DPP, and wish to comment briefly on a number of points in this as set out below.

1.2 In particular, it is highlighted that:

- the Report of Handling confirms that the principle of reusing the building by converting this to residential use is welcomed, and the points raised below need to be considered in this context;
- the Notice of Review requires to be determined on the basis of the merits of the application as submitted, and the development proposed in terms of this, as assessed against the baseline position of what is on the site at present. As such, it is not appropriate to compare the proposed development to what was on the site prior to the existing development being erected, or to what the decision-maker might like to see on the site if they were redeveloping it, as the Report of Handling does in several places;
- while the development proposed in terms of this application seeks to deliver improvements to the existing development on the site, the applicant cannot be required to address existing deficiencies in the built environment, as the Report of Handling seeks in a number of places (including by suggesting that the rear building should be removed); and
- a number of inaccuracies have been identified in the commentary in the Report of Handling's in respect of the information submitted in support of the application.

2 Matters affecting conservation

2.1 While the Report of Handling indicates that the retention of the rear building has not been justified, the retention of this does not constitute development for which planning permission is required, such that there is no locus for considering whether or



not this is justified in the context of this planning application. Rather, planning permission is sought for the building's change of use and minor associated alterations only, and the application requires to be determined on that basis.

2.2 Related to this, while the Report of Handling refers to the rear building as having been erected to serve a 'less permanent' office use, and to the proposed residential development fixing this form of development indefinitely, it should be noted that the existing building is already a permanent building, with this form of development having been 'fixed' indefinitely since it was first consented and constructed.

2.3 As such, the application needs to be assessed against the baseline position of the rear building being an existing feature, as set out in the Supplementary Statement submitted in support of the application [Document 64], and, given the detrimental impact this has been identified as having on the Conservation Area, the proposed development clearly delivers a number of benefits, as also set out in that Statement and confirmed in the Heritage Statement submitted in support of the application [Document 63]. Importantly, and ignored in the Report of Handling, the Heritage Statement concludes that, overall, the proposal for the rear building is intended to enhance the Conservation Area by mitigating as much of the detrimental aspects as possible and highlights that:

- the existing brown brick used in the rear building is unique in the streetscape and jarring, such that it is clearly incorrect to say that the brick finish has not been identified as an issue in terms of the impact of the existing building on the Conservation Area, as stated at the end of page 8 of the Report of Handling; and
- the proposed change of the exterior of the rear building from brown brick to granite will ameliorate the visual impact, allow the structure to blend in with neighbouring buildings, and help celebrate the granite heritage of Aberdeen, in addition to which it should be noted that a number of alternative finishes were considered, but granite was identified as the most suitable option by our client's architect, such that it is again clearly not the case that no reference is made in supporting statements to the re-cladding of the building as being the correct solution in terms of the Conservation Area, again as stated on page 8 of the Report of Handling).

2.4 Likewise, whereas the Report of Handling indicates that reference should be made to the Council's Technical Advice Note (TAN) on Development Along Lanes, the comments in this regard misrepresent the submissions made in the Supplementary Statement, that being that the purpose of the TAN is to guide the creation of residential mews buildings, rather than the conversion of existing buildings. And, in



the absence of any new buildings being proposed in this instance, there is no reason to refer to the TAN.

2.5 Lastly, insofar as the application is partly retrospective with regards to the removal of link sections and part of the wall splitting the car park between 31 and 32 Albyn Place, this does not affect the basis on which the application requires to be determined. This notwithstanding, it should be noted that the removal of the link sections is referenced in the Heritage Statement, with this having revealed evidence of past fenestration, while the brick wall splitting the car park is not a historic boundary wall, and has only been partly removed to facilitate the removal of the link sections. As such, no historic features have been removed, including any boundary walls. Our client does though apologise for carrying out these works in advance of the determination of this application, having been unaware that planning permission was required and, having obtained a demolition warrant for these works, had understood that they were authorised by this.

3 Amenity and light

3.1 How the proposed development delivers a high level of amenity for future residents has been set out in detail in the documents submitted with the application, and will not be repeated here beyond re-iterating that it is necessary 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 that this delivers in terms of proximity to the services, facilities and employment opportunities this has to offer. It is also important to take a pragmatic approach in this regard if the Council's aspirations in terms of delivering more housing in and around the city centre are to be realised, particularly on brownfield sites (to which, it is submitted, due weight has not been given in the Report of Handling). In addition, in response to amenity and light points raised in the Report of Handling, we would highlight that:

- whereas reference is made to the requirements of Policy D2 in terms of having no less than 50% useable amenity space where car-parking is provided in a private court, this is only the case if parking is provided in a private court (within which there would generally be both parking and amenity space). In this instance however, communal garden areas are provided separately from the parking area, with further amenity space provided in the form of private gardens and terraces for individual flat owners. In any event, as set out on the 'Proposed Green Spaces Communal and Private Terrace Layout Plans' submitted with the application [Document 36], the total amenity space available equates to over 50% of the external space on the site, providing a high level of amenity for residents in this regard;



- the value of north facing windows in flats 5, 6, 13 and 14 should not be discounted, with these providing ambient light and air to kitchen areas and complementing the main windows to the living/kitchen spaces on either the east or west elevations, depending on the flat; and
- the submitted sun studies [Document 65] show light hitting the ground outside flats 31 and 32 at different times of the day, particularly in summer, with the removal of the link structure increasing the amount of light washing the rear of the existing granite building and allowing users to view more of the bay windows in that than previously.

4 Landscaping and restoration works

4.1 With regards to the sections of the Report of Handling related to proposed landscaping and restoration works, a number of queries are raised about some of the details of the proposed development that were not raised during the extensive period of time in which the case officer had to assess this, and which our client or their architect could have addressed if they had been, or which could be conditioned. Specifically:

- our client would be happy for planning permission to be granted subject to conditions requiring the submission, approval and implementation of a detailed landscaping scheme, as is standard practice;
- the only windows to be replaced are modern windows, which are to be replaced with appropriate sash and case windows, as set out in the Heritage Statement;
- our client's architect would have been happy to provide clarification on the plans, in terms of which it should be noted that:
 - new elements to the rear of the original building have been positioned to utilise existing openings and minimise works to the granite walling;
 - yellow hatching on demolition drawings refers to buildings to be removed and/or areas requiring interventions;
 - more granite will be visible to the rear of the original building than is the case at present, delivering a net benefit in this regard;



- the proposed stairwell to the rear of the original building has been designed such this does not breach the eaves, with windows to provide translucency, in addition to which it should be noted that this will not be visible from the surrounding Conservation Area, and so will have no impact on the character of this;
- the design of the existing railings elsewhere on the site was not considered to be appropriate for principal street railings, with the design that has been proposed for these being consistent with what has been approved and installed elsewhere in the Conservation Area, but our client would be happy for this detail to be conditioned; and
- ventilation of the bathrooms will be through existing vents, new vents under the existing stairs or new roof slate vents, with no new cores through the principal entrance ashlar.

5 Parking

- 5.1 Whereas the Report of Handling indicates that a disabled/accessible space should be provided in addition to the baseline number of spaces to serve the proposed flats, the Council's Supplementary Guidance: Transport and Accessibility makes it clear that disabled parking requirements should constitute a proportion of the total amount, not an additional number of spaces on top of this.
- 5.2 In any event, even if a disabled space were to be required in addition to the baseline number of spaces, the proposed level of parking should still be considered more than adequate given the central location of the site and the availability of sustainable and active travel opportunities, including easy access to the site on foot, bike or by public transport, with Co-wheels cars also available in close proximity, as set out in the Transport Report submitted with the application.

6 Sustainability

- 6.1 Contrary to what is stated in the Report of Handling, the rear building would not need to be completely or substantially gutted and largely demolished. Rather, the superstructure would be converted to comply with building regulations by simply providing a continuous layer of insulation behind the perimeter plasterboard, with the scale of the works required being minimal, and significantly less than building a new building. In doing this, only the surface of the roof would be replaced, with the rest of the roof and wall structure retained. This then makes this an inherently sustainable proposal, particularly when due regard is given to the embodied energy within the



concrete slabs, masonry walls and trusses of the building, all of which would remain intact, delivering a highly sustainable development in terms of energy efficiency.

- 6.2 In addition, it should be noted that the source of the proposed granite cladding has not yet been confirmed, but this would likely be the same if a new building was proposed rather than the existing building being reclad, such that this should not be a determining issue in respect of this application.

7 Other matters

- 7.1 Finally, the Report of Handling raises a number of matters that are not material planning considerations, namely the level of engagement between the planning service and the applicant during the course of the application, and that the applicant chose not to seek pre-application advice prior to submitting the application, neither of which should be relevant to the determination of this application. This notwithstanding, it should be noted that the applicant did seek to engage with the planning service, and demonstrated their willingness to take feedback on board by revising the proposed plans in response to this. Indeed, the Report of Handling expressly notes that such changes were made, demonstrating that the applicant did engage positively with the planning service in the interests of delivering the sustainable redevelopment of this vacant brownfield site to provide much needed housing, in line with the Council's express aspirations in this regard, as set out in the Statement of Appeal, Planning Statement, and Supplementary Statement submitted in support of this.

- 7.2 It should though be noted that the applicant did not receive any substantive feedback from the Council on the proposed development until some 9 months after the application was submitted, and almost 2 months after the heritage statement which was requested as part of the Council's assessment of the application was submitted (this alone being just shy of the time period in which the application should have been determined, irrespective of the time that had past prior to this), despite requests from the applicant's architect for feedback during this time. When feedback was then received the applicant responded to this by revising the plans within a period of 4 weeks, with these having been submitted on 13 December 2021 as set out in the Statement of Reasons. As also set out in the Statement of Reasons, a further period of over 2 months then passed before the Notice of Review was submitted, in which there was a delay of 7 weeks before the Council advertised the amendments by way of a notice being placed on site, preventing any further substantive feedback being provided or positive engagement with this applicant during this time, to the prejudice of the timescale for the application being determined and triggering the Notice of Review in respect of the failure to determine the application being submitted.



7.3 Further, whereas the Report of Handling refers to representations comprising one neutral one and one positive one, the only representations received in respect of the application from the public were two letters of support from the owner of 32 Albyn Lane (the closest existing residential property), with a letter of support also submitted by Queens Cross and Harlaw Community Council. In particular, as set out in the Statement of Appeal, these representations highlight the negative visual appearance of the site at present, the extent to which this would be improved by the development proposed in terms of this application, and the potential harm that would be caused to the area as a result of the existing buildings deteriorating further if the proposed development does not go ahead, all of which require to be taken into account in favour of the application being approved.

8 Conclusion

8.1 In light of the above, it is submitted that there is nothing in the Report of Handling that would justify the application being refused, and that the Notice of Review should be allowed, and the application approved for the reasons given in the Notice of Review Supporting Statement and associated documents submitted with this.

Aurora Planning Limited

28 March 2022

