

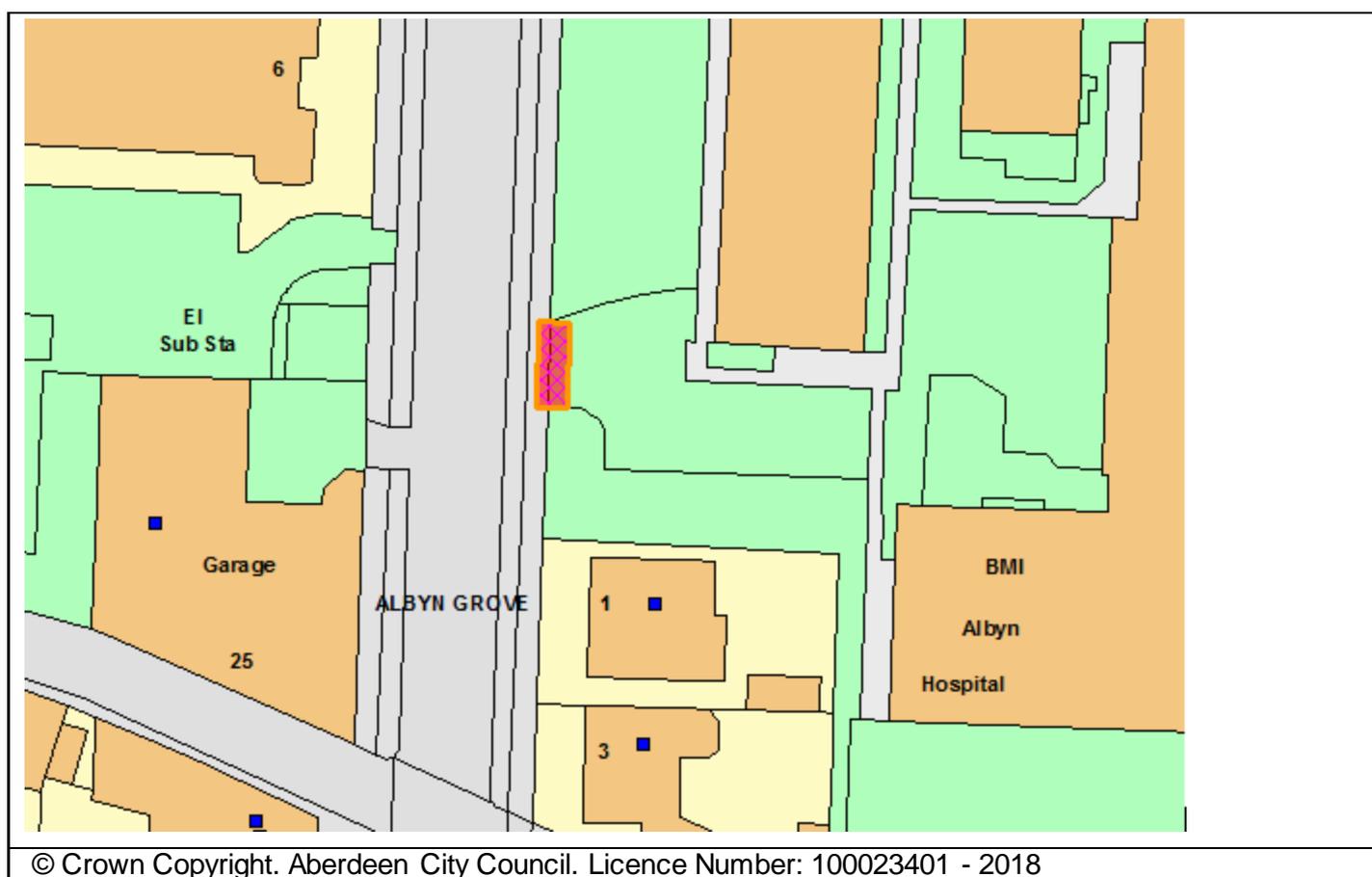


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 25 August 2022

Site Address:	Albyn Hospital, 21 - 24 Albyn Place, Aberdeen, AB10 1YE
Application Description:	Temporary removal of a section of walling
Application Ref:	211797/DPP
Application Type	Detailed Planning Permission
Application Date:	5 January 2022
Applicant:	BMI Healthcare Limited
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Matthew Easton



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application relates to Albyn Hospital located on the south side of Albyn Place, at the corner of Albyn Grove.

The hospital comprises three early 19th century granite villas (21, 22–23 and 24 Albyn Place) which face Albyn Place and an extensive complex of 20th century single storey flat roof extensions to the rear (south). 21 and 24 Albyn Place are category C listed, whereas 22–23 Albyn Place is category B. The site is within the Albyn Place and Rubislaw Conservation Area.

The specific area which this application concerns is the boundary wall on the west side of the site, which separates the hospital grounds from Albyn Grove. The wall is of a rubble granite construction and is 71m long, varying in height between approximately 1.5m to 1.7m along its length. It is listed as part of the hospital building listings.

Situated between the wall and pavement on Albyn Grove is a verge around 1.8m wide in which there are several large street trees. On the east side of the Albyn Grove carriageway is on-street pay and display (maximum 3 hour stay) or residents' permit parking (zone N) which operates between 08:00 and 20:00 Monday to Saturday.

To the west, across Albyn Grove are 25 & 26 Albyn Place, which are both offices, the Albyn Garage lies opposite on the west side of Albyn Grove; and to the south at the corner of Albyn Grove and Albyn Lane are 1 and 3 Albyn Grove which are traditional granite 1½ storey detached dwellinghouses. The wider area to the south and west is residential, whereas to the north along Albyn Place is more commercial in nature.

Relevant Planning History

- Detailed planning permission (200870/DPP) and listed building consent (200871/LBC) were approved in February 2021 for refurbishment and installation of replacement windows, roof refurbishment with associated works.
- Detailed planning permission (210894/DPP) and listed building consent (210893/LBC) were approved in February 2021 for removal of existing roof mounted equipment and the erection of an air handling unit (AHU); installation of two condenser units with internal alterations and other associated works.
- Detailed planning permission (211019/DPP) and listed building consent (211020/LBC) were refused by the Planning Development Management Committee in January 2022 for the erection of a two-storey extension with plant room to rear; erection of entrance extension with ramp to front and side; alterations to car parking and landscaping and other associated works. The applicant subsequently appealed the decisions to the Scottish Ministers (PPA-100-2128 and LBA-100-2019) and in May 2022 the appeals were allowed, with planning permission and listed building consent granted subject to conditions.
- A listed building consent (211796/LBC) corresponding with this planning application is pending and will be determined by delegated powers.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the temporary removal of a 7-metre section of the boundary wall between the hospital site and Albyn Grove. This would allow a temporary access to be created for construction vehicles during the development of the previously approved hospital extension. The removal of the wall is sought for a period of 18 months, after which it would be rebuilt. Tree root protection measures would be installed across the access, between the existing trees. No trees are proposed to be removed.

Amendments

None.

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=R4H369BZJ5V00>

- Arboricultural Method Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because Queen's Cross and Harlaw Community Council has objected.

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

The site is located in the inner city and lies within controlled parking zone (CPZ) N.

The new site access would require access through existing CPZ 'Pay & Display' on-street parking provision. There is no concern with the principle of this for a temporary period to allow site access during construction works on-site. However, a temporary traffic regulation order (TTRO) would need to be promoted by the applicant to temporarily remove on-street parking and implement 'at any time' waiting restrictions in its place, with the existing arrangement re-instated on completion of the construction works. The applicant would also be required to apply to the roads authority for a temporary Section 56 roads construction consent (RCC) for the temporary access.

Queen's Cross and Harlaw Community Council – Object to the proposal for the following reasons –

1. The removal of the wall is no longer required because the applications for the extension were refused.
2. A new access is not required to facilitate the installation of air conditioning units.
3. There are already limited parking spaces in the area and the removal of the wall and temporary access would result in the loss in a minimum of three on-street parking spaces.

REPRESENTATIONS

One representation has been received from the neighbour residing at 1 Albyn Grove. The matters raised can be summarised as follows –

1. The applications for the extension to the hospital are still pending and have attracted objections.
2. There will be no requirement to remove the wall if the applications for the extensions are refused.
3. The period of 18-months is excessive and would cause problems in terms of parking and traffic.
4. The hospital has outgrown its site and should relocate elsewhere.
5. Residents are fed up with the daily HGV deliveries to the hospital via Albyn Lane, which blocks access and causes congestion.

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 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 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

- Historic Environment Policy for Scotland (HEPS)
- Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent
- Managing Change in the Historic Environment: Boundaries
- Managing Change in the Historic Environment: Setting

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

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.

Aberdeen Local Development Plan (2017)

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, 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 CF1 (Existing Comm Sites & Facilities)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy T2 (Managing the Transport Impact of Development)
- Policy NE5 (Trees and Woodland)

Supplementary Guidance and Technical Advice Notes

- Trees and Woodlands

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 are relevant –

- Policy CF1 (Existing Community Facilities)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy NE5 (Trees and Woodland)
- Policy T3 (Parking)

Other Material Considerations

- Albyn Place and Rubislaw Conservation Area Appraisal

EVALUATION

Principle of Development

Land Use Zoning

The hospital, along with the rest of Albyn Place, sits within the West End Office Area as defined in the Aberdeen Local Development Plan 2017 (LDP). The LDP identifies the area as a prestigious, high quality office location on the edge of the city centre, which also contains a mix of other uses, including schools, hotels, flats and a hospital. It indicates that the Council will encourage and promote the continued development of this area as a focus for office development. In such areas, Policy B3 (West End Office Area) applies, however it is silent on the existing activities other than in relation to office use.

Policy CF1 (Existing Community Sites and Facilities) also applies and indicates that existing healthcare sites shall be used primarily for healthcare and/or related medical and educational purposes. It goes on to say proposals for new or extended uses of these types on these sites will be supported in principle.

The existing use is well established, with a hospital present at the site since 1955. It has also been extended many times over the years. Therefore, as the removal of the wall would facilitate the construction of the new extension to the hospital that benefits from planning permission and support its continued use, the proposal is in line with Policy CF1.

The Council's approach to development in the West End Office Area has changed in the Proposed LDP 2020. Reflected in the proposal to rename the area the 'West End Area', the PALDP outlines a shift to encouraging and promoting the continual development of the area as a focus for a mix of uses, including residential. Policy VC6 states that *'applications for all development, including changes of use, must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity. All proposals must respect the special historic and architectural character of the West End.'* Policy VC6 does not change the approach to considering whether the principle of extending the healthcare use is acceptable.

The determining factors of the application are therefore the impact the specific proposal would have on the character of the area and the amenity of the surrounding area in terms of its built heritage, impact on trees and parking, which are considered in the following sections.

Extension Permissions

At the time of submission of this application, detailed planning permission (211019/DPP) and listed building consent (211020/LBC) applications for the extension to the hospital were still pending.

Although they were refused by the Planning Development Management Committee, they were later approved on appeal to Scottish Ministers. Representations submitted by a neighbour before determination of those applications, indicated that the current application should not be approved as the extension applications were undetermined (*issues 1 and 2 raised in representations*). Similarly, after the initial refusal, the Community Council indicated that as the extension applications were refused there was no requirement to remove the wall (*issue 1 raised by the community council*). It was also suggested that a new access is not required to facilitate the installation of air conditioning units which had been approved earlier (*cc issue 2*). However, as planning permission and listed building consent for the extension have been granted, the situation has moved on, with the points raised no longer relevant.

Other Matters

Although the planning authority is required to consider the application submitted, rather than any hypothetical alternative that may or may not be feasible, it is worth noting that should the application be refused, access for construction vehicles into the site would still be required in respect of the extension development. The hospital, as applicant has advised that the only other means of potential access would be via the service area on Albyn Lane, however due to the limited space and dimensions of the lane, this solution would likely be logistically significantly more complicated and disruptive than what is proposed, potentially lengthening the construction period. Albyn Lane serves other properties to the east, including residential premises, Harlaw Academy and offices.

Impact on Conservation Area and Setting of Listed Buildings

Policy D4 (Historic Environment) indicates that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, Scottish Historic Environment Policy (superseded by Historic Environment Policy for Scotland) and its own supplementary guidance and conservation area character appraisals and management plans. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings and conservation areas will be supported.

Scottish Planning Policy (paragraphs 141 and 143) reflects the legislative requirements in relation to conservation areas and listed buildings set out in the Material Considerations part of this report. SPP requires that, where planning permission is sought for development affecting a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Proposals for development within conservation areas which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

Historic Environment Policy for Scotland (HEPS) is the Government's national policy statement on built heritage and sits alongside SPP. Historic Environment Scotland's guidance on boundary features is also relevant.

The wall is of a granite rubble construction, enclosing the hospital behind, which is a typical arrangement in the middle section of Albyn Grove, reflected on the opposite side of the road by a similar but taller wall which encloses the properties behind. The wall contributes to the character of the street and conservation area. It also contributes to the setting of the listed hospital villa buildings. Therefore, any adverse impact the proposal may have must be balanced against the positive aspect of facilitating the construction of the extension.

The appearance of the section of wall which it is proposed to remove, having a lighter shade of mortar, would suggest that it has already been removed and rebuilt at some point in the past, possibly to allow the construction of the earlier extensions. Therefore, it would be the most appropriate location for a temporary opening as it would largely avoid affecting any previously unaltered wall fabric, rather focusing on the section which has previously been removed.

Notwithstanding, there would be a temporary adverse impact upon the character of the conservation area whilst the wall was removed due to the absence of the section which would interrupt the continuity of the boundary along the street. However, this impact would cease on reinstatement of the wall. Any long-term impact from the reinstated section appearing different from the remainder of the wall would be no worse than before by removing a section which has already been altered in the past.

In summary, it is considered that whilst there would be an adverse impact on the conservation area and setting of the listed buildings, that impact would be temporary, and the level and manner of intervention proposed would be the minimum required to achieve access into the site. On reinstatement, the character of the conservation area and setting of the listed buildings would be preserved. To ensure the reinstatement is carried out in a satisfactory manner, a condition has been attached requiring a methodology to be submitted specifying how the wall would be removed and reinstated.

Traffic and Parking

The removal of the wall and associated temporary access into the site would require parking bays on Albyn Grove to be temporarily suspended. The spaces are within Controlled Parking Zone N, which operates between 08:00 and 20:00 Monday to Saturday. Concern is raised by the community council with this as it is indicated there are already limited parking spaces in the area (*cc issue 3*).

Whilst there would be a reduction in two to three parking spaces available for residents and visitors to the area, this would be for a temporary period and is unavoidable if access is to be provided into the site from Albyn Grove. No objection has been raised by the Councils Roads Development Management Team, although it is noted that a separate temporary traffic regulation order and a roads construction consent would be required from the Council in its capacity as roads authority, which the applicant is currently progressing.

Trees

Policy NE5 (Trees and Woodland) indicates that there is a presumption against all activities and development that will result in the loss of, or damage to, trees that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Development should be sited to minimise adverse impacts on trees, with measures taken to protect trees and ensure their long-term management. Where trees may be impacted, protection measures and/or compensatory planting must be agreed.

There are street trees present along Albyn Grove, to the immediate left of the proposed wall opening is a 20m high Norway maple and to the right is a 25m common horse chestnut. An Arboricultural Method Statement has been submitted to demonstrate that the access can be created without damaging the adjacent street trees. The trees would have a wooden framework and boarding installed around their trunks to protect from physical damage. To protect roots from damage a temporary a cellular confinement system would be constructed filled with aggregate and then finished with a porous tarmac. This structure would continue to allow moisture filtration and gaseous exchange to roots. The proposed tree protection measures are considered acceptable.

Duration of Consent

The applicant has advised that the wall opening, and access would be required for 18 months. Concern is raised in representations that this is excessive, however no reason as to why that is considered to be the case is provided (*issue 3*). The applicant advises that the 18-month period is required to facilitate construction of the extension. This is considered reasonable, and a condition is proposed to require the reinstatement of the wall to be complete by the end of the 18-month period, or once construction is complete, whichever is earlier.

Other Matters

It is indicated in representations that the hospital has outgrown the site, causing disruption on Albyn Lane from deliveries, and should relocate to or to another suitable area (*issue 4 and 5*). However, the planning authority is required to consider the application submitted, rather than any hypothetical alternative that may or may not be feasible.

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 acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The removal of the wall would facilitate the construction of the new extension to the hospital and support its continued use, there would be no tension with Policy CF1 (Existing Community Sites & Facilities).

There would be an adverse impact on the conservation area and setting of the listed buildings, however, that impact would be temporary, and the level and manner of intervention proposed would be the minimum required to achieve access into the site and is considered acceptable. On reinstatement, the character of the conservation area and setting of the listed buildings would be preserved, in accordance with Policy D4 (Historic Environment) and associated built heritage policies and guidance.

Whilst there would be a reduction in the number of parking spaces available for residents and visitors to the area, this would be for a temporary period and is unavoidable if access is to be provided into the site from Albyn Grove.

The proposed tree protection measures are considered acceptable and in accordance with Policy NE5 (Trees and Woodlands).

CONDITIONS

(01) DISMANTLING AND REINSTATEMENT METHODOLOGY

That no development shall take place unless a methodology for the dismantling, storage and reinstatement of the section of wall to be removed has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning authority, development shall be undertaken in accordance with the approved methodology.

Reason – to ensure the character of the conservation area and setting of the listed buildings would be preserved

(02) TREE PROTECTION

That no development shall take place unless the tree protection measures, specified in the Arboricultural Method Statement for Temporary Construction Access, produced by Ground Control Limited (ref: J210593, dated 20 December 2021) and associated submissions, or such other measures agreed in writing with the planning authority for the same purpose, have been fully implemented.

Reason – to ensure the protection of the street trees on Albyn Grove.

(03) REINSTATEMENT OF WALL

That unless otherwise agreed in writing by the planning authority, the section of wall which is to be removed shall be reinstated by 1 March 2024 or on completion of construction works which require the access, whichever is the earliest.

Reason – to restrict the period for which the wall is removed to the minimum required and to ensure the character of the conservation area and setting of the listed buildings would be preserved.

ADVISORY NOTES FOR APPLICANT

(1) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.