

# Public Document Pack



To: Councillor McRae, Chairperson (Not Review Three); and Councillors Alphonse, Clark (Not Review Three), Copland (Chairperson for Review Three) and Lawrence.

Town House,  
ABERDEEN 19 August 2024

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 26 AUGUST 2024 at 11.00 am.**

ALAN THOMSON  
INTERIM CHIEF OFFICER – GOVERNANCE

Members of the Public can observe the meeting via Microsoft Teams [here](#).

### **B U S I N E S S**

1.1 Procedure Notice (Pages 5 - 6)

**COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING**

Link to the [Local Development Plan](#)

**TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS**

**PLANNING ADVISER - LUCY GREENE**

## **REVIEW ONE**

- 2.1 11 Victoria Street, City Centre - Change of Use from Commercial Office Space into 2no. Residential Dwellings Including Formation of French Doors from Existing Window Opening, Window Enlargement to Form New Openings with Juliet Balconies, Replacement Door and Installation of Rooflights (Rear); Reinstatement of Railings and Gate (Front); Formation of Car Parking (Rear) and Landscaping Works with Associated Boundary Treatment

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240268.

- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 38)

- 2.3 Planning Policies Referred to in Documents Submitted (Pages 39 - 40)

- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 41 - 62)

- 2.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

## **REVIEW TWO**

- 3.1 155 Bon-accord Street - Change of Use of Flat to Short Term Let Accommodation (sui generis) with Maximum Occupancy of 4 People

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240350.

- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 63 - 88)

- 3.3 Planning Policies Referred to in Documents Submitted (Pages 89 - 90)

- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 91 - 98)

3.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

**REVIEW THREE**

4.1 26 Spey Road - Erection of Single Storey Extension to Front

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240225.

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 99 - 120)

4.3 Planning Policies Referred to in Documents Submitted (Pages 121 - 122)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 123 - 130)

4.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: [aberdeencity.gov.uk](http://aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Mark Masson on [mmasson@aberdeencity.gov.uk](mailto:mmasson@aberdeencity.gov.uk) / tel 01224 067556

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## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE


#### GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. Local members are not permitted to sit on cases that fall within their ward.
3. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
4. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
5. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.  
Any representations:
  - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
  - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
6. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
7. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
  - (a) written submissions;
  - (b) the holding of one or more hearing sessions;

- (c) an inspection of the site.
8. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
  9. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

#### DETERMINATION OF REVIEW

10. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
11. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
  - “where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
12. In coming to a decision on the review before them, the LRB will require:-
  - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
  - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
  - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
13. In determining the review, the LRB will:-
  - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
  - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
14. The LRB will give clear reasons for its decision.

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2>
<p>Report of Handling by Development Management Manager</p>	

<b>Site Address:</b>	11 Victoria Street, Aberdeen AB10 1XB
<b>Application Description:</b>	Change of use from commercial office space into 2no. residential dwellings including formation of french doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking (rear) and landscaping works with associated boundary treatment
<b>Application Ref:</b>	240268/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	5 March 2024
<b>Applicant:</b>	Miss Nicky Turnbull
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council:</b>	City Centre

### **RECOMMENDATION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site is located on the east side of Victoria Street at a distance of some 55 metres north of its junction with Albyn Place and 40 metres south of its junction with Thistle Street/Waverley Place and lies within the Albyn Place/Rubislaw Conservation Area. The site comprises a traditional, Category C listed, 2 storey with attic, end terraced granite property of a block of three constructed c. 1850 with a 2 storey modern extension to the rear which dates from the early 1990's. The property is currently lying vacant but was previously, over a period of many years, in commercial office use. The front curtilage comprises a small area of garden ground with low level granite boundary wall. The rear curtilage is in hardstanding and enclosed along its northern boundary by means of a random rubble granite wall with red brick coping. It provides an area of car parking which is accessed from a service lane via Thistle Place. The site lies within the West End Area zoning as designated by the Aberdeen Local Development Plan 2023.

#### **Relevant Planning History**

Application No.	Proposal	Decision Date
220517/DPP	Change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking and landscaping	Refused on 18.04.2023, with decision reversed by LRB on 03.07.2023

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	works with associated boundary treatment (rear).	
220882/LBC	Conversion of office building to form 2no. residential dwellings, including removal of existing and installation of new partitions; formation of patio doors from existing window opening, window enlargement to form new door openings with Juliet balconies, installation of rooflights and replacement door (rear); reinstatement of railings and gate (front) and boundary treatment (rear).	Approved conditionally on 12.12.2022
240267/LBC	Conversion of office building to form 2no. residential dwellings, including removal of existing and installation of new partitions; formation of French doors from existing window opening, window enlargement to form new door openings with Juliet balconies, installation of rooflights and replacement door (rear); reinstatement of railings and gate (front) and boundary treatment.	Decision Pending

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## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for a change of use and conversion of an office building to form 2 residential properties. One 3 bedroom property would occupy the 3 floors located to the front (west) of the building with access off Victoria Street and a single car parking space allocated to this property located within the rear curtilage of the site, with access off Thistle Place. The second 1 bedroom property would be located within the 2 storey extension to the rear, with access from the lane off Thistle Place via the rear curtilage.

The proposed conversion to residential use would include various external alterations to the property and the wider site including:

- Opening up existing window openings to the rear extension to form 2 x full height, timber framed windows with Juliet balconies at 1<sup>st</sup> floor and timber framed patio doors at ground floor level;
- Replacement of modern timber door to the rear extension with a fully glazed door and fanlight;
- Erection of 1.8m high masonry wall with roughcast render and brick coping to enclose southern boundary of rear curtilage, 1.2m high timber fence with gate serving to enclose rear garden ground, and 300mm high low level brick wall to separate car parking space within rear curtilage and pedestrian access serving 1 bedroom property;
- Introduction of 4 x conservation style rooflights (3 x MK08 & 1 x MK06) to the rear extension;
- Installation of cast iron railings and gate to the front boundary.

### **Amendments**

At the request of the Planning Service and following formal consultation with Aberdeen City Council's Roads Development Management and Waste & Recycling Teams the proposal was amended with the introduction of long stay, covered and secure cycle parking; a revised parking



layout/arrangement; and a bin storage area, all within the rear curtilage.

### **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=S9VIQ5BZKUE00>

- Design & Planning Statement

### **CONSULTATIONS**

**ACC - Waste And Recycling** – No objection raised. Access available to on street bins adjacent to No 9 Victoria Street (to the front) and bin storage arrangements in place to the rear.

**ACC - Roads Development Management Team** – No objection raised. The proposal would deliver a single off-street parking space within the rear curtilage for one of the two dwellings, resulting in a shortfall of 1 parking space. The Roads DM Team confirmed that this would be acceptable on the basis that the site is located within the city centre and in a controlled parking zone which allows for one permit for a single business premises or private residential property. The proposed parking bay with active EV charging would be separated from the path providing access to the property to the rear by means of a low level wall. The wall would not impede visibility and would be deemed acceptable. Long stay, covered and secure cycle parking would be delivered for both properties, as required.

**ACC - Environmental Health** – No comments.

**City Centre Community Council** – No comments.

### **REPRESENTATIONS**

None

### **MATERIAL CONSIDERATIONS**

#### **Legislative Requirements**

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

#### **Development Plan**

National Planning Framework 4 (NPF4)

NPF4 is the long-term spatial strategy for Scotland and contains a comprehensive set of national

planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

#### Aberdeen Local Development Plan 2023 (ALDP)

- Policy VC6 (West End Area)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D8 (Window and Doors)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

#### **Aberdeen Planning Guidance**

- Repair and Replacement of Windows and Doors
- Transport and Accessibility
- Repair and Reinstatement of Cast Iron Railings
- Amenity & Space Standards

#### **Other National Policy and Guidance**

- Historic Environment Policy for Scotland (HEPS)

#### **Other Material Considerations**

- Albyn Place and Rubislaw Conservation Area Character Appraisal

### **EVALUATION**

#### **Background**

The proposed conversion of the building at 11 Victoria Street to form 2 residential dwellings was previously considered by the planning authority under applications Refs. 220517/DPP and 220882/LBC. Listed building consent was conditionally approved in December 2022 under delegated powers, whilst planning permission was refused, again under delegated powers, in April 2023. The reason for refusal of the planning application was outlined as follows: *It is accepted that the principle of a residential use for this property and for the area within which it lies is appropriate and the proposal would therefore be compliant with the overall expectations of Policy B3 (West End Office) of the Aberdeen Local Development Plan 2017 (ALDP). However, by virtue of its form and*

*layout, the conversion of the property to form two dwellings would deliver a particularly poor level of residential amenity for the 1 bedroom dwelling proposed to the rear of the building, whilst also failing to provide an appropriate level of private amenity space for the second, 3 bedroom dwelling which would be located to the front. The 1 bedroom dwelling would have a single-aspect outlook, with limited levels of sunlight for the internal space as a result of its orientation and with a sole means of access off an unlit, unadopted service lane resulting in a property with no public face to the street. As a result the proposed development fails to comply with Policy D1 (Quality Placemaking by Design) of the ALDP and Policy D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020 (PALDP) and Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (NPF4).*

Following the decision to refuse the planning application the applicant sought to have that decision reviewed by the Local Review Body (LRB). The decision was subsequently overturned unanimously by the Local Review Body on 3<sup>rd</sup> July 2023, with conditional planning permission granted. The conditions applied related to the installation of external lighting within the rear area adjacent to the lane and refuse bin storage for the dwelling to the rear of the building within the rear curtilage. The reasons on which the LRB based their decision were ‘*That the proposal would result in the reuse of the building and creation of two residential properties within an area where changes to residential use are supported under Policy VC6 (West End Area) in the Local Development Plan 2023 (LDP) and reuse supported under Policy 9 of the National Planning Framework 4 (NPF4). An adequate level of residential amenity would be achieved within the properties with all habitable rooms having lighting*’.

The current proposal has been revised from the scheme approved by the LRB in July 2023 on the basis that the proposed amendments, which were submitted for consideration by the planning authority, were not deemed to be non-material.

### **Key Determining Issues**

Taking into account all legislative requirements, policy considerations and bearing in mind the context of the application site, the fundamental determining factors set out below would be the reuse and conversion of the building and the level and quality of amenity which would be delivered for future residents.

### **Climate Change, Biodiversity and the Reuse of the Building**

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) meanwhile requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) seeks to support development proposals resulting in the sustainable reuse of vacant buildings, whether permanent or temporary and the principle of re-using existing buildings and minimising demolition is also reflected in the objectives of Policy 12 (Zero Waste).

The proposal would see a change of use to the existing property, which is currently lying vacant, and involve relatively minor external alterations. The proposed development would be deemed sufficiently small-scale that it would have limited impact on the global climate and nature crises or on climate mitigation and adaptation.

It is noted that the proposed conversion of this vacant property for residential use would allow the re-use of embodied energy from an historic building, thereby delivering a more sustainable option than that of constructing new housing, including on a brownfield site. Through the repurposing of an existing vacant building for residential use, where that building lies within a highly accessible location on the edge of the city centre, it is considered that the proposal would contribute, albeit in a limited way, towards addressing housing need in the city and in a sustainable manner. With this in mind the proposed development would also assist in reducing future pressure on releasing greenfield land for housing elsewhere within the city, thereby indirectly helping to tackle the climate crisis and minimise greenhouse gas emissions

Taking the above into account it is considered that the proposed development would cause no conflict with Policies 1 and 2 of NPF4 and would suitably accord with the objectives of Policies 9 and 12. On the basis that the proposal would see the partial removal of hardstanding within the rear curtilage and the introduction of garden ground including a small area of landscaping, thus contributing towards and enhancing biodiversity, albeit in a limited way, it would also accord with Policy 3 of NPF4.

### **Principle of Development**

The site lies within the West End Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP), and the proposal is therefore considered against Policy VC6 (West End Area). The ALDP identifies the area as a prestigious, high quality location on the edge of the city centre, which contains a mix of uses, notably offices, schools, hotels, flats and a hospital, and where such a mix is encouraged and promoted, including residential. Policy VC6 outlines that *'In this area, the principle of change of use from office to residential will be supported.'* and 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'*.

It would therefore appear that the proposal for a change of use to residential would not be contrary to the overall expectations of Policy VC6 and would therefore be deemed acceptable in principle, provided an appropriate and acceptable level of residential amenity can be delivered for future residents of the two properties, that the proposed residential use does not cause conflict with adjacent land uses and amenity, and that the proposal suitably addresses all other relevant policies and guidance. The property is Category C listed and lies within the Albyn Place/Rubislaw Conservation Area and as such the proposed change of use must also consider whether the proposal would have any adverse impact on the building, its setting or the wider conservation area.

### **Scale/Design/Amenity of Proposed Development**

Under Policy 14 (Design, Quality and Place) of the NPF4, high quality design is sought for development proposals with a view to improving the overall quality of an area and this aligns with Policy D1 (Quality Placemaking by Design) of the ALDP which seeks to ensure high standards of design for development proposals, with a strong and distinctive sense of place as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Whilst noting that the criteria associated with Policy 16 (Quality Homes) of NPF4 would not apply to a change of use proposal, the intent of Policy 16, which is 'to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland' would be a material consideration.

Policy D1 of the ALDP accepts that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. It refers to the six essential qualities of placemaking: distinctive; welcoming; safe and pleasant; easy to move around; adaptable; and resource efficient whilst demonstrating how

such qualities should be met in the delivery of good development. Policy D2 (Amenity) of the ALDP meanwhile focusses on the importance of delivering an appropriate and acceptable level of amenity and states that '*amenity has an influence on the quality of life of individuals and communities. Poor amenity can have detrimental impacts on health and wellbeing. Buildings must be fit for purpose and meet the needs of users and occupiers.*'

Policy D2 seeks to ensure an acceptable level of amenity is provided for all development and provides a detailed list of criteria to be applied including:

- making the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation;
- ensuring that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook; and
- having a public face to the street to ensure natural surveillance, and active street frontages.

The policy further outlines specific criteria applicable to residential developments which includes:

- ensuring that occupiers are afforded adequate levels of privacy;
- ensuring minimum standards for internal floor space and private external amenity space in terms of quantity and quality;
- ensuring minimal shading of external private and public spaces;
- ensuring all residents have access to usable private/semi-private open spaces and sitting-out areas provided by way of balconies, terraces, private or communal gardens; and
- having a private face to an enclosed garden or court to ensure a sense of safety and enclosure.

In this instance the proposed change of use of the existing office building would result in its sub-division to form 2 residential dwellings, with a 3 bedroom property occupying the front and original part of the listed building and spanning 3 floors, and the second, 1 bedroom property occupying the rear 2 storey modern extension. The 3 bedroom property would be accessed off Victoria Street, whilst access to the 1 bedroom property would be gained through the rear curtilage of the site and via a service lane off Thistle Place. The proposal would see the rear curtilage enclosed along its southern boundary by a new 1.8m high boundary wall and subdivided by means of a 1.2m high timber fence. An area of some 24m<sup>2</sup> would be allocated for car and secure cycle parking for the 3 bed roomed property and formed to the rear of the site, whilst the remaining space to the rear of the building would see an area of some 36m<sup>2</sup> providing garden ground alongside secure cycle parking and bin storage space with direct access from the 1 bedroom property. A low level wall would serve to separate the car parking area allocated to the 3 bedroom property to the front of the building from the path providing access to the 1 bedroom property to the rear.

Having considered the proposed design, internal and external layout and associated access arrangements for the two units as proposed there are real concerns with the level of amenity which would be delivered for future residents of the converted building. In terms of the 3 bedroom property it is noted that the existing main door of the property, located on the west (front) elevation of the existing building and fronting Victoria Street, would be its sole means of access. The ground and 1<sup>st</sup> floor levels would be single aspect, with the 2<sup>nd</sup> floor accommodation benefitting from dual aspect with dormer windows to the front and rear. This property would have an open front garden with an active street frontage and with its main orientation to the west, a reasonable level of sunlight to the habitable accommodation on all 3 floors. It would be provided with a single car parking space and cycle parking within the rear curtilage, at a distance of some 70m from the entrance to the property via Thistle Place and the unadopted and unlit rear lane. It is important to note that this 3 bed dwelling

would have no access to secure, private amenity or garden space and as a result the proposal would be contrary to Policy D2, in that it would not *'ensure all residents have access to usable private/semi-private open spaces and sitting-out areas...'* and therefore by extension, would also be contrary to Policy D1 on the basis that it would fail to meet the "pleasant" 'test'.

In relation to the 1 bedroom unit proposed to the rear, its sole means of access would be off a narrow and unlit service lane, with no street lighting within clear sight of the entrance door or the rear curtilage. The lane off which the property would be accessed is not a through-route but serves solely as a means of access to the rear car parks of neighbouring commercial premises. The 1 bedroom unit would have a set of patio doors at ground and 2 x full height windows at 1<sup>st</sup> floor level all facing east across the rear curtilage of the site and the aforementioned lane onto the gable end of the 3½ storey tenement property at 8 Thistle Place which lies at a distance of some 17 metres from the rear building line of the application property. Whilst noting that the proposal would deliver an area of garden ground for this 1 bedroom unit with some degree of screening, through the introduction of 1.2m high fencing, it would appear, given the context of the area surrounding the rear curtilage, that this 1 bedroom dwelling would have a particularly poor outlook with no active street frontage and furthermore, given its orientation and single aspect, any direct sunlight to the property would be limited. Taking account of the clear requirement under policies D1 and D2 for a street frontage, with D1 stating the requirement for *'an attractive and active street frontage'* as part of the delivery of the essential 'welcoming' quality of placemaking, D2 stating the requirement to *'have a public face to a street'* and The Council's Aberdeen Planning Guidance on Amenity & Space Standards also stating that *'In order to ensure a good standard of overall amenity for new development, there is a presumption towards dwellings with two (dual) or more aspects'*, then it is evident the proposal would be contrary to both Policies D1 (Quality Placemaking by Design) and Policy D2 (Amenity) and to the aforementioned APG.

The sole means of access to this 1 bedroom property would be neither distinctive nor welcoming, and could not reasonably be deemed as well-defined, given the context of the rear elevation of the application property and that of the neighbouring commercial properties. It is considered that the proposed 1 bedroom property would fail to secure the safe and welcoming environment considered necessary for residential development, and subsequently fail in terms of supporting the prioritisation of women's safety, as required under Policy 14 of NPF4. It is noted, given the context of the 1 bedroom property, with no active street frontage and its' sole access point being off an unlit and unadopted service lane, that any degree of natural surveillance would be extremely limited. The absence of a suitably safe and pleasant means of accessing the property outwith daylight hours is of particular concern and would clearly conflict with the expectations of Policy 14, with the proposal failing to support the prioritisation of women's safety.

It is worth noting that whilst the subdivision of the existing building and the delivery of 2 residential units would be considered acceptable in principle, the current proposal raises real concerns given the absence of an active street frontage, unacceptable means of access and poor level of amenity for the 1 bedroom dwelling which is proposed to the rear of the building and the entire absence of any private amenity space for the 3 bedroom dwelling to the front. The development would not provide an acceptable level of amenity based on the subdivision of the building and resulting layout as currently proposed.

Taking all of the above into account it is considered that the proposal would fail to address the requirements of Policy D1 (Quality Placemaking) and D2 (Amenity) of the ALDP. The proposed development would not meet the criteria for the six qualities of successful places as set out in Policy 14 (Design, Quality and Place) of the NPF4 nor would it accord with the intention of Policy 16 (Quality Homes) on the basis that the new dwellings would fail to deliver an appropriate level of amenity for future residents and as such would not provide the high quality homes which this policy seeks to

support.

### **Impact of Development on the Historic Environment**

The application property comprises a Category C listed building located within the Albyn Place/Rubislaw Conservation Area. Policy 7 (Historic Assets and Places) of NPF4 is therefore of relevance on the basis that it seeks to protect and enhance historic environment assets and places and enable positive change as a catalyst for the regeneration of places. Under subsection (c), Policy 7 states that 'Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest', whilst subsection (d) of Policy 7 advises that 'Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the architectural and historic character of the area; existing density, building form and layout; and context, siting, quality of design and suitable materials.'

Historic Environment Policy for Scotland (HEPS) outlines the importance of fully understanding the impact of decisions for development proposal on the historic environment, with negative impact avoided where possible. It accepts that some change to the historic environment is inevitable but advises that intervention should be minimised and any negative impact avoided where possible.

Policy D6 (Historic Environment) of the Aberdeen Local Development Plan 2023 (ALDP) meanwhile seeks to support high quality design that respects the character, appearance and setting of the historic environment, looks to protect the special architectural interests of its listed buildings and to preserve and enhance the historic environment. It states that '*there will be a presumption in favour of the retention and appropriate reuse of historic environment and assets that contribute positively to Aberdeen's character*'. Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of the NPF4 also seeks to support development proposals which result in the sustainable reuse of vacant buildings, whether permanent or temporary.

Taking into account that the proposal would see the re-use of a listed property which is currently lying vacant, it is considered that the principle of conversion for residential use is acceptable and this would accord with Policy 9 of NPF4. The proposed alterations associated with the conversion are relatively minor in nature and are outlined and considered as follows:

#### Alterations to existing window/door openings and formation of new rooflights

Policy D8 (Windows and Doors) of the ALDP states that historic windows and doors will be retained, repaired and restored whilst the Council's Aberdeen Planning Guidance (APG) on the 'Repair and Replacement of Windows and Doors' outlines the importance of repair and retention of original or historic windows and doors. In relation to the alteration of existing doors openings and conversion of windows to doors on rear elevations, the SG is largely silent, but does advise that '*New doorways should only be considered where they can be incorporated into the existing architecture and designed and detailed in a way that is compatible with the existing historic fabric*'.

Taking into account the proposed alterations focus on the rear elevation of the modern extension and would involve enlarging existing window openings and replacing an existing door, none of which are either original or historic to the building, and where the width of existing openings are to be retained, then the principle is deemed acceptable.

The proposed replacements and new windows and doors would all be timber frames and are deemed to be of an acceptable design and scale. Given the context of the proposed works and noting that the adjoining properties at No's 9 and 7 Victoria Street have similar modern extensions

to their rear elevation which abut the application property, then it is considered that any impact resulting from the proposed development would be suitably limited. Whilst acknowledging that the increased openings that are proposed to this rear elevation would be visible from Thistle Place and the associated rear service lane, it is not considered that such an intervention would cause any visual imbalance and ultimately would have no adverse impact on the special character of the listed building or the wider area. The 4 new rooflights as proposed would be introduced to the pitched roof of the modern rear extension and would be of an appropriate scale and conservation style, with limited visual impact from beyond the site.

The proposed alterations outlined above are considered reasonable in terms of the change of use of the property, allowing for improved levels of daylighting to be secured for the property located off the rear service lane. The scale, design and material finish of the proposed development works are deemed appropriate and would not adversely affect the special character of the listed building or the conservation area within which it lies.

#### Reinstatement of railings and gate (front) and erection of boundary treatment (rear)

The proposal includes the installation of 900mm high cast iron railings and gate to the front curtilage, extending along the western boundary of the site, thereby re-establishing a sense of enclosure along Victoria Street.

The Council's Albyn Place and Rubislaw Conservation Area Character Appraisal highlights the 'repair and reinstatement of traditional cast iron railings' as a positive opportunity for the conservation area. The Council's Aberdeen Planning Guidance on the 'Repair and Reinstatement of Cast Iron Railings' states that in circumstances where original railings have been completely removed, '*the new railings should be as faithful a copy of the original railings, as possible*'. In this instance no railings remain in-situ at the property however it is accepted that what is proposed is of a suitably traditional design and material, formed in cast iron and finished in black with finials and railings of an appropriate scale. No detail has been submitted in terms of how the railings would be secured to the granite, however this information could be the subject of a suspensive condition, were the proposal deemed to be acceptable. Overall, it is considered that the principle of their installation is acceptable and would cause no harm to the special character of the listed building.

The proposal includes the erection of a new 1.8m high masonry wall, to extend from the rear extension along the length of the southern boundary of the site and to be finished in a roughcast render with brick coping. A section of 1.2m high timber fence with gate would link with the wall, only partially enclosing the rear curtilage. In this instance and given the context of the site, where the rear curtilage has no remaining enclosure along the southern boundary it is considered that the simple style and material finish of the wall as proposed would provide an acceptable boundary treatment and whilst not matching the traditional granite rubble wall with brick cope which extends along the northern boundary of the site, would be considered suitably in-keeping and would not cause conflict with the surrounding area.

Taking the above into account it is considered that the proposed development works would be of an acceptable quality in terms of design, finish and detailing. The proposal would comply with Policy 7 (Historic Assets and Places) of NPF4, Policy D6 (Historic Environment) of the ALDP and the relevant APG and is acceptable when considered against Historic Environment Policy for Scotland.

#### **Transport, Accessibility and Parking**

Policy 13 (Sustainable Transport) of NPF4 states that 'Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies' and this includes providing 'direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before



occupation' and being 'accessible by public transport, ideally supporting the use of existing services'. Policy T2 (Sustainable Transport) and Policy T3 (Parking) of the ALDP require new development to be accessible by a range of transport modes, with an emphasis on active and sustainable transport.

The Roads Development Management (DM) Team confirmed the city centre location of the application site where future residents would be well served in terms of walking and cycling and that the site lies within easy walking distance of public transport options, with the closest bus stops located on Alford Place providing links to the wider city. The proposal would see 1 off-street parking space within the rear curtilage, with this space serving the 3 bedroom dwelling proposed to the front of the property. The original layout submitted included an area of paving to the side of the car parking space sufficient to accommodate a 2<sup>nd</sup> parking space. This layout was revised to include secure and covered cycle parking alongside the car parking space, the introduction of an EV charge point and a 300mm high wall to separate the car parking area from the access path to the 1 bedroom dwelling to the rear. The Roads DM Team confirmed there were no objections to the proposal.

It is considered that the proposal would suitably comply with Policy 13 (Sustainable Transport) of the NPF4 and Policies T2 (Sustainable Transport) and Policy T3 (Parking) of the ALDP and with the requirements of the Council's SG on Transport and Accessibility.

### **Waste Management**

The Council's Waste and Recycling Team were consulted and confirmed that future residents would have access to existing on-street bins located outside No 9 Victoria Street and appropriate bin storage arrangements would be accommodated to the rear of the site for the 1 bedroom dwelling. The proposal would not be contrary to the expectations of Policy 12 (Zero Waste) of NPF4 or the requirements of Policy R5 (Waste Management Requirements for New Developments) of the ALDP.

### **Consideration of Matters Raised in Notice of Review**

The Review Statement outlines that due to the protracted timescale unfolding for the current planning application, the applicant took the decision to request that it be considered by the Local Review Body (LRB). The Statement makes reference to the changes made to the previously approved scheme and outlines why the applicant believes these changes are acceptable, with these points highlighted below in italics. The Planning Service has provided comment on the points raised, as appropriate.

#### Front House (3 bedroomed property)

*'Removal of the internal access from the front house to the rear garden/parking area. Whilst it is accepted that occupants of this house would have to walk round the block to access the rear garden this is not without precedent in cities, and it's not very far - some 70m in total distance from front door to garden.'*

Contrary to what is stated, the space within the rear curtilage allocated to the 3 bedroomed property would only deliver car and cycle parking and would no longer provide any garden ground. Whilst there are no specific concerns with regards the distance at which the proposed parking would lie, there are significant concerns in terms of the lack of safe access to the parking area, and in particular for women, given that it would be via an unlit and unadopted service lane.

*'It is anticipated that the front garden would be used for sitting out in since it faces west and catches the afternoon and evening sun, and the rear garden for car parking and charging - it faces east. The front garden faces offices across Victoria Street, and the property is also neighboured on both sides by offices. Therefore, in evenings and at weekends and contrary to intuition, the front garden in addition to being sunny and having a good aspect, offers greater privacy than might be expected from its city centre location.'*

Whilst acknowledging that the front garden does indeed face west, whether the adjacent buildings are occupied or not, the front garden to the application property is entirely open and fronts directly onto Victoria Street, a reasonably busy city centre street, and would therefore provide no privacy whatsoever for future residents.

#### Rear House (1 bedroomed property)

*'The key change from the approved planning and listed building consents for this property, is the removal of the internal access corridor linking the front house to the rear garden/parking area. In the earlier planning refusal, it was noted that this house in particular suffered from poor amenity. By removing the access corridor, a significant additional amount of floor area is provided, which is felt would proportionally provide a greater enhancement to its amenity than is lost by removing the access from the front house to the rear car parking and garden areas. This would enable the rear house to have a private rear garden across the whole width of its frontage, private (as opposed to shared) main front door access, and an approximately 25% increase in its ground floor area.*

It is noted that the revised layout for the ground floor of the 1 bed property would deliver a gross floor area of some 87.5m<sup>2</sup>, but it is also relevant to note that the previously approved scheme with a gross floor area of some 73.5m<sup>2</sup> would already have secured a sizeable 1 bed unit, bearing in mind the minimum space standard for a 1 bed dwelling, as set out in the Council's Aberdeen Planning Guidance on Amenity & Space Standards, is actually 52m<sup>2</sup>. Taking this figure into account it is also apparent that whether in considering the previously approved layout of the 1 bedroom unit to the rear, which included the shared access corridor with the 3 bedroom property to the front, or the revised layout with the corridor removed, the gross floor area of the 1 bedroom unit in both circumstances would in fact exceed the minimum space standard of 66m<sup>2</sup> for a 2 bedroom unit. Furthermore, it is worth noting that the additional floor space gained by the proposed layout would equate to just 1m<sup>2</sup> of additional floor space for the main kitchen/living space, with the rest of the space gained by the reconfiguration being lost to the proposed vestibule and shower room.

*With internal re-planning this provides the opportunity for a spacious open plan kitchen/dining/ living space on the ground floor, and a light filled first floor with bedroom/dressing and potential home work area. To this end and 4 number large Velux roof windows would be provided. A glazed principal entrance door is also now proposed along with a glazed internal vestibule which would both enhance the light and spatial quality of the ground floor open plan space. And also as previously, this space would be linked to a private garden by new French doors.*

It is noted that the proposed floor plan of the reconfigured 1<sup>st</sup> floor layout appears to lends itself to securing 2 bedrooms and not just the single bedroom as indicated in the proposal and as previously approved. Two door openings included in the floor plan would provide access to the one bedroom and with a sliding partition shown down the middle, the bedroom/dressing room could be split, thereby allowing it to function as two separate rooms, independent of each other.

At ground floor level, and as previously highlighted, the introduction of a fully glazed entrance door and vestibule, along with the full height glazing provided by the French doors, would potentially introduce overlooking/privacy issues to the main living space at ground floor level, given the limited screening provided by the 1.2m high boundary fence which would enclose the garden area, immediately behind which would be the car & cycle parking for the property to the front and then the service lane. The privacy of the garden area for this 1 bedroom property is also compromised given the limited height of the aforementioned fence.

*Also, and not unimportantly, by placing the principal living spaces to this house on the ground floor, improved barrier free access for all potential building users is more readily provided.'*

Whilst it is accepted that the proposed reconfiguration of the internal layout may well ensure improved accessibility for those with mobility issues to the main living space of the 1 bedroom property, this clearly has a direct impact on accessibility to the only bedroom accommodation, which would then be at 1<sup>st</sup> floor level.

*•By separating access to each house, both would benefit through increased privacy and amenity. Each access only would serve the house it relates to. By removing a shared corridor, acoustic separation would be enhanced, and the rear house would not have those accessing the front house from the rear garden, pass immediately adjacent to sleeping accommodation.*

*• The current proposal inverts the sleeping and living accommodation at the rear house to the more traditional arrangement – ie living at GF and sleeping at FF. This has the benefit of giving a better link between the main living space and the garden. Light quality at the GF would be enhanced by a glazed entrance door, glazed internal vestibule, and a wider and better internal space resulting from the omission of the shared access corridor.*

*• Access to the car parking/charging, cycle storage and outdoor amenity space at the rear for the front house would be external, i.e. by walking 70m round the block. As opposed to internally via a shared corridor. This is not without precedent in cities, and indeed is far from unusual. And it is more than offset by the greater privacy afforded to both houses. Pedestrian access to and security at these areas is to be enhanced by provision of additional lighting within the confines of the application site adjacent to the path.'*

It is noted, as highlighted previously, that there would be no outdoor amenity space within the rear curtilage for the 3 bedroom property and contrary to what is stated, the revised layout would not deliver greater privacy for both houses. The proposed introduction of downlighters to the 1.8m high walls that would form the side (north & south) boundaries of the rear curtilage would not be sufficient to address the poor lighting on Thistle Place or the lack of lighting to the unadopted service lane along which future residents would have to gain access to the site, nor would this measure deliver the safe and pleasant environment which policy requires.

## **Conclusion**

The current proposal has been revised from the scheme approved by the LRB in July 2023 on the basis that the proposed amendments, which were submitted for consideration by the planning authority, were not deemed to be non-material. These same amendments would see the proposed floor plans revised with no internal access retained for the 3 bedroom property to the rear curtilage and for the small area of garden ground afforded to that property removed, with a single car parking space retained. Access to the car parking space would be gained solely via Thistle Place and off the unadopted and unlit service lane to the rear of the site. This revision would also result in the 3 bedroom property no longer having access to any private outdoor space, in contrast to the previously approved scheme, with this having a direct impact on and adversely affecting the level of amenity achievable for future residents.

A condition of the previous consent granted by the LRB was the installation of external lighting within the rear area adjacent to the lane. Details of lighting in the form of 7 x downlighters fixed to the north and south boundary wall was included within the documents submitted by the applicant as part of this review, however such detail was not shown on the same plan submitted as part of this application. It is considered that whilst the introduction of downlighters to the boundary walls of the site may well improve visibility within the rear curtilage, the benefit of such lighting beyond those site boundaries would undoubtedly be limited and would be unlikely to provide the level of lighting required to secure a safe and pleasant means of access to the property to the rear or the car parking

space from Thistle Place in hours of darkness. As previously outlined, this would be in clear conflict with the expectations of Policy 14 on the basis that the proposal would fail to support the prioritisation of women's safety.

The current proposal would see the layout of the 1 bedroom property revised from the scheme approved by LRB with the main living accommodation consisting of a 28m<sup>2</sup> area of open plan kitchen/living/dining room moved from the 1<sup>st</sup> floor level to ground floor. The proposed reconfiguration of the living accommodation would result in the removal of a shared hallway to the rear of the building. This hall would have provided access for the residents of the 3 bedroom property to the rear curtilage. Whilst the proposed layout would result in additional space at ground floor level for the 1 bedroom property, the floor plan shows this would largely be taken up by a vestibule and shower room. The actual floorspace given over to the main living accommodation (open plan living/kitchen) would actually equate to 29m<sup>2</sup>, with this being just 1m<sup>2</sup> larger than what was approved at 1<sup>st</sup> floor level under the previous application.

The flipping of the proposed layout would compromise the level of amenity achievable for the main living accommodation of this property, bearing in mind that this dwelling would be single aspect and east facing. The main entrance door to this property would be revised from solid timber to fully glazed with a timber frame, and it is noted that the internal vestibule would also be fully glazed. Whilst the introduction of additional glazing at ground floor level alongside the previously approved French doors could provide some much needed daylighting to the main living space, it would impact on privacy, with the eastern (rear) boundary of the garden ground being enclosed by means of a timber fence of just 1.2m in height. With an absence of appropriate screening towards the rear of the site, the high level of glazing from the French doors and the fully glazed entrance door and vestibule beyond would permit overlooking into the main living space of this property, not only from neighbouring residents within the 3 bedroom property through the use of their allocated parking area but also from anyone using the rear service lane and potentially from the 1<sup>st</sup> and 2<sup>nd</sup> floor windows on the gable end of the property immediately opposite.

The Notice of Review Supporting Statement highlights within its summary that '*both houses are afforded with quality internal and external spaces, privacy, ready access to facilities, excellent daylight and ventilation, and ample and differing views of the surrounding historic cityscape*'. This statement is contested by the Planning Service on the basis that the 3 bedroom property would no longer have any private amenity space and given the low level of screening along the rear boundary and additional glazing being introduced to ensure sufficient daylighting within the main living space of the property to the rear, the potential for delivering private amenity space for this 1 bedroom unit has been further eroded by this proposal. The flipping of the main living space from 1<sup>st</sup> to ground floor also raises concerns in terms of the quality of outlook which would be delivered, given that this room would look across the partially-enclosed garden and onto a car parking space, beyond which is an unadopted and unlit service lane and a 3½ storey high gable end of a tenement building.

Contrary to what the Statement maintains, it is considered that the revised proposal would quite clearly not provide '*a significantly enhanced amenity for the development, when considered as a whole*'. Rather it would have unacceptable consequences, including at the expense of the amenity afforded to the 3 bedroom property which would no longer have direct access to the rear curtilage or be provided with any private amenity space. So whilst the principle of a change of use for the vacant building has been accepted, and this is not being raised as an issue, what has raised concern is that the previous consent was a better proposal than what is now under consideration and the development approved by LRB did not raise the same issues highlighted above in terms of amenity.

## **RECOMMENDATION**

Refuse

## **REASON FOR RECOMMENDATION**

The site lies within the West End Area (Policy VC6), as zoned in the Aberdeen Local Development Plan 2023 (ALDP), where the principle of a change of use from office to residential is supported. However, by virtue of its form and layout, the proposed conversion of this property to form two dwellings would deliver a particularly poor level of residential amenity for the 1 bedroom dwelling proposed to the rear of the building and would also fail to provide any private amenity space for the second, 3 bedroom dwelling located to the front.

The 1 bedroom dwelling would have a single-aspect outlook and would incorporate a level of glazing at ground floor level that is deemed necessary to secure sufficient daylighting within the main living space, but which raises concerns in terms of the resulting overlooking which it would introduce. Furthermore, this property would have a sole means of access off an unlit, unadopted service lane resulting in a property with no active street frontage and limited natural surveillance. This raises concerns in terms of the absence of a suitably safe and pleasant means of accessing the property outwith daylight hours, with the proposal failing to support the prioritisation of women's safety and therefore clearly conflicting with the requirements of Policy 14 (Design, Quality and Place) of the National Planning Framework 4 (NPF4).

Taking the above into account it is considered that the proposed development would also fail to comply with Policies D1 (Quality Placemaking) and D2 (Amenity) of the ALDP and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) on the basis that neither of the two dwellings would deliver an appropriate level of amenity for future residents or an acceptable quality of home.

The proposal would be compliant with Policy R5 (Waste Management Requirements for New Development) of the ALDP and Policy 12 (Zero Waste) of NPF4 and with Policies T2 (Sustainable Transport) and T3 (Parking) of the ALDP, the requirements of the Council's Aberdeen Planning Guidance on 'Transport and Accessibility' and Policy 13 (Sustainable Transport) of NPF4.

It is acknowledged that the proposal would have no adverse impact on the character or appearance of the Albyn Place/Rubislaw Conservation Area and would suitably accord with the aims of Historic Environment Policy for Scotland and Policies D4 (Historic Environment) and D8 (Windows and Doors) of the ALDP, the relevant Aberdeen Planning Guidance on 'Repair and Replacement of Windows and Doors' and 'Repair and Reinstatement of Cast Iron Railings' and with the requirements of Policy 7 (Historic Assets and Places) of NPF4. The proposal would also suitably address the aims of Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4.

Notwithstanding aspects of policy compliance with the proposed development, this does not outweigh the lack of compliance with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of the National Planning Framework 4 (NPF4) and failure to comply with Policies D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023 (ALDP) and with the Council's Aberdeen Planning Guidance on Amenity & Space Standards, given the amenity and safety concerns which the proposal has raised.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100663535-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use from Commercial office to form 2 residential dwelling houses with proposed associated alterations to the fabric of this existing building.

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Graham Mitchell Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Graham	Building Name:	Troupsmill
Last Name: *	Mitchell	Building Number:	
Telephone Number: *	07711 503 165	Address 1 (Street): *	Drumblade
Extension Number:		Address 2:	Huntly
Mobile Number:		Town/City: *	Aberdeenshire
Fax Number:		Country: *	Scotland
		Postcode: *	AB54 6EU
Email Address: *	office@gma-aberdeen.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Miss	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Nicky	Building Number:	11
Last Name: *	Turnbull	Address 1 (Street): *	Victoria Street
Company/Organisation		Address 2:	City Centre
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland, UK
Mobile Number:		Postcode: *	AB10 1XB
Fax Number:			
Email Address: *	g.mitchell@gma-aberdeen.co.uk		



## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

11 VICTORIA STREET

Address 2:

CITY CENTRE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 1XB

Please identify/describe the location of the site or sites

Northing

805846

Easting

393241

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

An application for a Non-Material Variation for Planning Application RefL 220517/DPP was sought in late 2023. On 21.11.23 advice was provided that the proposed changes to the consented proposals were considered material - hence the current application for planning permission. Please note that a concurrent application for Listed Building Consent for the revised proposals has also been lodged.

Title:

Mrs

Other title:

First Name:

Jane

Last Name:

Forbes

Correspondence Reference Number:

220517/DPP

Date (dd/mm/yyyy):

21/11/2023

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

230.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Commercial office.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

4

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

1

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

On street bins for collection of waste are provided by Aberdeen City Council.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Graham Mitchell

On behalf of: Miss Nicky Turnbull

Date: 05/03/2024

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |   |   |
|--|---|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A            |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Graham Mitchell

Declaration Date: 05/03/2024

## Payment Details

Pay Direct

Created: 05/03/2024 11:59

# **Consultee Comments for Planning Application 240268/DPP**

## **Application Summary**

Application Number: 240268/DPP

Address: 11 Victoria Street City Centre Aberdeen AB10 1XB

Proposal: Change of use from commercial office space into 2no. residential dwellings including formation of french doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking (rear) and landscaping works with associated boundary treatment

Case Officer: Jane Forbes

## **Consultee Details**

Name: Mr Neil Stirling

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Environmental Health

## **Comments**

No comment

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# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Jane Forbes	<b>To:</b> ACC - Waste And Recycling
<b>E-mail:</b> JANEF@aberdeencity.gov.uk	<b>Date Sent:</b> 7 March 2024
<b>Tel.:</b> 01224 053357	<b>Respond by:</b> 28 March 2024
<b>Application Type:</b> Detailed Planning Permission	
<b>Application Address:</b> 11 Victoria Street City Centre Aberdeen AB10 1XB	
<b>Proposal Description:</b> Change of use from commercial office space into 2no. residential dwellings including formation of french doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking (rear) and landscaping works with associated boundary treatment	
<b>Application Reference:</b> 240268/DPP	
<b>Consultation Reference:</b> DC/ACC/S9Z8YYBZ03U03	

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application. **Response**

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

## COMMENTS

As I understand, the proposed development will consist of **2 residential properties**.

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

**Please note** the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

The **Front property** will be provided with:

- The flat will use the existing on street bins adjacent.

The **Rear property** will be provided with:

- 1 x 180 litre wheeled bin for general waste
- 1 x 240 litre co-mingled recycling bin for recycling
- 1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)

The following costs will be charged to the developer:

- Each 180l or 240l bin cost £36.93 each
- Caddy & Liners FOC
- Delivery fee for any order of less than 10 bins £30.00

It is pertinent to note that these services will be provided taking account of the following:

Site specific comments

- The rear property must present the bins on Thistle Place on collection day.
- The proposal does not show where the bins will be stored. Plans for a storage area need to be provided.

### **General points**

- If the bin store will be **locked and/ or involve a barrier, 8 keys must be provided for each store**, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.
- **No excess** should be stored out with the containment provided. This is fly tipping.
- Large item collections can be arranged by visiting [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied** this is to ensure that bins are on site prior to residents moving into properties and to give enough time to register addresses on the CAG (Council Address Gazetteer) to allow for the development to be added to the refuse vehicle routes.
- A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- Bin purchases are VAT free. Please do not include VAT in your PO
- Please submit a PO for the bins you require.

Responding Officer: N Taylor

Date: 7<sup>th</sup> of March 2024

Email: [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk)

# MEMO

Strategic Place Planning

## Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Jack Penman, Engineer, Roads Development Management		
E-mail	<a href="mailto:JPenman@aberdeencity.gov.uk">JPenman@aberdeencity.gov.uk</a>	Date	26/04/24
		Our Ref.	DPP-240268 – v2
		Your Ref.	

### Planning Application No. DPP-240268

I have considered the above planning application have the following observations:

I note that this proposal is for a change of use from commercial office space into 2no. residential dwellings including formation of French doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking (rear) and landscaping works with associated boundary treatment at 11 Victoria Street, City Centre, Aberdeen, AB10 1XB.

The site is in the city centre boundary and is in CPZ C.

The site is fronted by good standard adopted footways and is accessible by sustainable transport modes including walking and cycling. The nearest public transport stops are on Alford Place, and these are well served.

Businesses and residential properties in CPZ C are entitled to apply for 1 parking permit. If this site operated as a single business, there would be an increase in parking permit entitlement with this proposal of +1 over the current use.

ACC parking standards for residential dwellings in the city centre are for 1 allocated space per dwelling. I note the applicant is only proposing 1 parking space for one dwelling. Therefore, there is a shortage of 1 parking space. As the site is in the city centre the proposal could be considered for a 0-car development, however the provision of the parking space with active EV charger is beneficial from Roads perspective. This layout however, may lead to 3 vehicles being associated with this site (2 using on-street parking permits and 1 parked in the rear). Given the site previously had parking for 4 vehicles + the eligibility for 1 business parking permit this proposal is likely to result in a net reduction in vehicle trips (3 compared to 5).

I note cycle parking is being proposed for both properties. These are long-stay cycle parking which is acceptable.

I note the rear space is 3m x 5m which is acceptable.

I note a separation wall is being proposed between the parking area and the path. This is to be a low level wall and will not impede visibility and is therefore acceptable.

I note the waste management plan is to use the existing on street bins which is acceptable.

No water from the site would be permitted to discharge onto the public road. Given it is no fronting onto the adopted road this is likely not to occur, but the applicant may wish to consider additional drainage measures on top of the proposed parking space surfacing to deal with surface water.

Roads have no objections to this proposal.

Jack Penman  
Engineer  
**Roads Development Management**

**From:** Michael Cowie <MiCowie@aberdeencity.gov.uk>  
**Sent:** Monday, July 22, 2024 4:36 PM  
**To:** rachel boyd <r.boyd@gma-aberdeen.co.uk>  
**Cc:** Jack Penman <JPenman@aberdeencity.gov.uk>  
**Subject:** RE: Planning Application Ref 220517/DPP - 11 Victoria Street

Afternoon Rachel,

In regard to your email below and as Jack is on leave, I have now managed to have a review of the application and those previous comments.

Firstly, I wish to confirm that as the initial proposals submitted included the provision of 1no. parking space (i.e. one of the dwellings being served by off-street parking provision), Roads Development Management (RDM) assessed it as such with no concerns or objections.

However, as noted within Jack's comments on this application, as the properties are located within the city centre they would be considered for a 'no car' development. As such, that being potentially considered and proposed within your email below in removing any associated parking would be in line with that intimated by Jack meaning that any parking would require to be on-street with the display of a parking permit and given each property can only obtain 1no. permit each (total 2no. permits) this would not be considered detrimental in terms of demand.

The impact of not providing any associated off-street parking would mean that at this stage electric vehicle (EV) charging provision would be unable to be provided, which would ideally be sought/desirable from a Roads perspective.

To clarify, if any parking on this site was to be removed, it is confirmed that this would not mean an objection from RDM in regard to this application.

Should you have any further queries then please do not hesitate to get back to me.

Regards,

Michael



**Michael Cowie** | Engineer

Aberdeen City Council | Roads Development Management | Strategic  
Place Planning | City Regeneration & Environment

Marischal College (Ground Floor North) | Broad Street | Aberdeen |  
AB10 1AB

Roads Development Management: 01224 070070

[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk) | X: @AberdeenCC |

Facebook.com/AberdeenCC

## Application 240268/DPP

### Development Plan: National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents/national-planning-framework-4-revised-draft)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

### Aberdeen Local Development Plan 2023

[Aberdeen Local Development Plan | Aberdeen City Council](#)

- Policy VC6 (West End Area)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D8 (Window and Doors)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

### Aberdeen Planning Guidance

[Aberdeen Planning Guidance and Supplementary Guidance 2023 | Aberdeen City Council](#)

Repair and Replacement of Windows and Doors

Transport and Accessibility

Repair and Reinstatement of Cast Iron Railings (Technical Advice Note)

Amenity and Space Standards

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE            100663535-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Nicky"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Turnbull"/>	Address 1 (Street): *	<input type="text" value="Victoria Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="City Centre"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland, UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 1XB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="g.mitchell@gma-aberdeen.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="11 VICTORIA STREET"/>
Address 2:	<input type="text" value="CITY CENTRE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 1XB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805846"/>	Easting	<input type="text" value="393241"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use from commercial office space to form two dwelling houses - 2024 application.

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

A review is being sought due to the time which has elapsed from validation of the planning application being in excess of the two month statutory period.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Existing and proposed plans, section and elevations and a supporting design statement.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

240268/DPP

What date was the application submitted to the planning authority? \*

05/03/2024

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Graham Mitchell

Declaration Date: 20/06/2024

**graham mitchell** architects

Troupsmill Farm  
Drumblade  
Huntly  
Aberdeenshire  
AB54 6EU

t: 07711 503 165  
w: gma-aberdeen.co.uk

# Design & Planning Statement

## 11 Victoria Street

Aberdeen  
AB10 1XB

Job number 2203

February 2024

Revised a: 18.06.24 Postscript added

## Description of Existing Building

11 Victoria Street is an historic domestic property which has previously been converted into office space and extended to the rear to increase the commercial footprint. As is typical with such conversions, rooms have been sub-divided and new openings created in the historic envelope, ceilings lowered, and commercial lighting and wiring installed to suit the demands of office use. However, suspended ceilings are mostly absent, enabling the extent and style of original cornicing to be assessed.

The description of the existing building below is photographic in nature, as this is in this instance thought to be the simplest way to convey the nature and extent of the existing architectural features and their condition. Proposed changes to the exterior of the building forming part of the current applications are minimal, therefore the description is focussed on the interiors.

This is accompanied by a detailed written description of the proposals and (shown in blue text) the most recent proposed changes, where they differ from the consented scheme.

## Recent Planning History

- Property originally constructed as a private dwelling house in the nineteenth century.
- Used as a commercial office from 1974 until 2019, with additional 2 storey office accommodation being added to rear of house in the 1987.
- In 2022 planning and listed building consent applications were lodged for change of use from office to form 2 residential dwellings. Applications reference; 220517/DPP & 220882/LBC. The application for Listed Building Consent was conditionally approved on 12.12.22. The planning application was refused on 18.04.23. Whilst the principal of the proposed change of use was deemed to be acceptable for the area, justification of the refusal was due to 'lack of amenity.' For the house fronting to Victoria Street this was stated as being due to a perceived lack of external amenity space, and for the rear house due to it being single aspect, lacking in sunlight, and having no street frontage.
- An appeal against this refusal was lodged and duly considered by the Local Review Body of Aberdeen City Council. Following consideration by panel members, the original decision was overturned by a unanimous 6-0 vote to approve on 03.07.23.
- Following a change of ownership of the property and a reconsideration of the priorities for each of the houses, some plan layout changes to the proposals are now proposed. A Section 64 (non-material-variation) for these was sought, with drawings being lodged on 07.11.23. These were considered by the appointed planning officer, and advice that the changes were considered 'material' was provided on 21.11.23. It was also noted at this time that there is no provision for 'variation' of a Listed Building Consent.
- Accordingly, new planning and listed building consent applications are now being lodged for the current revised proposals.

# Proposals

It is proposed to return 11 Victoria Street from office use to its original function as residential accommodation with two dwellings being created. One three bedroom house in the original stone built front part of the building, and a second smaller one bedroom house within a twentieth century two story rear extension.

## Front House

The front 2 ½ story part of the house is largely in its original condition both externally and internally. Recent historical changes are limited to a large ground floor slapping linking the front part of the building to a later twentieth century rear extension, and also at ground floor, a timber stud and plasterboard partition which subdivides the former drawing room fronting to Victoria Street.

Because the proposed use is compatible with the building type, only the most minor of changes would be required to the building fabric to facilitate the conversion.

These are summarised as follows:

### **Build up slappings at ground and first floors between front and rear parts of building**

It is proposed to build up the twentieth century slappings linking the front part of the existing building to the later rear extension, since to facilitate the current proposals these openings are not required. Following conversion they would not be visible either internally or externally, and for the purposes of providing fire and acoustic separation, they would be constructed in blockwork and finished in timber stud framing, sheeted with plasterboard on both sides.

### **Remove lowered ceiling at ground floor rear room**

This ceiling to this area is a late addition and is formed in plasterboard. It is proposed that this be taken down, with the existing plaster ceiling and cornice remaining at a higher level. The upper areas would be repaired where necessary, and would form ceilings to the new kitchen and shower room. Where required, new cornices would be run in profile to match the existing, providing complete margins to the ceiling areas in both rooms.

### **Replace existing 2<sup>nd</sup> floor timber casement window (at rear elevation)**

The existing window at this location is in poor condition and is of little merit. It is proposed to remove it and replace it with a better quality timber casement window of design as shown on the drawings.

### **Services removal and replacement**

The proposed conversion would precipitate a requirement to remove the existing electrical installations and re-wire the building to a standard suitable for domestic use. Also, drainage serving the existing toilets would be cut back and extended to the locations of the new kitchen and sanitary accommodation. Although this would lead to some modifications being required to the existing building structure, these are minor in nature and any existing finishes, including for example; flooring, plasterwork and decorative timber which are disrupted would be re-instated on completion.

## Front House Amenity

The front part of the building naturally lends itself to re-instatement as a quality city centre private dwelling house.

It features a somewhat austere but not unattractive street elevation, imbued with quality through its use of simple materials, carefully wrought detailing and well understood proportions.

Windows are generous and internally individual rooms, and the house as a whole, experience good levels of daylight, ventilation, connection with the street, and views out.

Part of the proposal includes improving the front garden area which currently is laid out with granite stone chips and concrete paving slabs. Absent cast iron railings including an entrance gate would be re-instated, granite chips 'refreshed', and concrete slabs cleaned. The front door ironmongery would be replaced and the door itself re-painted gloss black. Granite stonework and existing windows are in good condition and would be retained. Existing rainwater gutters would be repainted black to match the new railings.

To animate the frontage and to emphasize the use of the building as residential, it is proposed to plant a single flowering cherry tree (*Prunus sp.*) centrally in the front garden. Although this garden is modest in size - extending to some 26m<sup>2</sup>, it is suggested that it would significantly contribute to the amenity provided by the house as a whole.

To the rear it is proposed to divide the existing garden area between the two properties with the front house being provided with a car parking space (complete with EV charging facility), a drying green and small sitting out area of approximately 30m<sup>2</sup>. Access to the rear garden and parking area would be via Victoria Street/Thistle Place and the existing private access lane. Privacy to this area would be enhanced by re-instatement of the existing south side garden wall, finished in wet dash rendered blockwork with a red brick cope to match the existing wall opposite.

The key change from the approved planning and listed building consents for this property is to remove internal access from the front house to the rear garden/parking area. Whilst it is accepted that occupants of this house would have to walk round the block to access the rear garden this is not without precedent in cities, and it's not very far - some 70m in total distance from front door to garden.

It is anticipated that the front garden would be used for sitting out in since it faces west and catches the afternoon and evening sun, and the rear garden for car parking and charging - it faces east. The front garden faces offices across Victoria Street, and the property is also neighboured on both sides by offices. Therefore, in evenings and at weekends and contrary to intuition, the front garden in addition to being sunny and having a good aspect, offers greater privacy than might be expected from its city centre location.

## Rear House

The rear 2 story part of the building extending part way into the former rear garden is of late twentieth century construction and although different from the existing to the front, is imbued with its own more 'mews like' quality, and is nested privately within its dense urban setting.

In common with the front house its scale, both as whole and of openings within external walls is domestic in nature. It is also well suited to residential use, whilst being of a different character from the front house. The former being larger, urban and formal (internal area 144m<sup>2</sup>), and the latter smaller (internal area 74m<sup>2</sup>), less formal and less imposing.

It is envisaged that potential users of the front house would be individuals who may live and work in the city, possibly but not necessarily from home, and perhaps with a small but expanding family.



Victoria Street is in part residential and amply demonstrates just how fine city living can be, and the front house seeks to become part of that continuum. The house provides all the amenity that would be expected of a home in this location, and is well connected to shops, bars, schools, transport networks and local parks.

The rear house may well appeal to a similar demographic, but perhaps at an earlier or later stage of life or career. This house is smaller - an open plan kitchen/living space linked to patio and garden, a '1+1' bedroom with home-work area would suit individuals/couples, and perhaps those embarking on family life.

To make the most of the amenity offered by the site, living space is offered indoors and outdoors at ground floor level with sleeping, dressing, and work space above.

In common with the front house, few modifications to the fabric of the existing building would be required to adapt this part of the building to its new use. External form would be retained unaltered, with the only changes being the lowering of both ground and first floor window openings. In the former case, to provide better connection with and direct access to the garden. And in the latter, to enhance both the visual and perceived connection with the outdoor city space at first floor level.

To ensure that the first floor is light and bright, it is proposed to introduce four large roof windows in the existing slated pitched roof, shafted to ceiling level. One each over the first floor stair landing and internal shower room, and one in each side of the bedroom and dressing/work areas.

It has been noted that this property faces directly on to a granite gable across its garden and rear access lane - at a distance of some 16-17m. Reference to the attached photographs indicates that at this distance, the gable occupies a small proportion of the visibility splay of an observer from within the house, approximately 18% following analysis by drawing and measurement. Looking at this the other way round 82% of the view from the windows is not obscured by the gable. And this 82% is a fairly animated and interesting part of the city centre, including the fine stained glass window screen of the sanctuary at the rear of the Alford Place Church, and oblique views across the leafy rear gardens of properties fronting to Thistle Street and at Thistle Lane.

This is anything but a drab back-land, on the contrary it is a dense historic cityscape at its best.

Light quality of the first floor bedroom and work space would by virtue of the generous floor to door head height windows, exceed that of the front house - and more generally the majority of dwelling houses. The ground floor living space by contrast, would be more secluded but is linked to a private garden by French doors for morning coffee and papers, and evenings spent in the secluded light provided the surrounding townscape. Privacy is maintained by the proposed new garden wall to the south and ornamental tree planting and a timber fence to the rear.

More generally, the sections and plans of the building with the photographic images of the site which are submitted as part of this application, seek to convey the special sense of place which this proposal would create.

No car parking is proposed with the rear house, reflecting its modest size, location, and the excellent transport links, parkland and civic amenities which are all within easy walking/cycling distance. The omission of parking enables garden ground for the rear property to be maximised, with a 6.5 x 6.2m space being created giving some 40m<sup>2</sup> of useable area.

The key change from the approved planning and listed building consents for this property, is the removal of the internal access corridor linking the front house to the rear garden/parking area. In the earlier planning refusal, it was noted that this house in particular suffered from poor amenity. By removing the access corridor, a significant additional amount of floor area is provided, which is felt would proportionally provide a greater enhancement to its amenity than is lost by removing the access from the front house to the rear car parking and garden areas. This would enable the rear house to have a private rear garden across the whole width of its frontage, private (as opposed to shared) main front door access, and an approximately 25% increase in its ground floor area.

With internal re-planning this provides the opportunity for a spacious open plan kitchen/dining/living space on the ground floor, and a light filled first floor with bedroom/dressing and potential home work area. To this end and 4 number large Velux roof windows would be provided. A glazed principal entrance door is also now proposed along with a glazed internal vestibule which would both enhance the light and spatial quality of the ground floor open plan space. And also as previously, this space would be linked to a private garden by new French doors.

Also, and not unimportantly, by placing the principal living spaces to this house on the ground floor, improved barrier free access for all potential building users is more readily provided.

## Summary

As previously two houses are therefore created, different in nature but both unique and contributing to the special dense and historic urban character of this part of the city.

Both are afforded with quality internal and external spaces, privacy, ready access to facilities, excellent daylight and ventilation, and ample and differing views of the surrounding historic cityscape.

It is felt by the applicants that these revised proposals address the negative comments made regarding the shortfall of amenity afforded by the previous approved scheme, and in sum provide a significantly enhanced amenity for the development, when considered as a whole.

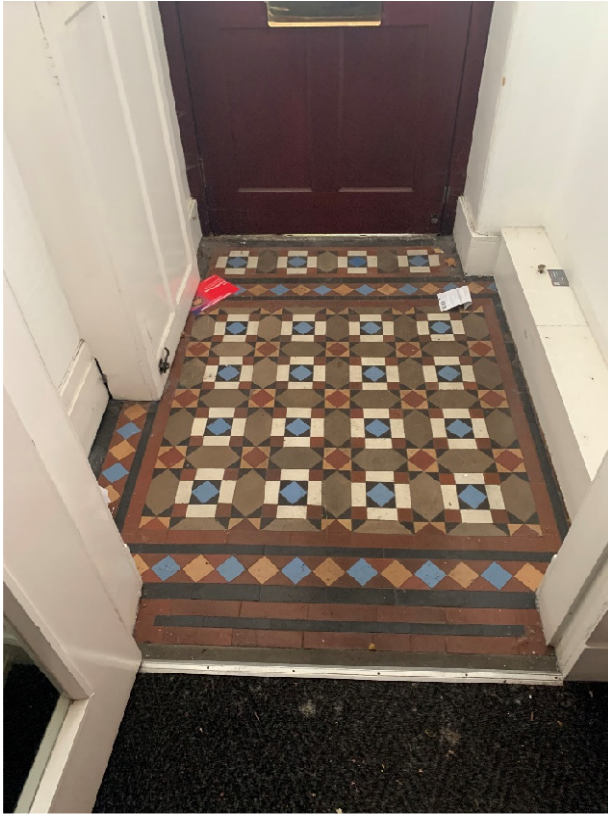
## Postscript - at 18<sup>th</sup> July 2024

Due to the protracted timescale unfolding for the current planning application, a decision was taken to request that it be considered by The Local Review Panel. The applicant has in addition to the changes between the previously approved proposals and those which are currently proposed - which are noted in blue above, asked that the following key matters be emphasised:

- By separating access to each house, both would benefit through increased privacy and amenity. Each access only would serve the house it relates to. By removing a shared corridor, acoustic separation would be enhanced, and the rear house would not have those accessing the front house from the rear garden, pass immediately adjacent to sleeping accommodation.
- The current proposal inverts the sleeping and living accommodation at the rear house to the more traditional arrangement – ie living at GF and sleeping at FF. This has the benefit of giving a better link between the main living space and the garden. Light quality at the GF would be enhanced by a glazed entrance door, glazed internal vestibule, and a wider and better internal space resulting from the omission of the shared access corridor.
- Access to the car parking/charging, cycle storage and outdoor amenity space at the rear for the front house would be external, i.e. by walking 70m round the block. As opposed to internally via a shared corridor. This is not without precedent in cities, and indeed is far from unusual. And it is more than offset by the greater privacy afforded to both houses. Pedestrian access to and security at these areas is to be enhanced by provision of additional lighting within the confines of the application site adjacent to the path.

After careful consideration by the new owner and the design team, it is felt that the current proposal improves on the previously consented scheme.

It is for this reason alone that planning permission is being sought.



## Photographic Study

### Ground Floor

Entrance lobby to Victoria Street showing original tiling and panel door. To be retained.



Ground floor window to Victoria Street; existing sliding sash casement window with timber panelled ingoes – original shutters – and moulded architrave and skirting. All to be retained.



Ground floor linen press, with additional boxing in and face-plates. Additions to be removed and made good. Generous skirtings and picture rail to be maintained.



Ground floor skirtings, cornice, picture rail and timber panelling all to be retained



Later partition walls and lowered ceiling to the ground floor internal room to be removed, thus reinstating the form of the original drawing room. It is expected that the original ceiling and plaster cornice will be present and in a good or repairable state. If not then those to the front of the property will be used as templates for the recreation and reinstatement of the same.





Stairwell ground to first floor; dado rails, handrail and balusters to be maintained, carpet and commercial style nosing's to be removed. Stair to be either stripped back to bare timber, or re-carpeted in a more appropriate domestic style – risers and goings to be inspected for evidence of historic anchoring – carpet rods etcetera.



#### **First Floor**

Original skirtings, timber panelling, shutters and plaster cornice all to be retained. Office light fittings and overlay timber floor to be removed.



Existing doors to be retained with where required glazed panels being replaced in solid timber



#### **Second Floor**

Rear dormer form to be retained externally and internally, with window replaced with high quality casement window, detailed to match those at front of house.



Note: typically less ornament at second floor. Timber dado and skirting board to be retained as currently

**Rear House Roof**

Unsightly vents and flue to be removed to make way for new roof windows to provide light and ventilation to stairwell and shower room







**Rear Aspect (SE)**

Stone gable opposite on left (note windows are to bathrooms), with Alford Place Church Sanctuary in foreground, and cityscape in rear ground including the Silver Fin building



**Rear Aspect (NE)**

Existing stone garden wall with brick cope in foreground and rear gardens to Thistle Street properties in rear-ground. A pleasant and remarkably private locale

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fao: Mr Mark Masson

ref: LRB/240268/DPP

24<sup>th</sup> July 2024

Dear Mr Masson

**11 Victoria Street, Aberdeen AB10 1XB**

**Change of use from commercial office space into 2no. residential dwellings including formation of french doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking (rear) and landscaping works with associated boundary treatment**

**Application Ref: 240268/DPP**

Thank you for your letter of 11th July 2024 with attached 'Draft Report of Handling by Development Manager' document.

We were both very surprised and disappointed, that the planning department is still viewing this application with such negativity - especially since the Local Review Panel previously unanimously voted in favour of our earlier and very similar proposal. It was agreed that this scheme sought to bring good/high quality living accommodation to the heart of the inner city for which there is a well-recognised need. We are grateful to the councillors for this decision. It is clear that they appreciated a requirement for such conversions of empty commercial buildings, and for seeking to return them to provide quality residential living, thus allowing our city to be regenerated.

With regard to the report and to summarise - the main planning issues raised appear to be:

1. Assumed reduction in privacy to the rear 'mews' style property.
2. A questioning of the size of the (now) upstairs bedroom at the rear house.
3. A lack of private amenity space for the front house.
4. Safety of the rear lane for access to the rear house.

We are firmly of the opinion that this revised proposal would significantly improve the 'living experience' for both of the proposed properties. This would be achieved by giving much more privacy due to the 'boundaries' of each house being completely self-contained. And, in particular it would provide an improved daily living experience by introducing minor, but important changes the layout of the rear 'mews' property.

Looking at each matter raised in turn.

### **1. Privacy**

The comments below are made with regard to House 2 - the house which fronts to the lane accessed from Albyn Place.

There is already approval for 2 fully glazed patio doors to the back this house. In the previous approved plan layout, a nearby adjacent communal path & entrance passed near to these doors which looked into a bedroom which was located on the ground floor.

It is felt that the new improved layout which includes moving the living accommodation to the ground floor and bedroom to the first floor (swapping them round to a more traditional arrangement) - provides greater privacy. And a self-contained path/garden and main entrance are now proposed which provide access to the rear property only, therefore also affording more privacy. This would ensure that only visitors to the property will be within the path/garden area, and not any occupants/visitors to house 1 as would have occurred with the earlier approved layout.

A new glass entrance door at the rear elevation of house 2 is proposed to maximise natural light within the new living space. This sought to address a previously negative comment from the planner regarding moving the living room downstairs. Although it should be noted, that in fact the daylighting light ratio met the requirements of the Building Regulations without the glazed door. But in a spirit of compromise and taking account of the current concerns being raised regarding privacy, this door glass could either be opaque or replaced/re-instated in solid timber. However, it is felt by the writer that there is really is no compromise of privacy - quite the reverse - now that the living/sleeping space in the house have been swapped. We feel there is FAR more privacy afforded by the current proposals.

The height of the garden fence between House 1 and House 2 garden areas at 1.2m was also noted as being sufficiently low to compromise privacy at the rear of House 2, both in terms of its private garden area and rear elevation at GF level. In principle the applicant would have no objection to the top of this fence being raised to a higher level by condition, should this be considered to be of merit.

### **2. Size of First Floor Bedroom**

The comments below are made with regard to House 2 - the house which fronts to the lane accessed from Albyn Place.

The upstairs bedroom is now fairly large in terms of floor area (29.1sq m). An internal partition with a sliding pocket door is included to enable this space to be opened up/closed down. This would allow occupants to have a flexible room that could be adjusted depending on requirements. The thoughts behind this included - home office/dressing room/pilates area/art studio etc ... which could then be closed off to provide a calmer sleeping space, away from one's desk, exercise area, piano or easel.

We feel this is the way of modern living - ie offering modern open flexible spaces rather than small boxed rooms ... and therefore, offers excellent quality habitation.

### **3. A Lack of Private Outdoor Amenity Space**

The comments below are made with regard to House 1 - the house which fronts to Victoria Street.

The footprint of the external areas for the amenity of the front house are EXACTLY the same to the previously consented scheme. Which were agreed by the previous panel of councillors as being acceptable before unanimously supporting it at appeal.

However, again in a spirit of compromise we would be happy have the following proposals attached to any consent if their inclusion was thought to be of value.

A) Provide an area of planting of garden shrubs or hedging to the front of the property to screen the front garden from the pavement. This together with the already existing neighbours wall and front of the house would make a lovely 'hidden oasis' of a garden, which since it is west facing would be sunlight for most of the day.

And/or;

B) Re-purpose the rear parking area which is currently consented to provide space for a single car with EV charger and enclosed bike store, as a self contained private garden and sitting out space, which would be suitable for all activities normally associated with a garden, including sitting out and the growing of flowers/vegetables. In any case the bike storage could be retained whether or not the car parking space was to be omitted, giving an available area of 28.1sq m. Ultimately it is felt that it would be in the best interests of the property owners to be able to choose how to use this space, be it for vehicle parking or garden or some combination of both.

It is now proposed to access this space by walking round the block (a distance of some 70m) - as opposed to through the garden and internally via a corridor adjacent to House 2, with the resultant significant improvement in privacy this would provide (see Item 1 above). This garden space would therefore not be directly accessed from House 1 - this isn't unusual in inner city living. In fact it is not different in principal from an allotment garden. And as previously noted, Rubislaw Terrace Gardens are only 100 meters away.

The applicants/agent have consulted directly with Transport Management regarding the implications of the potential loss of a single parking space with car charging for House 1. They have responded by stating that due to the city centre location of both houses, and taking into account other factors, they would not object to the proposals should this come before them - a copy of the relevant correspondence is attached.

#### **4. Safety of back lane**

This was addressed at the last appeal. The councillors considered the nature of Albyn Lane which is served by street lighting at the time of the previous planning application. In light of the short distance from this lane to the rear garden (approximately 15m), in consideration of the location of the site within an area of the city which is considered safe, and also in consideration of the proposal to introduce lighting in the rear garden, it was agreed - again unanimously, that the access was acceptable.

It should also be noted that both houses would also be eligible for a city parking permit should residents wish to apply, enabling cars to be parked 'on street.' For House 1 this would perhaps be considered a safer option than using the rear parking space with lane access, and for house 2 the use of solely on street parking with pedestrian access via the rear lane would be unchanged from the currently consented proposals.

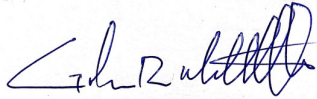
In light of the continuing debate regarding the acceptability of the proposals for this site, we wonder if it would be in the best interest of this project to have a site visit? This would allow all to see its potential, the quality of the living accommodation - easy to comprehend since the existing property is there to see, and just how light and airy both houses are. If it would be considered beneficial for a visit to take place on or before the appeal date of 26th August, this would be more than welcomed by the applicants. In summary, the applicant has viewed this development very much through the 'eyes of the occupants' and has invested real thought into planning into how people live these days - and what is considered the

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best 'quality/layout' in terms of living experience. We feel the current proposed changes to the floor plans are 'minor' with respect to those which have been previously unanimously approved.

Again, we would thank the councillors for seeing the 'bigger picture' in repurposing of commercial buildings which have been lying empty for many years - and bringing them back into the residential use for which they were originally built.


Yours sincerely

A handwritten signature in blue ink, appearing to read 'Graham Mitchell', written over a light blue grid background.

Graham Mitchell  
RIBA RIAS

for and on behalf of

**graham mitchell** architects

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling by Development Management Manager</p>
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<b>Site Address:</b>	155 Bon-accord Street, Aberdeen, AB11 6XE
<b>Application Description:</b>	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
<b>Application Ref:</b>	240350/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	19 March 2024
<b>Applicant:</b>	Mr Matthew Dougherty
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council:</b>	Ferryhill and Ruthrieston

## DECISION

Refuse

## APPLICATION BACKGROUND

### Site Description

The application site is located in the south of the city in the established residential neighbourhood of Ferryhill. The building is situated on the eastern side of Bon-Accord Street, occupying the corner plot at the junction with Caledonian Place. The application site comprises a two-bedroom flatted property at first-floor level within a traditional granite end-terraced villa, which contains a total of two flatted properties. The application property is accessed from a separate, self-contained entrance to the rear. A side gate from Bon-Accord Street leads to the self-contained entrance, contained within a curved bay staircase addition to the rear, with the staircase leading up to the application flat. The lower flat comprises the ground floor and a basement level, which is accessed from Caledonian Place via its own entrance door and is addressed accordingly as 24 Caledonian Place. The front curtilage is solely owned by the neighbouring lower flat, and the rear garden ground is shared between both properties. The building is bound to the east by a neighbouring terraced villa and to the north by 153 Bon-Accord Street. The principal elevation faces south onto Caledonian Place and to the west, on the opposite side of the street, lies Ferryhill Primary School. The building is Category 'B' listed and lies within the Marine Terrace Conservation Area.

### Relevant Planning History

None.

## APPLICATION DESCRIPTION

### Description of Proposal

Detailed planning permission is sought for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis). The applicant advises that the maximum occupancy for the two-bedroom STL would be 4 persons at any one time, with a



minimum stay of 3 nights. The property would be operated as a STL on a permanent basis and is currently undergoing internal redecoration to facilitate the proposed new use. Customers of the property would have access to on-street parking as per existing arrangement and it states that waste would be disposed alongside weekly cleaning or as per each visit if less than 7 days. This is a new proposal for Short-term Let accommodation and the property has not previously been in operation for such use.

## **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=SALR57BZLDY00>

- Short-term Let Checklist

## **CONSULTATIONS**

**ACC - Waste And Recycling** – No objection. The proposed development is classified as commercial and will therefore receive a business waste collection. Customers of the STL could continue to utilise existing bins (where required) until commercial status can be determined. The applicant has advised that a waste management plan is in place whereby waste is proposed to be collected with weekly cleaned or more frequently if stays are less than 7 days.

**ACC - Roads Development Management Team** – No concerns or objection with the proposal. Advised that the application site is within 'controlled parking zone' (CPZ) and the change of use retains a similar associated parking requirement and therefore the matter that the site has no dedicated parking provision on site shall be no additional detriment or shortfall in parking. Furthermore, as the site is located within a CPZ there is no scope for indiscriminate parking.

**Ferryhill and Ruthrieston Community Council** – No comments received.

## **REPRESENTATIONS**

None received.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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



## Development Plan

### National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

### Aberdeen Local Development Plan 2023 (ALDP)

- Policy D6 (Historic Environment)
- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

## Other National Policy and Guidance

- Scottish Government publications:
  - Circular 1/2023: [Short-Term Lets and Planning](#)
  - Short Term Lets: [Business and regulatory impact assessment – November 2021](#)
  - Scottish Government – [Research into the impact of short-term lets on communities across Scotland – October 2019](#)

## EVALUATION

### Provision of Short Term Let Accommodation and Impacts on Character & Amenity

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

*e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:*

- i. an unacceptable impact on local amenity or the character of a neighbourhood or area;  
or*
- ii. the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits*

Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) states:

*Within existing residential areas, proposals for non-residential uses will be supported if:*

- 1. they are considered complementary to residential use; or*
- 2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.*

### Impact on Character and Amenity

The application property is situated within an established residential area, as identified in the ALDP Proposals Map. The application property is located in an established traditional granite terraced villa, within the wider Ferryhill neighbourhood. The site is located around 200m south of the city centre boundary, and as such, the site is within easy walking distance to a wide variety of amenities, both in the city centre and within the wider Ferryhill neighbourhood. In terms of the surrounding area in general, this is predominately residential in character, however there are also a variety of community uses nearby, including convenience shop, hairdresser, Ferryhill Primary School, Ferryhill Community Centre and play park, Albury sports facilities and Bon-Accord Terrace Gardens. Given the small-scale nature of the proposed use of the property, comprising a 2-bedroom flat with a proposed maximum occupancy of four people at any one time, its use as an STL would be unlikely to result in a significant increase in activity to the flatted development in terms of general comings and goings of the surrounding area compared to mainstream residential use. Therefore the proposal is unlikely to have a significant impact on the character of the area. Additionally, no external alterations are proposed, therefore it is considered that the character and appearance of the conservation area would be suitably preserved.

In terms of impacts on amenity, the property shares an access path through the rear curtilage with the neighbouring, ground floor and basement property, which is understood to be in mainstream residential use. In general, it is considered that the use of properties as STL's within residential flatted buildings could result in increased harm to the amenity of neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods; and
- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

The application property comprises the upper flat of a building with a total of two flats and is typical of the properties found on the street (Caledonian Place). The application property has a self-contained entrance door and stairwell to the rear, with the lower flat (located on ground and basement level of the building) accessed directly off Caledonian Place with its own entrance door and sole use of the front curtilage. The application property's separate entrance is accessed through a gate directly off Bon-Accord Street to the rear, alongside the rear garden ground. It is on this latter point whereby further evaluation of the impact on the amenity of the neighbouring property is required, given that this area is communal and mutually shared between both properties, and it is the only means of accessing the application property.

The location of the property and its sole means of access means that guests would be required to pass all of the rear windows at both ground and basement level which serve the lower flat, in order to reach the self-contained entrance and staircase which leads to the application property. The neighbouring flat also has a rear access door. Given the number of windows to pass and the general layout, this is considered to represent a high proportion of the accommodation for the neighbouring property which would be affected. Typically the kitchen and all of the bedroom accommodation for the lower property will be situated to the rear, with living room to the front (principal elevation). Thus the presence of up to four frequently changing transient guests using

this external path and area would present adverse harm to the privacy afforded to these windows, as well as a likely impact (actual or perceived) on security for the neighbouring property. This is due to the nature of all windows which face directly towards the private rear curtilage, which would typically not see unknown persons walking past. The proximity of the external path to the entrance door and its relationship to the rear windows due to site levels would result in guests both arriving at and leaving the application property having the opportunity to look immediately across and down into the windows from an elevated height. In addition, the relatively small size of the rear curtilage (62sqm) and positioning of the entrance to the application property facing into the rear curtilage (with guests unfamiliar with the site and access arrangements) would likely result in persons being stood out on the path in the rear garden in front of neighbouring windows while accessing the property, which would increase the adverse impact on privacy and security for the neighbouring residents. Whilst it is recognised that the neighbouring resident(s) have not objected to the application, this assessment forms the amenity impact on the property as opposed to any individual existing resident and the proposal requires to be considered and assessed on its own merits. Furthermore, the situation for the site could change in the future, with the neighbouring residents changing due to the potential sale or leasing of the property and new occupants of the neighbouring property could be affected by this adverse amenity impact.

The property would sit above the lower flat (ground floor and basement) and as such, there would also be the potential for noise transmission and disruption to the neighbouring property below when the application property is occupied. However, there would be no impact from any shared internal communal space due to the nature of the properties both having separate access into the building. Due to the small-scale nature of the two-bedroom flat, it is highly unlikely that the flat would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation. The impact from the upper floor flat would therefore likely be minimal in terms of noise coming from inside the property.

In relation to the outdoor communal areas, the garden area is open and shared between both properties and there are no divisions. As mentioned above, the rear garden ground has a path through it which connects the application property entrance with a gate in the garden boundary wall, leading onto Bon-Accord Street. Other areas of the garden feature a mature landscaping mix of shrubs and trees, alongside a small external seating area. Therefore, due to the nature of access to the application property (proposed STL use) through this garden ground, when in use, guests would need to walk through the neighbour's garden via the path to access the flat and the remaining garden area. As such, there would be an adverse amenity impact on the enjoyment of the neighbouring garden from the potentially frequent movement of regularly changing transient guests to the rear of the building and the associated garden, resulting in the downstairs neighbours not having any private amenity space which could not be encroached upon by unknown guests.

In summary, the use of the property as an STL would require transient guests to regularly use the communal areas to the rear (private side) of the property and to walk past rear-facing windows of the neighbouring ground and basement floor flat via an external path leading to the entrance of the property. Guests would also be required to walk through the shared rear garden to access both the property and/or the garden for the STL. The movement from groups of guests would therefore cause harm to the security and privacy of the neighbours which is contrary to Policy 30(e)(i) of NPF4 and it has not been demonstrated *“that the use doesn't cause conflict with, or any nuisance to, the enjoyment of existing residential amenity”* therefore the proposals are also contrary to Policy H1, criterion 2, of the ALDP.

## Provision of Short Term Let Tourist Accommodation and Local Economic Benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

*‘Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.*

*Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.’*

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish Government’s publication on ‘Short Term Lets: Business and regulatory impact assessment’ from November 2021 states:

*‘Short-term lets make an important contribution to the tourist economy because they can:*

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).’*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property is to be by tourists and/or business travellers, it is envisaged that customers of the property would be likely to spend money in the local tourism, hospitality and retail sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government’s ‘Research into the impact of short-term lets on communities across Scotland’ publication, produced in October 2019, which states in Key Findings - Chapter 5:

*‘The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.’*

Given that the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have some tension with the aims of Policy VC2 (Tourism and Culture) of the ALDP. In assessing the magnitude of this tension, it is acknowledged that the site sits c. 200m south of the city centre boundary, 700m from the Holburn Neighbourhood Centre, 850m walk from the main railway and bus station in Aberdeen and as such, is a 10-15 minute walk away from surrounding local businesses and amenities, both in the city centre and within the wider Ferryhill neighbourhood. The site is also served by the No. 17 bus route from Ferryhill Road (c. 150m south-east, Abbotsford Place junction) or Crown Street (c. 250m north-east) leading to the city centre providing sustainable transport to main businesses and amenities, with a 20 minute frequency of service. However, it is noted that the property is not located near any tourist or visitor

hotspot areas and there are other areas nearer to the city centre which would be more appropriate for short term let accommodation of this type. Acknowledging its sustainable location and accessibility from the city centre, on balance, the proposed STL use would not be in conflict with the aims of Policy VC2 (Tourism and Culture) of the ALDP in that it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree.

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of STL's in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4. Furthermore, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process.

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

*4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.*

*4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).*

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, were the application being approved, it would be considered necessary to grant planning permission for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property's use as an STL at the time of any further planning application.

However, as the application is being refused, due to the aforementioned issues in relation to the adverse impact on residential amenity, no such condition is required.

## **Transport & Accessibility**

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP both promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options. The application property is situated c. 200m outwith the city centre boundary (as defined on the ALDP 'Proposals Map'), however it would be within suitably close walking distance to amenities and businesses in the city centre as well as the train and bus stations – although it is

noted that there are other properties which would sit closer to visitor demand areas or in the city centre which would be more readily accessible.

Given the location of the application site and the nature of the proposal is for STL use, it is anticipated that any guest(s) would make accommodation choices to suit their individual needs and therefore the absence of any dedicated cycle storage is not considered to be an issue and the site has good accessibility and sustainable transport options. Finally, the use of the property as an STL would likely result in a similar level of parking demand as the existing (authorised) residential use. Whilst guests to the property would be able to use the controlled on-street car parking, the parameters of such parking restrictions (Mon-Sat 0800-2000) would alleviate any indiscriminate parking resulting from the STL use and it would be located in a location which has good accessibility to the city centre, and to both suitable and sustainable travel options.. Notwithstanding, it is anticipated that the majority of customers staying on a short-term basis would be tourists or business travellers, many of whom could reasonably be expected to arrive in the city by plane, train or bus, and access the property sustainably, likely not generating any traffic or requiring any car parking. The proposal is therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

### **Waste Management**

Policy 12 (Zero Waste) of NPF4 and Policy 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing domestic general waste and recycling wheeled bins for the property (situated in rear garden area), until such a time as commercial status is confirmed. The Council's Waste & Recycling Service have advised that the customers of the property should utilise the existing domestic bins, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore waste and recyclables generated by the customers of the property can be adequately stored and collected. Furthermore, the applicant has stated that a waste management plan is in place whereby waste is proposed to be collected with weekly cleaned or more frequently if stays are less than 7 days. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 of the ALDP. In these general circumstances, an advisory note is added for applicants to be aware of in relation to entering into the required business waste contract with the Council, however since the application is being refused this will not be added.

### **Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development

would be wholly internal, small-scale and as such not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable despite some minor tension with Policy 3 of NPF4.

## **DECISION**

Refuse

## **REASON FOR DECISION**

The location of the only access door for the proposed short term let (STL) property on the rear of the building, an otherwise private elevation, would result in groups of up to four transient guests (changing on a frequent basis) requiring to pass through a private area of the site to access the property. This would require guests unknown to the occupants of the neighbouring ground-floor with basement flat passing its rear windows when accessing and leaving the property, resulting in persons unknown to the neighbours' being able to look immediately across and down into the windows, thus adversely impacting on the privacy and sense of security for the occupants of the neighbouring flat. Guests would also be required to walk through and past the neighbouring rear garden to access the property. As such, the use of the property as an STL would present adverse harm to the amenity of the neighbouring residential property in respect of privacy, security and the enjoyment of private external amenity areas. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4 (NPF4).

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100665278-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use from residential flat (sui generis) to short term let comprising 2 bedrooms and a maximum of 4 occupants (sui generis)

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)  Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	SJA Platinum Property Group Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Gillian	Building Name:	<input type="text"/>
Last Name: *	Inglis	Building Number:	7
Telephone Number: *	07545307355	Address 1 (Street): *	Albert Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB251XX
Email Address: *	gillian@sjaproperty.com		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Matthew	Building Number:	155
Last Name: *	Dougherty	Address 1 (Street): *	Bon Accord Street
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB11 6XE
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

155 BON-ACCORD STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 6XE

Please identify/describe the location of the site or sites

Northing

805358

Easting

393798

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

61.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Residential flat

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? *    ≤ Yes <b>T</b> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span></p> <p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * <span style="float: right; border: 1px solid black; padding: 2px 10px;">0</span></p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<p><b>Water Supply and Drainage Arrangements</b></p> <p>Will your proposal require new or altered water supply or drainage arrangements? *    ≤ Yes <b>T</b> No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? *    ≤ Yes <b>T</b> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>≤ Yes</p> <p>≤ No, using a private water supply</p> <p><b>T</b> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p><b>Assessment of Flood Risk</b></p> <p>Is the site within an area of known risk of flooding? *    ≤ Yes <b>T</b> No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? *    ≤ Yes <b>T</b> No ≤ Don't Know</p>
<p><b>Trees</b></p> <p>Are there any trees on or adjacent to the application site? *    ≤ Yes <b>T</b> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<p><b>Waste Storage and Collection</b></p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *    ≤ Yes <b>T</b> No</p>

If Yes or No, please provide further details: \* (Max 500 characters)

N/A

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

≤ Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

≤ Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

≤ Yes  No ≤ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

≤ Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes ≤ No

Is any of the land part of an agricultural holding? \*

≤ Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Gillian Inglis

On behalf of: Mr Matthew Dougherty

Date: 19/03/2024

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |                              |                            |                              |
|--|------------------------------|----------------------------|------------------------------|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes | <input type="checkbox"/> T | <input type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Miss Gillian Inglis

Declaration Date: 19/03/2024

## Payment Details

Online payment: ABSP00010676  
Payment date: 19/03/2024 15:44:00

Created: 19/03/2024 15:44

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## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997

### Detailed Planning Permission

Gillian Inglis  
SJA Platinum Property Group Ltd  
7 Albert Street  
Aberdeen  
AB251XX

on behalf of **Mr Matthew Dougherty**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

<b>Application Reference Number</b>	240350/DPP
<b>Address of Development</b>	155 Bon-accord Street Aberdeen AB11 6XE
<b>Description of Development</b>	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
<b>Date of Decision</b>	14 May 2024

#### DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

## REASON FOR DECISION

The reasons on which the Council has based this decision are as follows –

The location of the only access door for the proposed short term let (STL) property on the rear of the building, an otherwise private elevation, would result in groups of up to four transient guests (changing on a frequent basis) requiring to pass through a private area of the site to access the property. This would require guests unknown to the occupants of the neighbouring ground-floor with basement flat passing its rear windows when accessing and leaving the property, resulting in persons unknown to the neighbours' being able to look immediately across and down into the windows, thus adversely impacting on the privacy and sense of security for the occupants of the neighbouring flat. Guests would also be required to walk through and past the neighbouring rear garden to access the property. As such, the use of the property as an STL would present adverse harm to the amenity of the neighbouring residential property in respect of privacy, security and the enjoyment of private external amenity areas. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4 (NPF4).



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

## PLANS AND DRAWINGS

Location Plan  
First Floor Plan (Proposed)  
Other Supporting Statement (Pre  
Planning Checklist)

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

### **SERVICE OF PURCHASE NOTICE**

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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# Consultee Comments for Planning Application 240350/DPP

## Application Summary

Application Number: 240350/DPP

Address: 155 Bon-accord Street Aberdeen AB11 6XE

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Case Officer: Rebecca Kerr

## Consultee Details

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

## Comments

It is noted this application for change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people at 155 Bon-Accord Street, Aberdeen AB11 6XE.

It is noted this site is located in the inner city and lies within controlled parking zone (CPZ) H.

It is noted that such change of use retains a similar associated parking requirement, therefore the matter that the site has no associated parking provision there shall be no additional detriment or shortfall. Furthermore, as the site is located within a CPZ there is no scope for indiscriminate parking.

It is confirmed that Roads Development Management have no objections to this application.

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# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Rebecca Kerr	<b>To:</b> ACC - Waste And Recycling
<b>E-mail:</b> rekerr@aberdeencity.gov.uk	<b>Date Sent:</b> 21 March 2024
<b>Tel.:</b> 01224 067925	<b>Respond by:</b> 11 April 2024
<b>Application Type:</b> Detailed Planning Permission	
<b>Application Address:</b> 155 Bon-accord Street Aberdeen AB11 6XE	
<b>Proposal Description:</b> Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people	
<b>Application Reference:</b> 240350/DPP	
<b>Consultation Reference:</b> DC/ACC/SAP1TDBZ03601	

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application. **Response**

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

## COMMENTS

The following development is classified as commercial and therefore receives a business waste collection.

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

Site Specific comments:

- To make use of current bins until commercial status can be determined.

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions-Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29<sup>th</sup> August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1<sup>st</sup> January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
  - An area of hard standing at storage and collections point(s)
  - Dropped kerb at proposed bin collection point
  - Yellow lines in front of bin collection point
  - Bin storage areas to ideally be provided with a gully and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: [http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste\\_000.pdf](http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf) and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Responding Officer: N Taylor

Date: 21<sup>st</sup> of March 2024

Email: [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk)



## Application 240350/DPP

### Development Plan

#### National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 7. Historic Assets and Places
- 12. Zero Waste
- 13. Sustainable transport
- 30. Tourism

#### Aberdeen Local Development Plan 2023

<https://www.aberdeencity.gov.uk/services/planning-and-building-standards/local-development-plan/aberdeen-local-development-plan>

- H1 Residential Areas
- D6 Historic Environment
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking

#### Other Material Considerations- National Policy and Guidance

Scottish Government publications:

- Circular 1/2023: Short Term Lets and Planning [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Short Term Lets: Business and regulatory impact assessment – November 2021 [G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019 [people-communities-places-research-impact-short-term-lets-communities-scotland.pdf \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

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Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE            100673344-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant    **T** Agent

## Agent Details

Please enter Agent details

Company/Organisation:	SJA Platinum Property Group LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mitchell	Building Name:	
Last Name: *	Clark	Building Number:	7
Telephone Number: *	07787117918	Address 1 (Street): *	Albert Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	ABERDEEN
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB25 1XX
Email Address: *	mitchell@sjaproperty.com		

Is the applicant an individual or an organisation/corporate entity? \*

**T** Individual    ≤    Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Matthew"/>	Building Number:	<input type="text" value="155"/>
Last Name: *	<input type="text" value="Dougherty"/>	Address 1 (Street): *	<input type="text" value="Bon Accord Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB11 6XE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text"/>	Easting	<input type="text"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use from residential flat (sui generis) to short term let comprising 2 bedrooms and a maximum of 4 occupants (sui generis)

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

I appeal the refusal for change of use of 155 Bon Accord ST to STL. The main door of the neighbouring flat is unaffected by STL access. Guest stays will be responsibly managed to minimize disruption. There are no concerns from the neighbour related to garden access, however we are willing to install screening for privacy if need. The STL supports local tourism and aligns with Policy 30 of NPF4. Please reconsider the decision considering these measures and the lack of garden-related objections.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Our Statment.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

240350/DPP

What date was the application submitted to the planning authority? \*

19/03/2024

What date was the decision issued by the planning authority? \*

14/07/2024

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Mitchell Clark

Declaration Date: 29/07/2024

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To whomever it may concern,

I am writing to formally appeal the decision to refuse planning permission for the change of use of my property at 155 Bon Accord Street to a short-term let (STL). I have carefully reviewed the reasons for refusal cited in the decision notice dated 14/05/24, and I would like to address these concerns in detail.

### **1. Privacy and Security Concerns:**

The Council's decision references the location of the access door on the rear of the building, suggesting that it would result in groups of transient guests passing through a private area, potentially impacting the privacy and security of the neighbouring ground-floor flat. However, it is important to note that:

- The main door for the neighbouring flat is located on the opposite side of the building, meaning the primary access and egress for the residents is unaffected by the STL property access.

### **2. Impact on External Amenity Areas:**

The decision mentions that guests would need to pass through the neighbouring rear garden, affecting the enjoyment of this private external amenity area. In response to this concern:

- The frequency and nature of the guest stays will be managed responsibly. Measures such as guest vetting and clear house rules with regards to the garden will be implemented to ensure minimal disruption.
- Its also important to consider the neighbour which shares this garden with this property has expressed no concerns at all with regards to this.
- We would also be willing to install appropriate screening and landscaping measures to ensure the privacy of the neighbouring property is maintained if they would like us to do so. This can include fencing or shrubbery that would prevent any overlooking or intrusion, thus mitigating any potential negative impact.

### **3. Compliance with Local and National Policies:**

The decision cites non-compliance with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4 (NPF4). I would like to highlight that:


- The proposed STL use aligns with the broader objectives of Policy 30, which supports tourism and the local economy. By providing additional accommodation options, the STL would contribute positively to the local tourism infrastructure.
- With the mitigation measures, the impact on residential amenity will be negligible. The property will be maintained to high standards, and the STL operation will be closely monitored to ensure it does not negatively affect the neighbourhood.

**Conclusion:**

In light of the above points, I respectfully request the Council to reconsider its decision, taking into account the lack of objection from the immediate neighbours and the proposed measures to address privacy and security concerns. The STL use of the property will be managed in a manner that supports local tourism while preserving the residential amenity of the area.

Thank you for your consideration of this appeal. I am available for any further discussions or meetings required to resolve this matter amicably.

Best Regards,  
Mitchell

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling by Development Management Manager</p>
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<b>Site Address:</b>	26 Spey Road, Aberdeen, AB16 6SE
<b>Application Description:</b>	Erection of single storey extension to front
<b>Application Ref:</b>	240225/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	27 February 2024
<b>Applicant:</b>	Mr Stephen Jeffery
<b>Ward:</b>	Northfield/Mastrick North
<b>Community Council:</b>	Mastrick, Sheddocksley and Summerhill

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site comprises the curtilage of a two-storey terraced dwelling set within a row of eight properties running to the east and west. The property has a south-facing principal elevation with a 12m driveway leading onto Spey Road and a rear garden to the north adjoined with other residential plots. The dwelling has an existing rear single-storey extension, a rear dormer extension and an outbuilding sitting on the north boundary. There is an existing slate-finished awning above the front door measuring 3.1m in height and projecting 500mm from the front elevation of the dwelling shared with the neighbouring property. The dwelling is finished in render, with white PVC windows and a tile roof.

#### **Relevant Planning History**

161469/DPP - Rear dormer – Approved Unconditionally 29.11.2016.

### **APPLICATION DESCRIPTION**

#### **Description of Proposal**

Planning permission is sought for a front extension to create an enclosed front porch and extend the living room outwards. The extension would span the entire width of the dwelling, measuring 5.9m in width, 3.4m in height and projecting 1.6m from the front elevation. It would be finished in a dry dash render with brick basecourse, white PVC windows and a tile roof.

#### **Amendments**

None.

## Supporting Documents

All drawings can be viewed on the Council's website at –  
<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9IK1BBZKLE00>

## CONSULTATIONS

**ACC - Roads Development Management Team** – No concern with the proposal. The driveway would remain in excess of 10m and there would be no change to the parking provisions for the site.

**Mastrick, Sheddocksley and Summerhill Community Council** – No comments received.

## REPRESENTATIONS

None

## MATERIAL CONSIDERATIONS

### Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

### Development Plan

#### National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 14 (Design, Quality and place)
- Policy 16 (Quality Homes)

#### Aberdeen Local Development Plan (2023)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

### Aberdeen Planning Guidance

- Householder Development Guide

## EVALUATION

### Principle of Development

In terms of the Aberdeen Local Development Plan 2023 (ALDP), the application site is located in a residential area under Policy H1 (Residential Areas) and the proposal relates to householder development. Householder development would accord with Policy H1 in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area or result in the loss of open space.

The main planning considerations for this proposal relate to the scale and design of the proposed front extension, in the context of the impact it may have on the appearance and character of the surrounding area and its impact on the existing streetscape. Consideration must also be given to the impact on the amenity of any neighbouring properties.

The proposal comprises an extension within an existing residential curtilage and would thus not result in the loss of any open space. All other matters are discussed below.

### Scale, Design and Impact on the Surrounding Area

Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) expects development to be designed to be consistent with the six qualities of successful places and to not have an adverse impact on the amenity of the surrounding area. Policy 16 (Quality Homes) of NPF4 notes that the development must not impact on the character or environmental quality of the home and surrounding area. To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking) of the ALDP. This policy expects all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place. The Householder Development Guide Aberdeen Planning Guidance (APG) expects all development to be architecturally compatible in design and scale with the host building and surrounding area and for the materials used to be complementary.

The APG expects front extensions to respect any established building line and be of a scale and design which is complementary and consistent with the original dwelling as to not detract from its design or the character of the street. Porch extensions are required to be modest, not incorporate additional rooms and incorporate a substantial proportion of glazing to minimise massing.

In this case, there is a clear and uniform residential context of terraced properties in the immediate vicinity which extends to the wider Mastrick area, illustrated by the location plan. The properties in this residential area have clearly defined building lines with a well-established pattern throughout these rows of housing. The determining issues of the proposed development relate to the impact of the scale and design of the front extension on this streetscape and established building line which would not be compliant with the APG or with ALDP Policy D1 and NPF4 Policy 14.

The proposed front extension would span the entire width of the dwelling, having a similar appearance to a typical rear extension, to introduce a porch and extending the existing living room. The proposal would therefore be in conflict with the guidance as it would include an additional room beyond that of a typical porch and is not a modest addition to the front of the property. The extension would sit at a greater height than the existing awning to the dwelling which is shared with neighbouring property, introducing a solid structure which does not respect the scale of the existing porch opening. Nor would it visually align with the existing site context or the awnings to other properties which all sit at a similar height set just above the front facing windows.

With respect to its design, the proposed front extension has not incorporated substantial glazing, presenting a predominantly solid front elevation with the two side elevations being finished entirely in solid render set on the east and west boundaries, presenting a solid wall to the neighbouring properties. The massing and dominance of this extension would therefore impact on the existing open character to the front of this row of terraced properties, being prominently visible from the public road. The extension has therefore not been appropriately designed as a front extension, presenting a large-scale solid addition which would interfere with the established frontage of the dwelling and result in an adverse impact on the distinctiveness of these terraced properties and the attractiveness of the uniform and open front curtilages of this row of terraced housing.

Due to the identified area context, the proposed extension would detract from the existing established building line where no other properties in this row have been extended to the front, introducing a forward projection which overwhelms the existing front elevation and loses the clearly defined frontage of the dwelling. In the wider context, there is only one example of a front extension along the whole of Spey Road which received planning consent (ref. 940408) in 1994; to number 16, which comprises a modest porch with a single door and window spanning c. 1/3 the width of the property. In the wider context, there are a few further examples of typical porch extensions, but none of these span the full width of their respective property, in order to maintain the front elevation of the dwelling. The proposed works would result in a precedent being set for development diverging from the established building line and pattern of housing in the surrounding area as well as for large scale front extensions which detract from the principal elevation of these dwellings, harming the character of the area.

Guidance on what constitutes “overdevelopment” is set out within ‘General Principles 4 and 5’ at Section 2.2 of the Householder Development Guide APG. This states that the built footprint of a dwellinghouse, as extended, should not exceed twice that of the original dwelling and no more than 50% of the rear or front curtilage of a dwelling should be covered by development. In terms of the current proposal, the existing dwelling has a footprint of 39m<sup>2</sup>, the rear curtilage extends to 80m<sup>2</sup> and the front curtilage measures 85m<sup>2</sup>. The combined footprint of the rear extension and proposed front extension would be 25m<sup>2</sup> and would thus not result in doubling the original footprint. While the development would not result in overdevelopment with respect to floor area in line with the APG, the proposed extension would see a full width extension to both the front and rear curtilage, a rear dormer extension and a c.16m<sup>2</sup> outbuilding to the rear which spans the full width of the site, presenting substantial development of the site.

In summary, the front extension is of a scale which is inconsistent with the existing streetscape and detracts from and disrupts the distinctive frontage of this row of terraced dwellings, diverging from the clear and established building line which is currently consistent throughout the wider residential area. The extension has been designed similar to a rear extension, comprising a full width extension with insufficient glazing. The extension would also extend the living room forward, resulting in the front extension including additional accommodation beyond a porch entrance into the property which would be in conflict with the APG for front extensions, presenting a significant visual massing impact and dominance fronting towards the public road and interfering with and disrupting the existing visual frontage of the building. The development would also result in substantial development of the site, resulting from the cumulative impact of the existing rear extension and outbuilding, with additional proposed development in the front curtilage. The proposal would therefore harm the visual character and appearance of the existing streetscape as well as diverge from the wider character of the surrounding residential area, conflicting with Policies 14 and 16 of NPF4 and Policies H1 and D1 of the ALDP as well as the Aberdeen Planning Guidance.

### Amenity

Policy 16 of NPF4 under section g) ii) would support householder development where it does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Policy D2 (Amenity) expects development to be designed to optimise the amenity afforded to the application dwelling and avoid adversely affecting any external private and public space. The proposal would not adversely impact on the amenity afforded to the original dwelling.

Appendix 2 of the APG sets out calculations to aid in assessing the potential amenity impact on the surrounding buildings. The property to the west (28 Spey Road) has a window to their lounge on both the front and rear elevation adjacent to the shared boundary with the application site. With respect to daylight the 45° line would pass close to the centre of the neighbouring front window

presenting some overshadowing to this living space (with an existing level of overshadowing to this room from the existing rear extension). While this alone may not be detrimental to the enjoyment of this space, the presence of the proposed solid elevation up against the shared boundary, on the public elevation which would typically be open and undeveloped, presents an adverse visual and overbearing impact on the outlook from this window. There is considered to be little impact on the property to the east owing to the existing awning which overshadows the windows on the front elevation which lead into the entrance hallway of this property.

In summary, the proposed extension would present a visually overbearing impact on the neighbouring property owing to the existing open nature of the front curtilage of these properties and add to the overshadowing of light received by this window. The cumulative impact of the existing rear extension and proposed front extension set on the boundary shared with 28 Spey Road would impact on the enjoyment of the lounge/dining living space from both the front and rear of this single internal space. The proposal would therefore have tension with Policy 16 of NPF4 and Policy H1 and Policy D2 of the ALDP.

### Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) of NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change. Policy 3 (Biodiversity) seeks the enhancement of biodiversity.

Due to the small-scale nature of the development it does not offer the opportunity to address the global climate emergency and nature crisis, minimise emission or to enhance biodiversity.

### **DECISION**

Refuse

### **REASON FOR DECISION**

The scale and design of the development would introduce a large scale front extension which would interfere with and disrupt the established building line of this row of terraced properties, detracting from the distinctiveness of the streetscape and frontage of the properties as well as the attractiveness of their open front curtilages. The proposed extension has not been designed as a modest subordinate porch extension in that it would be the same width as the dwelling, include additional living accommodation adjacent to the porch and not incorporate substantial glazing, in direct conflict with the Householder Development Guide Aberdeen Planning Guidance.

The visual impact of this extends to the wider area, where there are currently existing small-scale entrance porches and as such, the proposed extension would set a precedent for full-width front extensions, losing the form of the dwelling's front elevation and the building line of this row of properties, diverging from the character of terraced properties in the Mastrick area and resulting in development which would be visually similar to the rear elevation of a terraced property. The development would also result in substantial development of the site due to the presence of the existing full width rear extension and outbuilding. As such, the proposal would not comply with Policies 14 (Design, Quality and Place) or 16 (Quality Homes) of National Planning Framework 4 (NPF4) nor Policies H1 (Residential Areas) or D1 (Quality Placemaking) and of the Aberdeen Local Development Plan 2023 (ALDP).

As well as the visual impact on the street scene, the presence of solid elevations sitting on the shared boundaries with the two neighbouring properties would present a visually overbearing impact where the existing character of the front curtilage is open and consistent. The situation for 28 Spey Road is worsened due to the presence of the existing rear extension to the application dwelling, with development overbearing the windows to a single internal space within the neighbouring property to both the front and rear. The proposal would therefore be in tension with Policy 16 (Quality Homes) of NPF4 and Policies H1 (Residential Areas) and D2 (Amenity) of the ALDP.





Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100662624-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Formation of entrance porch and bay window to terraced dwelling

Has the work already been started and/ or completed? \*

No  Yes - Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	eb-architect Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ewen	Building Name:	Office 10
Last Name: *	Buchan	Building Number:	
Telephone Number: *	01224969600	Address 1 (Street): *	Badentoy Business Centre
Extension Number:		Address 2:	Badentoy Crescent
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB12 4YD
Email Address: *	ewen@eb-architect.com		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Stephen	Building Number:	26
Last Name: *	Jeffery	Address 1 (Street): *	Spey Rd,
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Mastrick
Extension Number:		Country: *	Aberdeen
Mobile Number:		Postcode: *	AB16 6SE
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

26 SPEY ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB16 6SE

Please identify/describe the location of the site or sites

Northing

807362

Easting

390155

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

planner had concerns over the visual impact to the street.

Title:

Mr

Other title:

First Name:

Samuel

Last Name:

Smith

Correspondence Reference Number:

Date (dd/mm/yyyy):

23/02/2024

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Ewen Buchan

On behalf of: Mr Stephen Jeffery

Date: 27/02/2024

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Ewen Buchan

Declaration Date: 27/02/2024

## Payment Details

Pay Direct

Created: 27/02/2024 11:50



## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997

### Detailed Planning Permission

Ewen Buchan  
eb-architect Ltd  
Office 10  
Badentoy Business Centre  
Badentoy Crescent  
Portlethen  
Aberdeenshire  
AB12 4YD

on behalf of **Mr Stephen Jeffery**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

<b>Application Reference Number</b>	240225/DPP
<b>Address of Development</b>	26 Spey Road Aberdeen AB16 6SE
<b>Description of Development</b>	Erection of single storey extension to front
<b>Date of Decision</b>	3 May 2024

#### DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

## REASON FOR DECISION

The reasons on which the Council has based this decision are as follows –

The scale and design of the development would introduce a large scale front extension which would interfere with and disrupt the established building line of this row of terraced properties, detracting from the distinctiveness of the streetscape and frontage of the properties as well as the attractiveness of their open front curtilages. The proposed extension has not been designed as a modest subordinate porch extension in that it would be the same width as the dwelling, include additional living accommodation adjacent to the porch and not incorporate substantial glazing, in direct conflict with the Householder Development Guide Aberdeen Planning Guidance.

The visual impact of this extends to the wider area, where there are currently existing small-scale entrance porches and as such, the proposed extension would set a precedent for full-width front extensions, losing the form of the dwelling's front elevation and the building line of this row of properties, diverging from the character of terraced properties in the Mastrick area and resulting in development which would be visually similar to the rear elevation of a terraced property. The development would also result in substantial development of the site due to the presence of the existing full width rear extension and outbuilding. As such, the proposal would not comply with Policies 14 (Design, Quality and Place) or 16 (Quality Homes) of National Planning Framework 4 (NPF4) nor Policies H1 (Residential Areas) or D1 (Quality Placemaking) and of the Aberdeen Local Development Plan 2023 (ALDP).

As well as the visual impact on the street scene, the presence of solid elevations sitting on the shared boundaries with the two neighbouring properties would present a visually overbearing impact where the existing character of the front curtilage is open and consistent. The situation for 28 Spey Road is worsened due to the presence of the existing rear extension to the application dwelling, with development overbearing the windows to a single internal space within the neighbouring property to both the front and rear. The proposal would therefore be in tension with Policy 16 (Quality Homes) of NPF4 and Policies H1 (Residential Areas) and D2 (Amenity) of the ALDP.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

## PLANS AND DRAWINGS

2497 - PL01

Elevations and Floor Plans

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

**Daniel Lewis**

Development Management Manager



## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

### **SERVICE OF PURCHASE NOTICE**

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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# Consultee Comments for Planning Application 240225/DPP

## Application Summary

Application Number: 240225/DPP

Address: 26 Spey Road Aberdeen AB16 6SE

Proposal: Erection of single storey extension to front

Case Officer: Sam Smith

## Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

## Comments

I note that this application is for the Erection of single storey extension to front. The site is located in the outer city, outwith any controlled parking zone.

The existing driveway appears to be ~13m in length and the proposed extension extends 1.5m into this. As such, a driveway in excess of 10m would remain.

As there are no changes to parking provision or demand as a result of this proposal, there are no Roads concerns.

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**MASTRICK COMMUNITY CENTRE  
MANAGEMENT COMMITTEE  
GREENFERN ROAD  
ABERDEEN  
AB16 6TR  
Tel. 01224 788288  
Email. [mastrickcc@hotmail.co.uk](mailto:mastrickcc@hotmail.co.uk)**

24th May 2024

To Whom it may concern,

I am writing to you regarding Mr Stephen Jeffery & Mrs Toni Jeffery of 26 Spey Road. Mr & Mrs Jeffery are a big part of our community here at Mastrick, it would be a detriment to our community if they had to move away from the area. They sponsor our minibus which is used to transport isolated pensioners to and from the building, which we would not be able to do without their support. They are heavily involved in volunteering with the childrens football in the community and the church. They are actively involved in Community activities that benefit all aspects of the community. The Community would suffer a huge loss if it were to lose the time and effort they put into helping make it better for all. They are part of the reason Mastrick can have the positive impact on its residents that it has had over the past few years.

Yours Sincerely

Vickie Wood  
Chairperson  
Mastrick Community Centre  
Management Committee

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**Norma Anderson**

**24 Spey Road**

**Aberdeen AB16 6SE**

Dear Sir/Madam

I am writing this letter in support of my next door neighbours Mr and Mrs Steven Jeffrey who live at number 26. This young couple have requested permission to build a small extension in the front of their house and have been denied for "aesthetic reasons". I was born into the house I live in now and since I returned to the street I can honestly say that the council have allowed it to become run down with potholes all over the road and generally needing a tidy up. I'm sure the extension would enhance rather than spoil the look of the road. The last thing we need is to lose a couple like Toni and Jaf as we all call him to leave.

They are very well liked by all the neighbours and I feel safe in knowing that they live next door and have the interests of us all at heart. Jaf clears the paths in the winter and makes sure that older neighbours like myself and others are OK. He speaks to everyone and will help us in any way he can. He has given a minibus to the Community Centre which he also pays the maintenance for and Toni has started a mother and baby group at the Mastrick Church. These are the kind of families we want to keep in our community and the thought of them leaving for the sake of red tape at the council is a disgrace.

This couple are community minded decent people and I would urge the council to reconsider their application and allow them to extend their own house for a lovely growing family.

Norma Anderson

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## **Application 240225/DPP**

### **Development Plan**

#### **National Planning Framework 4**

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- Policy 1 (Tackling Climate and Nature Crises)
- Policy 2 (Climate Mitigation)
- Policy 3 (Biodiversity)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

#### **Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2023**

[Aberdeen Local Development Plan review | Aberdeen City Council](#)

- H1 – Residential Areas
- D1 – Quality Placemaking
- D2 – Amenity

### **Other Material Considerations**

#### **Aberdeen Planning Guidance**

[Supplementary guidance and technical advice | Aberdeen City Council](#)

Householder Development Guide

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE      100662624-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="eb-architect Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ewen"/>	Building Name:	<input type="text" value="Office 10"/>
Last Name: *	<input type="text" value="Buchan"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224969600"/>	Address 1 (Street): *	<input type="text" value="Badentoy Business Centre"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Badentoy Crescent"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Portlethen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeenshire"/>
		Postcode: *	<input type="text" value="AB12 4YD"/>
Email Address: *	<input type="text" value="ewen@eb-architect.com"/>		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Stephen"/>	Building Number:	<input type="text" value="26"/>
Last Name: *	<input type="text" value="Jeffery"/>	Address 1 (Street): *	<input type="text" value="Spey Rd,"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="MASTRICK"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeen"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB16 6SE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="26 SPEY ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB16 6SE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807362"/>	Easting	<input type="text" value="390155"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of single storey extension to Principle elevation

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

review notice attached to this application.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Existing and proposed drawings, review notice document and 2no letters of support.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

240225/DPP

What date was the application submitted to the planning authority? \*

29/02/2024

What date was the decision issued by the planning authority? \*

03/05/2024

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Ewen Buchan

Declaration Date: 06/06/2024

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Our Ref: 2497.PL001.06.06.24  
6<sup>th</sup> June 2024

### Notice of Review – 26 Spey Rd, Aberdeen

Further to receiving a formal refusal from the planning department on 3<sup>rd</sup> May 2024 for the above address. We now seek a review by the local review panel and submit a formal Notice of Review on application 240225/DPP

We appreciate the planner's concern for maintaining the existing area and the visual appearance of the surroundings. However, we have identified several properties in the area that have been altered without disrupting the character of the neighbourhood, similar to what we are proposing.

The following examples all involve breaking the existing building line, extending porches, and incorporating garages or living spaces, some even spanning the full width of the dwelling:

**21 Derry Place:** Built past the building line, with an extension that includes the living room, porch, and garage.

**5 Esk Place:** The extension extends more than 1.5m from the principal elevation, including a porch and garage.

**88 Strathmore Drive:** A two-story extension that breaks the building line and enlarges the entrance porch.

**116 Spring Hill Road:** The porch extension incorporates the garage, altering the building line and the appearance of the terraced houses.

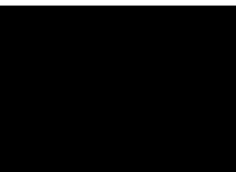
**1 Teviot Road:** Similar to 116 Spring Hill Road, the porch extension incorporates the garage, changing the building line and the visual appearance of the terraced houses.

Additionally, other houses in the area have extended their existing canopies over the doorways with mono-pitched roofs projecting about 1m from the building line. These modifications also change the visual appearance of the terraced dwellings.

This row of terraced houses is unique to the area, featuring large front gardens and smaller rear gardens. Therefore, a modest front extension would not significantly reduce garden space or negatively impact the dwelling and neighbouring properties. Neighbours to both sides approve of this proposal and are actively considering the same extension to their properties.

Given the modest projection, we believe any overshadowing issue would be minimal and not affect neighbouring properties. This project has the support of the building owners on both sides.

If you wish to discuss any of the above or require additional information, please do not hesitate to contact me.



**Ewen Buchanan** BSc(Hons) MArch ARB RIAS RIBA  
Chartered Architect

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