

21<sup>st</sup> December 2022

## NOTICE OF REVIEW

**Full Planning Permission for Change of use and conversion of class 4 office building to form 2 residential flats, alterations and installation of replacement windows and doors; formation of entrance door from an existing window opening; and associated works including the installation of boundary enclosure, landscaping works and raised arm barrier to car park at Studio 3, 32 Albert Street, Aberdeen AB25 1XR**

**Planning Reference: 220432/DPP**

## STATEMENT

We are seeking a review of the above planning application refused by the appointed officer. As required we provide this statement setting out the following reasons for seeking the review and matters we consider require to be taken into account in determining the review:

01. We were given insufficient time to respond to late request that we include 2No carpark spaces as additional amenity space to the proposed development.
02. We were unable to accede to the request as the carpark spaces were part of the lease to Arria, the tenant of the upper part of the open plan office space. Also the carpark spaces were part of an ongoing negotiation with a then potential tenant for the lower part of the open plan offices which is now subject to legal agreement.
03. We do not think that the requested amount of amenity space is necessary for this development.
04. We were not given any opportunity and time to respond to the refusal of the flat entrance door proposed specification.

## Background

The Vestry to the rear of previous Carden Melville Church was part of the original office conversion which commenced in 1990, following the Church of Scotland's decision to sell the building due to falling congregation numbers and consolidation of Parishes within the west end of Aberdeen.

The open plan nature of the Sanctuary and Games Hall below provides for flexible modern offices which together with the adjoining grounds helps secure a sustainable future for the grade B listed granite building with its impressive spire. This part of the building has been in constant occupation since 1991 and although currently only partly occupied the lower part of the building (previously Games Hall) is "under offer" with likely occupation March/April 2023.

The Vestry unfortunately has not fared so well and although part of a larger lease including the main lower ground floor, has not been occupied for at least ten years. The Vestry was originally designed to provide ancillary accommodation for the Church and was once a flat on the ground floor for the caretaker prior to the sale in 1990. It is not good for any building to be vacant for such a long period of time and in the absence of any interest for office use, it clearly needs an alternative use to generate interest and secure a sustainable future for the building.

Its location in the west end of Aberdeen, next to a bus stop, shops and amenities within a 5 minute walk, together with the cellular nature of the space and multiple aspect created by the original fenestration naturally lends itself to conversion to residential use.

The Planning Application for change of use and conversion of class 4 office building to form 2 residential flats was submitted in March 2022 and refused on 30<sup>th</sup> September 2022, stating two reasons for refusal: lack of amenity space and unacceptable entrance door specification.

---

22 Rubislaw Terrace, Aberdeen, AB10 1XE - 01224 643117 - office@m-g-a.co.uk - www.m-g-a.co.uk

## **Reasons for seeking a Review 01:**

Following submission of the Planning Application, we entered into discussions with the Planning Dept to demonstrate that there was external amenity space to accompany the conversion to residential use. We have engaged with the planning officer and addressed their many comments including giving up a part of the parking to create additional garden ground and re-designing the amenity areas several times.

After 3 months of discussions the Planning Dept suddenly insisted that we sacrifice two more carpark spaces to provide additional amenity space. As evident from the email trail submitted in support of this application, the request came through on the 13 September 2022, we responded on the 15 September and following that there was no communication until 29<sup>th</sup> September when the planning officer wrote to us advising that the planning application would be refused, without any reference to the points we raised on the 15th. At this point it was too late to enter into any further discussions as the application was subsequently refused the next day.

## **Reasons for seeking a Review 02:**

The car park to the rear is required for parking to the main offices and in part is subject to a 10 year lease.

The remaining spaces are included in Head of Terms for the lower floor open plan offices and will be included in a lease currently being completed for entry in March/ April 2023. Please refer to the Lease Agreements copies supporting this submission.

As it stands, it would not be possible to give up more car park spaces to provide additional amenity.

## **Reasons for seeking a Review 03:**

We believe that the proposed amenity provision should be acceptable considering the type of the proposed properties and the surrounding urban context with easy access to public amenities, viability of the continuous use of the listed building and requirement for housing.

Refer to the letter of justification submitted as part of the planning application supporting documents, and included with this submission.

## **Reasons for seeking a Review 04:**

The decision notice stated a second reason for refusal as non-compliance of the proposed doors with relevant planning policies. There were no comments received from the planning service to indicate that this was the case during the application processing, therefore we were not given the opportunity and time to address this issue.

## **Conclusion**

We would ask the Local Review Body to take the supporting statement above into account and reconsider Planning Department's decision to refuse the planning permission.

Yours sincerely,

**Olga Druhakova**