

# Planning Development Management Committee

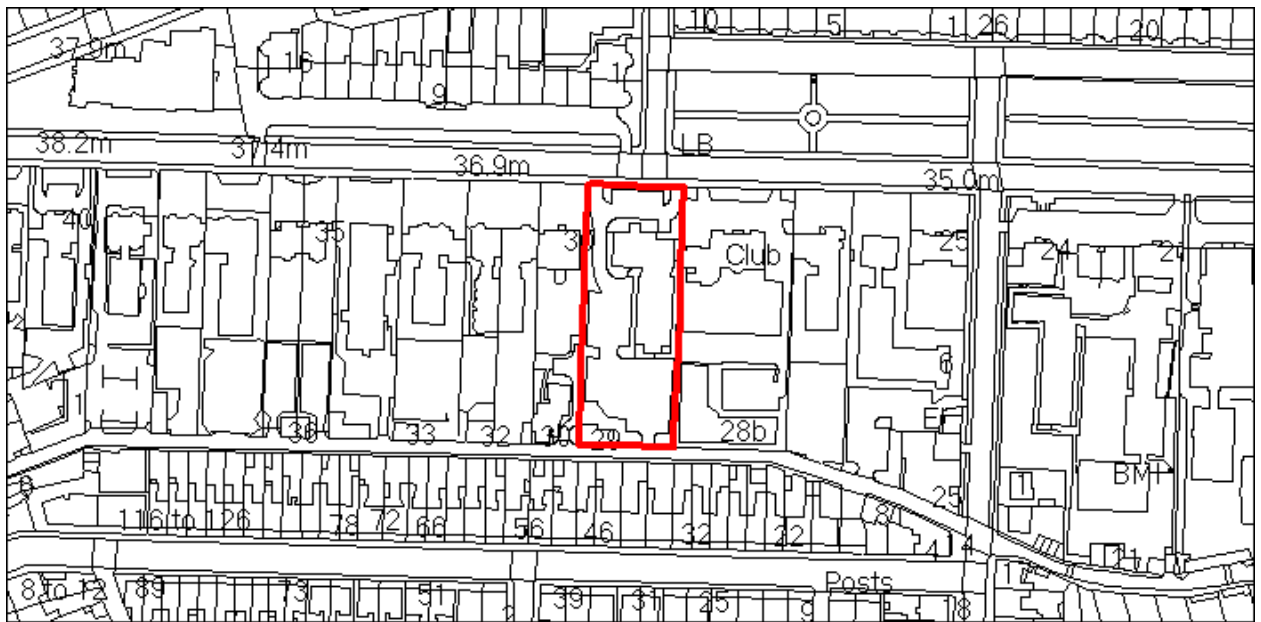
BISHOPS COURT, 29 ALBYN PLACE,  
ABERDEEN

ERECTION OF EXTENSION TO PROVIDE  
ADDITIONAL OFFICE ACCOMMODATION AND  
ASSOCIATED INFRASTRUCTURE WORKS

For: Johnston Carmichael & Ribnort Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P131464  
Application Date: 07/10/2013  
Officer: Garfield Prentice  
Ward : Hazlehead/Ashley/Queen's Cross(M  
Greig/J Stewart/R Thomson/J Corall)

Advert : Section 60/65 - Dev aff  
LB/CA  
Advertised on: 23/10/2013  
Committee Date: 13 February 2014  
Community Council : No response  
received



## RECOMMENDATION:

Refuse

## **DESCRIPTION**

The site is located on the south side of Albyn Place, to the west of its junction with Albyn Grove and opposite the junction with Prince Arthur Street. Albyn Place is characterised by large detached villas set in substantial grounds. Originally residential in use, the majority are now in commercial use. The site, which has an area of some 0.56 hectares, comprises a 1830s granite-built detached villa that has been converted to office use and which had a large 3 storey extension added in 2000. The property is a Category B listed building and is located within Conservation Area 4 (Albyn Place/Rubislaw). The original building is set near to the front of the site, in line with the buildings to the east and west. The site backs on to Albyn Lane, beyond which are residential properties fronting Stanley Street.

## **RELEVANT HISTORY**

Planning permission and listed building consent were granted 1998 for the change of use of a private clubhouse and flat and the extension of the building to form offices.

## **PROPOSAL**

Detailed planning permission is sought for the construction of a further extension to the building. A 3 storey extension was added to the original granite building in 2000. This proposal is for an extension to the southern end of that extension and would be 2 storeys high, comprising 466sqm of gross floorspace. The existing extension would be extended a further 17.5 metres. The new structure would be 11 metres high. It would be located approximately 3 metres off the side (east) boundary and 17.5 metres off the the rear (south) boundary. The design would replicate the extension. It's walls and roof would be finished in similar materials. The proposal would result in the loss of 10 parking spaces, taking to total number to 57 spaces. Two small trees next to the rear boundary would be removed.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131464>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

Supporting Statement by Halliday Fraser Munro (agent for the applicant)

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the the Planning Development Management Committee because there are six or more objections to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** – The site is located within the ‘Inner City’ zone of the parking standards, which allows a maximum of 1 space per 50sqm. Incorporating the existing building and proposed extension, this equates to a maximum provision of 39 spaces. It is noted that the proposal would result in the level of parking being reduced from 67 to 57 spaces, in excess of the maximum parking standard. This is acceptable given that the development would bring the parking levels closer to the required standard. It appears the current car park is well used and the development may increase the demand for on-street parking due to displacement and increased demand. The Controlled Parking Zone in the area would discourage general parking..

**Environmental Health** – No response received

**Enterprise, Planning & Infrastructure (Flooding)** - Clarification on the method of discharge of all surface water relating to the development and identification of the receiving sewer/watercourse are required.

**Community Council** – No response received

## REPRESENTATIONS

11 letters of representation/objection/support have been received. The objections raised relate to the following matters –

1. The proposed extension would be detrimental to the character of the conservation area. It would extend further back than any other properties from 30-40 Albyn Place.
2. The extension would be visible from both Albyn Place and Albyn Lane and would sit higher than the neighbouring building at No.28.
3. Minimal consideration has been given to maintaining or enhancing a green garden aspect on the property.
4. The proximity of the proposal to the residential properties to rear on Stanley Street and thus the impact on the privacy of neighbours arising from more windows facing towards those residential properties.
5. The size, length and scale of the proposed extension
6. The external finishing materials
7. The removal of mature trees
8. There are already enough offices on Albyn Place and thus the development is not needed
9. The number of car parking spaces would be reduced for the existing occupier
10. The area is already busy “*with rogue parking*” which would be made worse by the proposal
11. The additional traffic and congestion arising from the development
12. Inadequate cycle facilities are proposed

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy (SPP) is the statement of Scottish Government policy on land use planning and includes the Scottish Government's core principles for the operation of the planning system and concise subject planning policies. The subject planning policy relating to the historic environment is a relevant material consideration.

Scottish Historic Environment Policy (SHEP) is a relevant material consideration.

### **Aberdeen Local Development Plan**

#### Policy D1 – Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

#### Policy D5- Built Heritage

Proposals affecting conservation areas or listed buildings will only be permitted if they comply with Scottish Planning Policy.

#### Policy BI3 – West End Offices

In this area (shown on the Proposals Map), applications for change of use for office purposes will be given favourable consideration.

### **Supplementary Guidance**

The Albyn Place/Rubislaw Conservation Area Appraisal is a relevant material consideration.

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

#### Impact on the Listed Building and the Character of Conservation Area

29 Albyn Place is a Category B listed building and is located within Conservation Area 4 (Albyn Place/ Rubislaw). It was built circa 1830 as a 2-storey, basement and attic, 3-bay classical house. Albyn Place was originally built on the lands of Rubislaw, owned by James Skene who commissioned Archibald Elliot to prepare a scheme for Aberdeen based on the New Town in Edinburgh.

Albyn Place is characterised by large detached villas set in substantial grounds. Originally residential in use, the majority are now in commercial use. Like its neighbours and many on this road 29 Albyn Place now has a large extension with car parking to the rear. A common rear building line has been established by these rear extensions that still give a sense of open space within the feu development. This is an important and defining characteristic of this part of the conservation area. In order to preserve the character of the conservation area, any development on this site must respect and reflect that character. The current proposal does neither.

The proposed rear addition to the existing rear extension would greatly increase development on this traditional early 19<sup>th</sup> century feu and would result in almost its entire eastern side being built up. This would have an adverse impact on the main listed building by eroding the open quality of the land to the rear of the existing rear extension and impact on 28 Albyn Place to the east, another category B listed building. The argument put forward by the applicant's agent in the Supporting Statement that the proposal "*represents a smaller scale version of what has already been permitted and successfully developed*" (Section 4.0) is not accepted nor accurate. The proposal would result in an already large extension being increased substantially. Its length would be increased by almost 50% giving an overall length of some 51 metres. It would also sit in an elevated position relative to Albyn Lane and thus be highly visible.

Whilst it is acknowledged that the use of car parking is not its original garden use, it nevertheless ensures there is a sense of openness and a break in development that is of value to the rear of Albyn Place as well as the residential terraced properties in Stanley Street. The proposal would set an undesirable precedent that is likely to encourage further rear development along Albyn Place. This would have a significant adverse impact on the listed buildings in the vicinity and also substantially undermine the character of Albyn Place and Rubislaw Conservation Area. The proposed development does not enhance either the listed building itself or the wider conservation area and thus does not accord with SPP, SHEP and Policy D5 of the local development plan.

### Scale and Design of Extension

In addition to the above, whilst the design of the further addition to the existing extension generally replicates that extension, the incorporation of a hipped roof at its northern end results in an uneasy and uncomfortable relationship between both component parts. The additional structure also reads as a separate building abutting the existing extension rather than one continuous extension. Further, the scale and length of the extension would dominate the original building to an unacceptable level and would result in the overdevelopment of the site. The extension would also be substantially larger than any other extension/properties in the vicinity of the site. The proposal does not accord with Policy D1 of the local development plan. Addressing the design failings would not overcome the fundamental concern regarding the length of the resultant building and the detrimental impact it would have on the listed building and the character of the conservation area.

## Access and Car Parking

The existing accesses off Albyn Place would remain and continue to be used. The number of car parking spaces on the site would be reduced from 67 to 57 spaces. The site is located within the 'Inner City' zone of the parking standards, which allows a maximum of 1 space per 50sqm. Incorporating the existing building and proposed extension, this equates to a maximum provision of 39 spaces. The reduction is acceptable given that the development would bring the parking levels closer to the required standard. It appears the current car park is well used and the development may increase the demand for on-street parking due to displacement and increased demand. However, the site lies within a Controlled Parking Zone which would discourage general parking in the surrounding streets.

## Impact on Residential Amenity

The site backs on to Albyn Lane beyond which are the residential properties on Stanley Street. Whilst the proposed extension would result in the building being closer to those properties the separation distance would be sufficient to ensure there would be no significant impact on the amenity of the residents. The upper floor windows on the south elevation would result in some additional overlooking of rear gardens immediately behind the site. The window to window separation would be some 40 metres and thus privacy within the residential properties would be maintained.

## Relevant Planning Matters Raised in Written Representations

*The proposed extension would be detrimental to the character of the conservation area. It would extend further back than any other properties from 30-40 Albyn Place – this issue is addressed in the section 'Impact on the Listed Building and the Character of Conservation Area'*

*The extension would be visible from both Albyn Place and Albyn Lane and would sit higher than the neighbouring building at No.28 - this issue is in the section 'Impact on the Listed Building and the Character of Conservation Area'*

*Minimal consideration has been given to maintaining or enhancing a green garden aspect on the property – currently there is little landscaping on the site other than small areas at the front of the property, a couple of small trees next to the boundary with Albyn Lane and two matures at the front of the site. This has arisen due to the extensive areas of car parking on the site. The proposal's impact would be limited to the small trees being removed.*

*The proximity of the proposal to the residential properties to rear on Stanley Street and thus the impact on the privacy of neighbours arising from more windows facing towards those residential properties – this issue is addressed in the section 'Impact on Residential Amenity'.*

*The size, length and scale of the proposed extension* – this issue has been addressed in the section ‘Scale and Design of the Extension’

*The external finishing materials* – the proposed external finishes would match the existing extension and in this regard the proposal is satisfactory

*The removal of mature trees* – there are two mature trees at the front of the site which would not be affected by the proposal. Two small trees next to the rear boundary would be lost.

*There are already enough offices on Albyn Place and thus the development is not needed* – this is not a relevant material consideration. Notwithstanding Albyn Place is located within the West End Office policy area (Policy B11) wherein office use is encouraged.

*The number of car parking spaces would be reduced for the existing occupier* – this issue is addressed in the section ‘Access and Car Parking’

*The area is already busy “with rogue parking” which would be made worse by the proposal* - this issue is addressed in the section ‘Access and Car Parking’

*The additional traffic and congestion arising from the development* – Given that the number of parking spaces would be reduced it would be reasonable to conclude that the level of traffic going to and from the site would be reduced by a commensurate amount.

*Inadequate cycle facilities are proposed* – No details of cycle facilities have been provided. However, this issue could be addressed by a condition to a planning permission, if Members are minded to approve the application.

## Conclusion

The proposed development would have a significant adverse impact on the character of the conservation area and the setting of the listed buildings on the application site and the adjacent site, arising from the excessive length and design of the resultant building. The proposal, therefore, does not comply with SPP, SHEP and Policies D1 and D5 of the local development plan. Approval of the application would set a precedent for other similar proposals within the conservation area which would further erode its special character and amenity. Notwithstanding, if Members are minded to grant approve the proposal, conditions should be attached to the planning permission relating to the provision of cycle facilities and drainage facilities.

## **RECOMMENDATION**

**Refuse**

## **REASONS FOR RECOMMENDATION**

That the proposal, if approved, would be detrimental to and thus not preserve or enhance the character of Conservation Area 4 (Albyn Place/ Rubislaw) and the setting of the Category B listed buildings on the site and the adjacent site due to the excessive length, the loss of the sense of open space within the feu and the inappropriate design of the extension and its relationship to the existing building, contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan.

That the proposal, if approved, would set an undesirable precedent for similar developments in Conservation Area 4 (Albyn Place/ Rubislaw) that would significantly adversely affect and undermine the special character of the area.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.