

Public Document Pack



To: Councillor McRae, Convener; Councillor Greig, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

Town House,
ABERDEEN 17 September 2025

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House on THURSDAY, 25 SEPTEMBER 2025 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website.
<https://aberdeen.public-i.tv/core/portal/home>

JENNI LAWSON
CHIEF OFFICER – GOVERNANCE

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1. Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

- 2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

- 3.1. Members are requested to intimate any declarations of interest or connections

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 21 August 2025 - for approval (Pages 7 - 12)

COMMITTEE PLANNER AND PLANNING APPEAL DIGEST

- 5.1. Committee Business Planner (Pages 13 - 16)
- 5.2. Planning Appeal Digest - for noting (Pages 17 - 18)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the change of use from motorcycle garage and showroom to mosque (class 10 - non-residential institution) and class 1A (shops and financial, professional and other services) to ground floor; extensions to side, blocking up and formation of new doorways, and all associated works - 92 Crown Street Aberdeen (Pages 19 - 36)

Planning Reference – 250180

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Roy Brown

- 6.2. Detailed Planning Permission for the change of use from veterinary practice [class 1A (shops, financial professional and other services) use] to hot food takeaway (sui generis) and installation of extract flue - 71 Victoria Street Dyce Aberdeen (Pages 37 - 48)

Planning Reference – 250485

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Robert Forbes

- 6.3. Detailed Planning Permission for the change of use from offices to form seven residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces with glass balustrade and roof extension; installation of roof lights, alterations to door and window openings blocking up door opening to form windows, opening up windows opening; erection of ancillary garages, formation of car parking and erection of single dwelling house with associated landscaping and infrastructure works - 27 Rubislaw Den North Aberdeen (Pages 49 - 76)

Planning Reference – 241426

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

- 6.4. Listed Building Consent for the alterations to former office building to form 7no residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces and roof extension; installation of roof lights, alterations to door and window openings; erection of garages with ancillary space, formation of car parking and erection of single dwelling house with associated landscaping, infrastructure works and internal alterations - 27 Rubislaw Den North Aberdeen (Pages 77 - 90)

Planning Reference – 241427

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

DATE OF NEXT MEETING

7.1. Thursday 6 November 2025 - 10am

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#). **Members please note that a Service Update was recently issued in regards to Drive Throughs.**

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email lymcbain@aberdeencity.gov.uk

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 21 August 2025. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

The agenda and reports associated with this minute can be located [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

DECLARATIONS OF INTEREST OR CONNECTIONS

1. Councillor Alphonse noted as a transparency statement that in relation to item 6.1 on the agenda, 33 Holburn Street Aberdeen, that she worked with the agent over 20 years ago, however did not consider that the connection amounted to an interest which required a declaration to be made or would require her to leave the meeting for that item.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 19 JUNE 2025

2. The Committee had before it the minute of the previous meeting of 19 June 2025, for approval.

The Committee resolved:-

- (i) to note that under the committee planner resolutions of the minute, number 25 appeared twice and to correct the error;
- (ii) to note that in relation to item 11 of the minute (Planning Enforcement Annual Report), that the Convener would send an update to Members after the meeting in relation to the application site at Esplanade Filling Station, North Esplanade West; and
- (iii) to otherwise approve the minute as a correct record.

COMMITTEE PLANNER

3. The Committee had before it the committee business planner, as prepared by the Chief Officer – Governance.

The Committee resolved:-

- (i) to note that in relation to item 19 on the planner (Planning Guidance), that a Service Update would be issued before the September Committee;
- (ii) in relation to item 22 (Draft Aberdeen Planning Guidance – Wind Turbine), to note that with the introduction of National Planning Framework 4, this would now be a Draft Aberdeen Planning Guidance on Energy. An update would be added to the

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

21 August 2025

- planner once Scottish Government planning guidance on energy developments have been published, and officers would identify if there was a requirement for local guidance to be produced at this time; and
- (iii) to otherwise note the committee business planner.

PLANNING APPEAL DIGEST - FOR NOTING

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which provided an update in relation to various planning appeals.

The report informed Members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) had received or decided since the last Planning Development Management Committee meeting and also listed appeals that were still pending.

The Committee resolved:-

to note the information contained in the planning appeal digest.

33 HOLBURN STREET ABERDEEN - 250214

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the change of use to Class 3 (food and drink) with hot food take away (sui generis), including installation of extract duct, replacement fire escape door, new doors, access ramp, handrails and associated works, at 33 Holburn Street Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) ODOUR MITIGATION

The hereby approved use shall not operate unless the critical odour mitigation measures achieving at least an equivalent effect of the measures listed in the approved Odour Impact Assessment (CCDP – November 2024 – Revision C) have been implemented in

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full, and suitable evidence of their installation has been provided to the planning authority. The mitigation measures shall include (but are not limited to) the installation of the local extract ventilation system detailed in the Proposed Kitchen Ventilation plan (drawing no. 4978-M(50)01), incorporating the following:

1. Grease baffle filters within extract canopy (providing initial grease removal/fire protection);
2. An ESP 3000 electrostatic precipitator;
3. A carbon filtration unit capable of achieving a 0.8 second carbon filter residence time.

Reason: In order to protect the amenity of neighbouring residential properties from cooking odour emissions.

(03) NOISE MITIGATION

The hereby approved use shall not operate unless the noise mitigation measures listed in the approved Noise Impact Assessment (Couper Acoustics, 22nd June 2025 [Ref: 0989212314 – V1]) have been implemented in full and suitable evidence of their installation has been provided to the planning authority. The mitigation measures shall include (but are not limited to):

Local Extract Ventilation (LEV) Noise:

1. The Local Extract Ventilation (LEV) outlet is located as shown in Figure 2 of the report.
2. The LEV shall have an extract fan with equivalent (or lower) noise emissions than the Soler & Palau ILHB-450 CC ECOWATT Fan (as detailed in Appendix A).
3. The LEV shall be fitted with a silencer that provides (as a minimum) the dynamic insertion loss values shown in Table 2 of the report.
4. The LEV design (Drawing No. 4978-M(50)01 C) should be updated to include an additional silencer or acoustic louvre that provides (as a minimum) the dynamic insertion loss values shown in Table 3 of the report.

Internal Noise Transmission:

5. Inspection and repair (if necessary) of the existing ceiling in accordance with Section 5.06 - 5.07 of the report.
6. Installation of a new independent ceiling in accordance with Section 5.10 - 5.11 and Appendix B.
7. Wall cupboards, voids or hidden fireplaces should be blocked up in accordance with Section 5.13 of the report.
8. Implementation of the additional mitigation measures detailed in Table 6 of the report.

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21 August 2025

Reason: To protect the amenity of neighbouring residential properties from noise emissions.

(04) OPENING HOURS

The hereby approved use shall only operate between the hours of 07:00 and 22:00 on any given day.

Reason: To protect the amenity of neighbouring residential properties from noise emissions in the late evening and early morning periods.

The Committee heard from Alex Ferguson, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from Gary Duff, who objected to the proposed application and asked that it be refused.

Finally the Committee heard from Martin Calder, agent for the application who spoke in support of the application and asked that it be approved.

The Convener moved, seconded by Councillor Boulton:-

That the Committee refuse the application for the following reasons:-

The proposed development would contribute to the overprovision of hot food takeaways in the surrounding area, to the detriment of the amenity of residents in the area, together with road safety concerns in relation to deliveries and collections, and adverse impacts on residential amenity in terms of noise and odour. The proposal is therefore contrary to Policies 23 (Health and Safety) and 27 (City, Town Local and Commercial Centres) of National Planning Framework 4, Policies H2 (Mixed Use Areas) and WB3 (Noise) of the Aberdeen Local Development Plan 2023 , and the Aberdeen Planning Guidance: Harmony of Uses.

Council Copland, seconded by the Vice Convener, moved as an amendment:-

That the application be approved conditionally in line with the officers recommendation.

On a division, there voted – for the motion (7) – the Convener, and Councillors Alphonse, Boulton, Clark, Farquhar, Lawrence and Macdonald – for the amendment (2) – the Vice Convener and Councillor Copland.

The Committee resolved:-

to refuse the application.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

21 August 2025

6. With reference to article 7 of the minute of the meeting of 20 June 2024, the Committee had before it a report by the Chief Officer – Strategic Place Planning, which sought approval to adopt the Aberdeen Planning Guidance (APG): Health Impact Assessments.

The report recommended:-

that the Committee –

- (a) approve the Aberdeen Planning Guidance: Health Impact Assessment (Appendix 1) as non-statutory planning advice;
- (b) note the findings of the consultation on the Draft Health Impact Assessment Guidance Document, and subsequent responses and revisions proposed by Officers to the Draft document (Appendix 2);
- (c) instruct the Chief Officer - Strategic Place Planning to review Section 75 agreements during the production of the Aberdeen Local Development Plan 2028, in order to assess how a 'health in all policies' approach can be more effectively integrated with future developer obligations; and
- (d) instruct the Chief Officer - Strategic Place Planning to review the appendices of the Aberdeen Planning Guidance: Health Impact Assessment on an annual basis to ensure the data remains up to date, and to publish any updates on the Council's website.

The Committee resolved:

- (i) to request that a report be brought back to this Committee in one year, to provide details on how the guidance had been implemented; and
 - (ii) to approve the recommendations
- **COUNCILLOR CIARAN MCRAE, Convener**

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	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			25 September 2025						
4	27 Rubislaw Den North - 241426	To approve or refuse the application for change of use from offices to form 7no residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces with glass balustrade and roof extension; installation of roof lights, alterations to door and window openings blocking up door opening to form windows, opening up windows opening; erection of ancillary garages with ancillary workspace, formation of car parking and erection of single dwelling house with associated landscaping and infrastructure works		Dineke Brasier	Strategic Place Planning	Place	1		
5	27 Rubislaw Den North - 241427/LBC	To approve or refuse the application for alterations to former office building to form 7no residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces and roof extension; installation of roof lights, alterations to door and window openings; erection of garages with ancillary space, formation of car parking and erection of single dwelling house with associated landscaping, infrastructure works and internal alterations		Dineke Brasier	Strategic Place Planning	Place	1		
6	92 Crown Street - 250180	To approve or refuse the application for change of use from motorcycle garage and showroom to class 10 mosque (non-residential institution) and class 1A (shops and financial, professional and other services) to ground floor; formation of new windows, external stair, lift shafts and lobby, build up doorways and all associated works		Roy Brown	Strategic Place Planning	Place	1		
7	71 B/C Victoria Street - 240485	To approve or refuse the application for change of use to hot food take-away		Robert Forbes	Strategic Place Planning	Place	1		
8			06 November 2025						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
9	City Centre Affordable Housing Waiver	The report is to seek approval to extend the existing Affordable Housing Waiver in place across the City Centre area. The waiver was introduced in 2018, and is due to expire on 31 December 2025. A report to PDMC is therefore required in order to extend the waiver for a further period, and we are seeking this up to the adoption of the next Local Development Plan.		Lucy Alston	Strategic Place Planning	Place	5		
10	Land North Of Aryburn Farm, Dyce, Aberdeen - 241197	To approve or refuse the application for erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road		Gavin Clark	Strategic Place Planning	Place	1		
11	ETZ (St Fitticks and Doonies) - 250429	To approve or refuse the application for approval of matters specified in Conditions 4 (phasing - Zone A) and 41 (phasing - Zone C) in relation to Planning Permission in Principle (Ref: 231371/PPP) for the Proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure		Lucy Greene	Strategic Place Planning	Place	1		
12	ETZ (St Fitticks) - 250440	To approve or refuse the application for approval of matters specified in conditions 5c,d,e (design,layout,siting), 8(details of Eat Tullos burn works), 9(biodiversity), 10(landscaping) etc		Lucy Greene	Strategic Place Planning	Place	1		
13			04 December 2025						
14			Future applications to PDMC (date of meeting yet to be finalised.						
15	490 King Street - 241451	To approve or refuse the application for extension to form 21 Student Flats		Robert Forbes	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
16	99 Westburn Road Aberdeen - 250319	To approve or refuse the application for change of use to Cafe / hot food take way		Robert Forbes	Strategic Place Planning	Place	1		
17	Former AECC - 240850	To approve or refuse the application for MSC for the erection of 333 homes and associated infrastructure		Lucy Greene	Strategic Place Planning	Place	1		
18	Hazlehead Academy - 250479	To approve or refuse the application for the erection of secondary school community campus with associated external amenities, including landscaping, parking and sports pitches, including demolition of the existing school and associated buildings		Dineke Brasier	Strategic Place Planning	Place	1		
19	10 Hopetoun Court - 250846	To approve or refuse the application for the erection of two-storey and single storey extensions to replace existing single storey extension, covered area and all associated external works and landscaping		Gavin Clark	Strategic Place Planning	Place	1		
20	Oldfold, Milltimber Block G - 250750/S42	To approve or refuse the application for variation of condition 3 of 220466/S42 to change the number units (increase from no more than 400 to 500) that shall be completed before the proposed mixed-use centre within block G has been completed and is available for		Matthew Easton	Strategic Place Planning	Place	1		
21	Oldfold, Milltimber Phase 5A (block U) - 250755	To approve or refuse the application for residential development comprising 49 houses, including infrastructure and open space		Matthew Easton	Strategic Place Planning	Place	1		
22	Oldfold, Milltimber Block G - 250754	To approve or refuse the application for 37 units + commercial space		Matthew Easton	Strategic Place Planning	Place	1		
23	Oldfold, Milltimber Phase 5B - 250756	To approve or refuse the application for 74 houses, landscaping, open space and infrastructure		Matthew Easton	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
24	Planning Guidance	At the meeting on 15 May 2024, it was agreed to request that the Chief Officer – Strategic Place Planning, investigate the possibility of putting in place guidance to clarify the issue of drive thru restaurants in the context of Policy 27(d) of National Planning Framework 4 and report back to this Committee in due course. A service update will be issued for the September 2025 meeting.	At the meeting on 21 August 2025, it was noted that a Service Update would be issued very shortly.	David Dunne	Strategic Place Planning	Place	5	R	A service update was issued to members on 16 September, therefore recommended to remove item.
25	Annual Effectiveness Report - Service Update	At the meeting of Council on 16 April 2025, it was agreed that Annual Effectiveness Report would now be a service update		Lynsey McBain	Governance	Customers Service			
26	Article 4 Directions	At the meeting on 19 September 2024, it was agreed to instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed recommendations on the Article 4 Directions to a subsequent Planning Development Management Committee within the next six months.	Delayed consultation start due to begin early May. Will report back after this is completed.	Laura Robertson	Strategic Place Planning	Place	5		
27	Draft Aberdeen Guidance - Wind Turbine	At the Council meeting on 3 November 2023, it was agreed to instruct the Chief Officer - Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months.	At the Committee meeting of 21 August 2025, it was noted that with the introduction of National Planning Framework 4, this would now be a Draft Aberdeen Planning Guidance on Energy. An update would be added to the planner once Scottish Government planning guidance on energy developments have been published, and officers would identify if there was a requirement for local guidance to be produced at this time.	David Dunne	Strategic Place Planning	Place	5		
28	Aberdeen Planning Guidance: Health Impact Assessments	At the meeting of 21 August 2025, it was agreed that a report be brought back to this Committee in one year, to provide details on how the guidance had been implemented		Donna Laing	Strategic Place Planning	Place	5		

Planning Development Management Committee

25 September 2025

Planning Appeals Update

This report informs Planning Development Management Committee (PDMC) members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) has received or decided since the last PDMC meeting. It also lists appeals that are still pending.

Appeals decided

Type of appeal	Listed Building Consent	Application Reference	250139/LBC
Address	18C Golden Square		
Description	Installation Of Replacement Dormer Windows To Front (Retrospective)		
History	Refused under delegated powers on 9 April 2025		
DPEA Decision	<p>Appeal dismissed and application refused.</p> <p>The proposal is harmful to the architectural and historic interest of the listed building and it would neither preserve or enhance the character or appearance of the City Centre Conservation Area</p>		
DPEA weblink	Scottish Government - DPEA - Case Details		

Appeals Lodged

Type of appeal	Advertisement Consent	Application Reference	250298/ADV
Address	34 South Mount Street		
Description	Installation Of 3 Illuminated Panel Signs (Retrospective)		
History	Refused under delegated powers		

DPEA weblink	This case is currently being checked and registered
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Appeals Pending

Type of appeal	Prior Approval	Application Reference	250224/PNT
Address	Footpath At Kings Gate		
Description	Installation Of 20 Metre High Monopole Supporting 6No. Antennas And 1No. Transmission Dish; 3No. Equipment Cabinets And 1 Electric Meter Cabinet With Ancillary Development.		
History	<p>Prior approval refused under delegated powers in 25 April 2025</p> <p>Appeal lodged 23 July 2025</p> <p>Awaiting allocation to a reporter</p>		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Enforcement Notice	Application Reference	ENF240224
Address	North Lasts Farm, Peterculter,		
Description	Alleged Material Change Of Use Of The Land From Agricultural Use To A Class 6 Use (Storage & Distribution) And Construction Of A Hardstanding, Without The Necessary Planning Permission. Contributing To The Wider Unauthorized Commercial Use Of The Land.		
History	<p>Enforcement Notice served 17 June 2025</p> <p>Appeal lodged 23 July 2025</p> <p>Awaiting allocation to a reporter</p>		
DPEA weblink	Scottish Government - DPEA - Case Details		

	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 25 September 2025

Site Address:	92 Crown Street, Aberdeen, AB11 6HJ
Application Description:	Change of use from motorcycle garage and showroom to mosque (class 10 - non-residential institution) and class 1A (shops and financial, professional and other services) to ground floor; extensions to side, blocking up and formation of new doorways, and all associated works
Application Ref:	250180/DPP
Application Type	Detailed Planning Permission
Application Date:	10 March 2025
Applicant:	MECCA
Ward:	Torry/Ferryhill
Community Council:	City Centre



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a granite-built building dating from the mid-nineteenth century in a residential area to the immediate south of the city centre boundary within the Bon Accord and Crown Street Conservation Area. Originally an ecclesiastical building, the *Free Greyfriars Church* and *Old St James' Episcopal Church*. The building is currently vacant since at least 2022, having been in long-standing use for the sale and repair of motorcycles (by *Shirlaws Ltd*). The building is two storeys and gabled in form and has a gable-ended principal elevation fronting Crown Street to the east. At the northern corner is a modern single storey flat roofed extension which forms part of the shopfront. There are further unsympathetic modern extensions of utilitarian appearance and an associated hard-surfaced area to its northern side, fronting Academy Street. The ground floor of the original building has two shopfront window openings.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the application site from a motorcycle garage and showroom to class 10 – non-residential institution (intended as a place for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body) in the upper floors of the building and as class 1A - shops and financial, professional and other services on the ground floor (intended to be in retail use, with an ancillary café area); extensions to the northern side of the building, the blocking up and formation of new doorways, and associated external alterations.

The proposal would include a gable roofed extension to the north which would be two storeys in form and would replace the existing stairwell extension and an upper storey extension above the existing flat roofed extension in the northwest corner of the site. Both extensions would provide stairwell and lift access to the upper floors and would have similar proportions, eaves and maximum heights, their walls would both be finished in patterned perforated metal cladding, with the perforated metal proposed to overlay the glazing. Their roofs would be finished in slate. The maximum height of the easternmost extension would be c. 10 m and the eaves of the extensions would match those of the original building, c. 7.9 m in height. Each extension would have an entrance door facing with timber lined canopies facing into the courtyard. The doors would be of a timber construction with a patterned surface and decorative metal handles.

The hard surface to the north of the site, adjacent to Academy Street would be altered to form an area of external amenity space comprising re-used grey lock block paved surface, soft landscaping which would comprise a tree, planting and boundary hedge, fixed seating and planters, as well as bicycle storage. The space would be enclosed by a hedge and c.1 m high metal gates.

Ten rooflights would be installed on the original roofslopes, a double-width door opening would be formed north elevation of the existing extension in the northwest corner of the site to accommodate waste storage. An existing single storey extension would be removed on the

northern elevation of the main building, and the exposed elevation would be finished in roughcast render.

Planning permission for the change of use of the ground floor to class 1A - shops and financial, professional and other services would enable any of the following uses:

Use—

- (a) for the retail sale of goods other than hot food,*
- (b) as a post office,*
- (c) for the sale of tickets,*
- (d) as a travel agency,*
- (e) for the sale of cold food for consumption off the premises,*
- (f) for hairdressing,*
- (g) for the direction of funerals,*
- (h) for the display of goods for sale,*
- (i) for the hiring out of domestic or personal goods or articles,*
- (j) as a laundrette or dry cleaners,*
- (k) for the reception of goods to be washed, cleaned or repaired,*

where the sale, display or service is principally to visiting members of the public.

(2) Use for the provision of—

- (a) financial services,*
- (b) professional services,*
- (c) any other services,*

which it is appropriate to provide in a shopping area and where the sale, display or service is principally to visiting members of the public.

Planning permission of the upper floors to class 10 – non-residential institution of the Town and Country Planning (Use Classes) (Scotland) Order 1997 would enable any of the specific uses within class 10:

“Use, not including residential use-

- (a) as a crèche, day nursery or day centre;*
- (b) for the provision of education;*
- (c) for the display of works of art (otherwise than for sale or hire);*
- (d) as a museum;*
- (e) as a public library or public reading room;*
- (f) as a public hall or exhibition hall; or*
- (g) for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body;*
- (h) as a law court.”*

The proposal also includes an area of floorspace identified as a café, which would be of a scale and nature that is considered ancillary to the class 1A use and not in itself class 3 (food and drink).

The proposal also includes a replacement window on the north elevation of the building. Whilst included on the plans, a prior notification must separately be submitted to the planning authority to establish whether prior approval is required for the replacement window. The replacement window is thus not included in this application. The installation of opaque panes within existing window openings does not require planning permission.

The plans indicate substantial internal alterations to the building to form three storeys. As these works only affect the interior of the building they do not fall within the definition of development in terms of the Town and Country Planning (Scotland) Act 1997 and therefore do not require planning permission.

Amendments

- Revisions to the design, materials and scale of the proposed extensions.
- The external area to the north of the site has been revised to comprise an enclosed courtyard with the hard and soft landscaping.
- The proposal would include biodiversity enhancements in the form of soft landscaping and a tree.
- An internal waste storage area and a door opening to accommodate would be included.
- The proposal would include rooflights in the roof of the building to serve the second storey.

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=SS6MI2BZGE500>

- Car parking survey
- Car parking survey photographs
- Design + access statement
- Parking statement
- Statement of Use

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because:

- it is being recommended for approval and has been the subject of six or more timeous letters of representation containing material planning considerations that express objection or concern about the proposal.

Determination of the application therefore falls outwith the scheme of delegation.

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Roads Development Management Team (RDM)** – RDM initially had concerns due to the proposal being stated as a “replacement” to the nearby existing mosque, however the agent has since stated that the existing mosque will remain in the ownership of the applicant. As such, this is not being considered as a replacement as, if approved, both premises would be eligible to function simultaneously.

As a result, RDM had asked the agent to undertake a parking survey, highlighting the impact (or lack thereof) of the existing mosque on the surrounding streets at individual

prayer times when the mosque is most likely to be busy. This parking survey has shown the impact on the area to be in line with that of other uses / businesses. This is not concerning. As there appeared to be conflicting information between the results of the survey and some letters of objection by the public, a site visit was also undertaken by RDM during a prayer time, and the findings on the site visit accorded with the data in the survey. There is a presumption against specifically providing parking in the city centre. This, coupled with the survey results, and the fact that the site is very accessible by foot, cycle, and public transport, and is served by an existing network of adopted infrastructure means there are no roads concerns with respect to the parking demand that would be generated.

It is noted that there are a number of objections which cite the lack of parking for the mosque as their reason for objection however, the Aberdeen Planning Guidance advocates against the provision of off-street parking, and the existing parking provision within a controlled parking zone is for the use of all within the zone. The existing business, or any replacement use, would have an associated parking provision.

The applicant has confirmed that, for the café element, deliveries would be made on double yellow lines on Academy Street and brought in through the service access. This is acceptable as these double yellow lines permit loading and unloading. ACC - Waste and Recycling has also noted that refuse should be stored within the site and presented onto Academy Street for collection before again being removed from the street.

There are no outstanding roads concerns with this proposal.

- **ACC - Waste and Recycling** – No objection. The development is classified as commercial and would therefore receive a business waste collection. The premises would be provided with a 180-litre wheeled bin for general waste, 1 x 240 litre co-mingled recycling bin for recycling, a 240-litre wheeled bin for food and garden waste. Bins should be presented on a collection day on Academy Street and then stored in specified bin storage area. Bins should not be permanently stored on the pavement.
- **ACC - Environmental Health** – No objection.

Environmental Noise Control

However, to protect local amenity we would recommend that noise generated inside the premises is not audible outside the building.

Construction Noise

To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- o Monday to Friday 0700 hours to 1900 hours
- o Saturday 0800 hours to 1300 hours

External Consultees

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

REPRESENTATIONS

42 representations have been received (40 objections and 2 neutral). The matters raised can be summarised as follows –

Material Considerations

1. The adverse impact on parking, including the risk of indiscriminate parking. Consideration will need to be given to whether the proposal complies with Policy T3 (Parking).
2. Traffic.
3. The impact on the conservation area and the absence of detail regarding how the design respects the historical significance of the site.
4. The impact on people with mobility needs in terms of parking availability.
5. The site would be accessible.
6. The possible conflict with adjacent uses in terms of the adjacent dance hall being able to play music.
7. Consideration would need to be given to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 so that it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.
8. The loss of a commercial premises.
9. Noise concerns, particularly if external speakers were to be used. A planning condition that there is no external amplified music or speech is suggested, to maintain residential amenity.
10. The absence of community benefit.

Non-Material Considerations

- Detail regarding how the proposal would engage with neighbouring residents and businesses.
Whilst the impact of the surrounding area is a material planning consideration, 'engagement' between the proposed operators and the surrounding uses is not a material consideration in the assessment of a planning application and public consultation is not a statutory requirement for a planning application for local development such as this.
- The necessity for the development and the number of such premises, that the building should be repurposed for an alternative use such as flats or student flats.

The planning authority is statutorily required to assess every planning application on its own merits against the relevant policies of the development plan and all relevant material planning considerations. The necessity of the development is not a material consideration and there is no basis for limiting class 10 uses in the city as a generality.

- Matters relating to, and perceptions of, the specific operator of the proposal and its visitors.
These matters are not relevant to the determination of a planning application.
- Attention should be given to supporting the homeless and youths.
This is not relevant to the determination of this planning application.

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.

Section 149 of the Equality Act 2010 requires that a public authority must, in the exercise of its functions, have due regard to the need to - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

National Planning Framework 4

National Planning Framework 4 (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 6 (Forestry, Woodland and Trees)
- 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 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 28 (Retail)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy H1 (Residential Areas)
- Policy NE5 (Trees and Woodlands)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Aberdeen Planning Guidance

- Materials

- The Repair and Replacement of Windows and Doors
- Transport and Accessibility
- Waste Management Requirements for New Developments

Other National Policy and Guidance

- Bon-Accord and Crown Street Conservation Area Character Appraisal
- Historic Environment Policy for Scotland
- Managing Change in the Historic Environment (Extensions, Windows)

EVALUATION

Key Determining Factors

The key determining factors in the assessment of this application are:

- The design, siting, materials and details of the extensions and external alterations on the character and appearance of the Bon-Accord and Crown Street Conservation Area.
- The impact of the change of use on the residential amenity of the surrounding area.
- The impact on parking provision in the area.

Principle of Development

The application site is zoned as Policy H1 (Residential Areas) on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP). This policy states that 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.*

To assess the impact on amenity, Policies 14 (Design, Quality and Place) of NPF4, and D1 (Quality Placemaking) are of relevance. The Qualities of Successful Places referred to in Policy 14 (Design, Quality and Place) of NPF4 and the Qualities of Successful Placemaking referred to in Policy D1 of the ALDP seek to ensure that existing levels of amenity would not be adversely affected to any significant degree by new development, including in relation to protecting daylight and sunlight receipt, privacy, noise and odour.

The nearest residential dwellings are three flats (86a – c Crown Street) on the northern side of Academy Street to the north of the site and residential flats on the eastern side of Crown Street. It is understood that the building to the west of the site, Seabank House, is in residential use as a care home. The nearest residential dwellings to the south are approximately 30 m away beyond the adjacent Aberdeen Quaker Meeting House. Whilst it is zoned as a residential area, there are multiple non-residential uses in the immediate surrounding area, including a dentist at 86 Crown Street, a dance studio at 12 Academy Street, a hair salon at 43 Dee Street, several hotel / guest houses along Crown Street, the Aberdeen Masonic Temple to the northeast of the site on Crown Street and the Aberdeen Quaker Meeting House to the immediate south.

Using the sunlight and daylight calculations in the Amenity and Space Standards Aberdeen Planning Guidance, it has been established that the proposed extensions are of a height and distance from neighbouring residential curtilage and windows whereby they would not impact the

level of daylight or sunlight afforded to any neighbouring residential property or curtilage. There are no windows serving the flats of 86a – 8c Crown Street on its southern elevation whereby the level of sunlight and daylight would be materially impacted by the development.

The proposed extension would not affect the existing levels of privacy afforded to the nearest residential dwellings. The proposed rooflights would be of a height whereby it would not be possible to overlook the neighbouring residential curtilages and the proposed windows in the extension would face onto public areas. The entrances into the site would be via the public roads on Crown Street and Academy Street.

It is recognised that, as a place of worship, the class 10 – non-residential institution use may periodically increase footfall. Although the surrounding area is residential in character, Crown Street is characterised by having a relatively high degree of activity in terms of traffic and footfall given it is a direct route to, and in very close proximity of, the city centre and supports a mix of uses. There are also many non-residential uses in the area. In this regard, the periodic increase in footfall would not result in noise and disturbance in the area whereby the amenity of the neighbouring residential uses would be materially affected.

The proposal would not comprise noise generating development, as there is no noise generating infrastructure proposed and neither class 10 nor class 1A uses are inherently noise generating. Concerns have been raised in the representations in terms of noise nuisance if an external speaker were to be used by the operator which was audible outside the premises (*issue 11 raised in representations*). Whilst no indication of the proposed use of such equipment has been set out through the application, noise which constitutes a statutory nuisance can be controlled separately through environmental protection legislation. In the context of the relatively high levels of activity in the area, a planning condition to control this is not considered necessary, relevant or proportionate in this instance. Nevertheless, an advisory note as recommended by ACC – Environmental Health is suggested, stating that noise generated inside the premises should not be audible outside the building, to protect local amenity and minimise the risk of any statutory nuisance in relation to noise.

Whilst the proposal would include an area on the ground floor which would be a 'café,' no commercial cooking is proposed and this aspect of the proposal would be ancillary in nature to the wider class 10 use.

In its context, the development proposal would be complementary to residential use and would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity, in accordance with the aims of Policies 14 (Design, Quality and Place) of NPF4, as well as Policies D1 (Quality Placemaking) and H1 (Residential Amenity) of the ALDP (*issue 7*).

Small Scale Retail Development

The established use, specifically for the sale and service of motorcycles, is a sui generis retail use. The change of use of the ground floor from this sui generis use to class 1A would enable the ground floor to be used within the full range of uses within class 1A. It is understood that this would not include hot food.

Policy 28 (Retail) of NPF4 states that proposals for new small scale neighbourhood retail development will be supported where the proposed development:

- i. contributes to local living, including where relevant 20 minute neighbourhoods and/or
- ii. can be demonstrated to contribute to the health and wellbeing of the local community.

Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 states that development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area.

Whilst open to the public, the proposed retail unit would be a 'small scale neighbourhood retail development'. This is because it would have a relatively small retail floorspace, c.380 sqm, and therefore would not be a significant footfall generating whereby it would have any material impact on the viability and vitality of existing designated retail centres. In any case, the site is in a highly accessible location in that it is bounded to its east and north by the defined city centre boundary, is located approximately 210 m from Union Street and is adjacent to a bus route. Crown Street is a primary pedestrian route south from the city centre and, whilst residential in character, the immediate and wider area has many non-residential uses, including retail. The building has been vacant for several years and the established use is limited to the specific use for the sale and service of motorcycles. Taking the foregoing into account the proposal would positively impact on the area by bringing the building back into use. Furthermore, and the change of use would grant planning permission to the full range of uses within class 1A, enabling a significantly wider range of possible commercial occupants in the future (*issue 8*).

In this context, and given that the established use is retail in nature, the proposed class 1A use would contribute to local living and accord with 20-minute neighbourhoods and would complement the existing uses in the area. Commensurate to its scale and nature, it would thus contribute to the health and wellbeing of the local community. The proposal therefore accords with Policy 15 (Local Living and 20 Minute Neighbourhoods) and Policy 28 (Retail Development) of NPF4.

Historic Environment

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.

Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4) states 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. Policy D6 (Historic Environment) of the ALDP states that appropriate developments, including new features and fixings, must be designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of conservation areas.

Policy 14 (Design, Quality and Place) of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy D1 (Quality Placemaking) of the ALDP states that all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Proposed Extensions

The Managing Change in the Historic Environment: Extensions guidance expects extensions to protect the character and appearance of the building, be subordinate in scale and form; located on a secondary elevation and designed in a high quality manner using appropriate materials.

The proposed extensions would be complementary additions to the building and would, to a degree, rationalise the previous interventions to the northern elevation of the building. Other than the unconventional flat roofed section on the upper storey extension at the northwest of the

property, the proposed extensions would have a consistent scale and form, with eaves and a slated roof finish that would correspond with those of the original building and ancillary ridge heights. Their narrow two storey form with narrow windows would reflect the ecclesiastical architectural character of the original building. The extensions would have a consistent contemporary design of decorative perforated metal that would sympathetically contrast to the historic finish of the original building, adding a degree of architectural interest on the public facing secondary elevation of the building, which has previously been the subject of unsympathetic intervention. Whilst the extensions and the boundary would introduce a designed frontage onto Academy Street, they would not undermine the principal elevation and the primary historic orientation of the building onto Crown Street. The proposed hard and soft landscaping to the north of the site would enhance the visual amenity of the northern side of the building. Accordingly, the proposed extensions would be an enhancement to the character and appearance of the Crown Street Conservation Area. Given the limited detail on the specifications of the perforated metal finish, the recommendation is to apply a condition requiring samples and specifications of the walls and roof of the extensions and doors, including a specific sample panel of the metal cladding system and the panel of the screen proposed over the windows. This is to ensure that the extensions would be of a sufficiently high quality to preserve and enhance the character and appearance of the conservation area.

The Repair and Replacement of Windows and Doors Aberdeen Planning Guidance states 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.”*

Blocking and Opening of Doors on North Elevation of Existing Flat Roofed Extension

In this case, the proposed door opening would be formed within the modern flat roofed extension on the northern side of the building. The existing door would be blocked up in exposed aggregate block from the down-takings taken to form the door. Given these alterations would affect the modern extension of utilitarian design, they would have an in significant impact on the character of the building. Nevertheless, given their siting on a prominent street-facing elevation, the recommendation includes a planning condition to require finalised details and a construction methodology for these alterations.

Finish to Exposed Wall on North Elevation

The rendered finish on the exposed wall on the northern side of the building would correspond with the render finish on the existing doors on the northern side of the building and would not materially affect the architectural character of the building.

Proposed Rooflights

The rooflights would each be of a minor size, have a vertical proportion and be rationally located centrally within the roof and thus would not overwhelm or appear unbalanced on the roofslope. Whilst they would not include a central glazing bar, a feature expected on proposed rooflights in conservation areas, they would not be readily visible from any long views nor from the street given the pitch of the roof and the presence of adjacent buildings. The proposed rooflights would be visible on the north elevation in the context of the proposed contemporary extension. The proposed rooflights would have a negligible impact on the architectural character of the building and the character and appearance of the conservation area.

Historic Environment – Summary

The Bon-Accord and Crown Street Conservation Area Character Appraisal identifies poor quality and unattractive relatively modern rear extensions, often with unsympathetic scale and massing for the traditional building it adjoins with, as a weakness of the conservation area, and enhancement to the visual appearance and state of repair to buildings, as well as high quality modern design, as opportunities. Street tree planting, particularly associated with social gathering spaces with high footfall to improve amenity is a further opportunity.

Subject to finalised details and specifications, which can be addressed through appropriately worded planning conditions, by way of their design, scale, siting and materials in their context, the proposed extension and alterations, as well as hard and soft landscaping, would be sympathetic to the character and appearance of the Bon-Accord and Crown Street Conservation Area, in accordance with Policies 7 and 14 of NPF4 and Policies D1 and D6 of the ALDP; the Historic Environment Policy for Scotland and the aims of the Bon-Accord and Crown Street Conservation Area Character Appraisal (*issue 3*).

Sustainable Transport and Parking

Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T2 furthermore states that proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated.

The development would be accessible using a range of sustainable and active travel methods given its close proximity to the city centre and public transport links. The nearest bus stop is 80 m to the north of the application site on Crown Street, and it is 210 m from Union Street and approximately 350 m from the bus station where there are a range of bus routes. It is thus within 400 m of a bus stop, in accordance with Policy T2 of the ALDP. The proposal would include sufficient short-stay cycle parking provision within the enclosed courtyard for visitors and customers, which would be ensured through an appropriately worded planning condition.

Policy 13 of NPF4 states that development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people. The application is within the 'City Centre' parking zone, as defined by the Transport and Accessibility Aberdeen Planning Guidance. Policy T3 of the ALDP applies the principle of 'zero parking' in the city centre and in inner city areas where there is adequate access to active travel and public transport options.

Given the accessibility of the site, its location within the 'City Centre' parking zone immediately adjacent to the city centre boundary, the principle of 'zero parking' and the absence of parking in this instance is compliant with these policies. The ACC - Roads Development Management Team has also advised that there is a presumption against specifically providing parking in the city centre. The application site falls within a Controlled Parking Zone (CPZ), which would prevent indiscriminate parking. There is sufficient accessible parking provision as there are double yellow lines adjacent to the site on Academy Street on which blue badge holders are permitted to park for up to three hours (*issue 4*).

Furthermore, the agent has undertaken a parking survey of the surrounding streets to assess the potential impact (or lack thereof) on on-street parking availability at individual times when the class 10 use is most likely to be busy. The methodology used takes into account that the operator of the

proposed class 10 use would be the same as that of 16 Crown Terrace, and therefore that trips to the proposed use would be at similar times and of a similar frequency to trips to the equivalent use at 16 Crown Terrace. The parking survey assessed the differences in on-street parking availability in the surrounding streets when visitors are attending that premises compared to when they are not. The parking survey has shown the impact on the area to be in line with that of other uses / businesses. Because of the concerns raised in the representations regarding this (*issue 1*), the ACC - Roads Development Management Team undertook its own site visit to corroborate the data in the parking survey, which has corroborated the findings of the parking survey.

To summarise the matter of impact of car parking in the area, Policy 13 of NPF4, Policy T3 of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance are all supportive of zero parking developments in the city centre. The practicality of this in this instance is supported by the results of the parking survey, as well as the accessibility of the site by foot, cycle, and public transport, proximity to the city centre and proposed cycle parking facilities.

The applicant has confirmed that, for the café element, deliveries would be made on double yellow lines on Academy Street and brought in through the service access, which, as confirmed by the ACC – Roads Development Management Team, would be acceptable as these double yellow lines permit loading and unloading.

The proposal would not significantly generate traffic in the area (*issue 2*). The proposal would not adversely affect road safety, would be accessible using sustainable and active travel and would be an acceptable 'zero parking' development (*issue 1*), in accordance with Policies 13 of NPF4, T2 of the ALDP and the Transport and Accessibility APG. The ACC - Roads Development Management Team does not have any concerns and does not object to the application.

Waste Storage and Collection Arrangements

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP require new developments to have sufficient space for the storage and management of general waste, recyclable materials and compostable wastes where appropriate. The proposal would include an internal bin store, which would be of an adequate size to store the bins that would be required for the premises (as set out by ACC - Waste and Recycling in its consultation response). The proposed double-width doors would enable the bins to be taken directly onto the street. ACC - Waste and Recycling has not objected to the application. The development would incorporate appropriate waste storage and collection arrangements, in accordance with these policies and the aims of the Waste Management Requirements for New Development Aberdeen Planning Guidance.

Biodiversity

Policy 3 (Biodiversity) of NPF4 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Policies 6 (Forestry, Woodland and Trees) of NPF4 and NE5 (Trees and Woodlands) of the ALDP are both supportive of proposals which seek to increase tree cover. The proposal would introduce soft landscaping in the form of a tree, hedges and planting in the courtyard to the north of the site. Taking into account the site has negligible biodiversity currently and the urban nature of the surrounding area is such that there is limited biodiversity in the area and few trees, the proposal would enhance biodiversity and increase tree cover, in accordance with these policies, acknowledging it would be at a very minor scale.

Tackling the Climate and Nature Crises

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 life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 states that Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.

The proposal would bring a vacant historic building back into beneficial use, conserving its embodied energy. It is in a location that is highly accessible using sustainable and active travel methods in very close proximity to the city centre. It would thus comply with the principles of Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4. It would include measures to incentivise active travel and would include biodiversity enhancements. Commensurate with the scale of the development, development proposal would place sufficient weight on positively addressing the global climate and nature crises, in accordance with Policies 1 and 2 of NPF4.

Public Sector Equality Duty

Section 149 of the Equality Act 2010 states that a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The Public Sector Equality Duty is engaged by this particular application because the information submitted states that the proposed class 10 used would function as a place of worship, as well as the inclusion of spaces for those with mobility-based disabilities.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to - remove or minimise disadvantages suffered by such persons that are connected to the characteristic; take steps to meet the needs of such persons that are different from the needs of persons who do not share it; and encourage such persons to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The layout of the site in terms of accommodating those with mobility-based disabilities would be addressed through building standards requirements, although it is noted from the floor plan that it would have facilities to meet the needs of those with mobility-based disabilities (*issue 5*). This would minimise disadvantages suffered by persons who share the protected characteristic (disability) that are connected to the characteristic by providing suitable access.

Other than this matter, it is considered that there are no direct implications with the Public Sector Equality Duty in determining this planning application. The proposal would accommodate space for religious worship, with religion or belief being one of the protected characteristics, however this in itself would not necessarily directly relate to the specific criteria set out in (a) – (c) in Section 149 of the Equality Act 2010. Furthermore, upon review of the matters raised in the representations in the context of the protected characteristics identified in the Equality Act 2010, they do not identify any matters whereby approval of this application would be contrary to the aims and requirements of the Public Sector Equality Duty. Matters relating to, and perceptions of, the specific operator of the proposal and its visitors are not material considerations. Taking the foregoing into account, it is concluded that the planning authority has considered all the requirements/needs in section 149 of the Equality Act 2010 when assessing and determining this planning application.

Matters Raised in Representations

Issue 6 in the representations relates to a concern that the proposal could result in a possible conflict between the proposed use and the dance studio at 12 Academy Street on the basis that that premises plays music. The proposed class 10 and 1A uses are not noise-sensitive developments (e.g. a residential use) whereby an adjacent business may be disadvantaged if noise were to be generated. As such, the agent of change principle is not applicable. As with the concern raised regarding if noise were to be generated by the proposed use (*issue 9*), any noise within existing premises which constitutes a statutory nuisance is addressed through environmental protection legislation.

Given the small scale of the proposal, there is no requirement for a 'statement of community benefit' to be provided for this application. However, the material planning considerations in support of the development proposal are reflected throughout this evaluation and in the recommendation (*issue 10*).

ADMINISTRATIVE MATTERS

Twenty four invalid representations have been received. Twenty three are invalid on the basis that there are no names attached and one is invalid because it was received after the date in which representations can be received. These have not been included in the representations above. However, all relevant material planning considerations have been addressed in this evaluation.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposal, for the change of use from a use for the sale and service of motorcycles to class 10 (non-residential institution) and class 1A (shops and financial, professional and other services), and the associated extensions and alterations, would be complementary to residential use and would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity, in accordance with the aims of Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), as well as Policies D1 (Quality Placemaking) and H1 (Residential Amenity) of the Aberdeen Local Development Plan 2023 (ALDP).

The proposal would bring a vacant historic granite building back into use, in accordance with the principles of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4, in a location that is highly accessible using sustainable and active travel just outside the city centre boundary and it would thus contribute to local living, in accordance with Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4. Given the established use is limited to the specific use for the sale and service of motorcycles and it has lain vacant for several years, the proposal would enable the full range of uses within class 1A, enabling a significantly wider range of possible commercial occupants. As such, commensurate to its scale and nature, the class 1A use would contribute to the health and wellbeing of the local community, in accordance with Policy 28 (Retail Development) of NPF4.

By virtue of their design, scale, siting and materials in their context, the amendments to the proposed extensions and alterations, as well as hard and soft landscaping, would be sympathetic

to the architectural character of the original building and the character and appearance of the Bon-Accord and Crown Street Conservation Area, in accordance with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and Policies D1 (Design, Quality and Place) and D6 (Historic Environment) of the ALDP; Historic Environment Policy for Scotland; the Managing Change in the Historic Environment guidance; and the aims of the Bon-Accord and Crown Street Conservation Area Character Appraisal. Finalised details and specifications of materials can be addressed through appropriately worded planning conditions.

The proposal would not generate significant traffic in the area nor adversely affect road safety. It would be highly accessible using sustainable and active travel and it has been demonstrated that this proposal would be an acceptable 'zero parking' development, in accordance with Policies 13 (Sustainable Transport) of NPF4, T2 (Sustainable Transport) and T3 (Parking) of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance.

In terms of the climate and nature crises, the proposal would bring a historic building that is in a location immediately outside the city centre that is highly accessible using sustainable and active travel back into use. It would furthermore include measures to incentivise active travel and would, albeit on a minor scale, include biodiversity enhancements and increase tree cover. Commensurate with the scale of the development, development proposal would place sufficient weight on positively addressing the global climate and nature crises, in accordance with Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Change Mitigation, and Adaptation), 3 (Biodiversity) and 6 (Forestry, Woodland and Trees) of NPF4, and NE5 (Trees and Woodlands) of the ALDP.

The development would incorporate appropriate waste storage and collection arrangements, in accordance with Policy R5 (Waste Management Requirements for New Development) of the ALDP and the aims of the Waste Management Requirements for New Development Aberdeen Planning Guidance.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the Town and Country Planning (Scotland) Act 1997.

(02) CYCLE PARKING SPACES

That the change of use hereby approved shall not occur unless finalised details of the proposed cycle parking areas in accordance with the proposed plans have been submitted to and approved in writing by the planning authority, and evidence of their installation has been submitted to, and confirmed in writing by the planning authority.

Reason - to incentivise sustainable and active travel to the premises.

(03) HARD AND SOFT LANDSCAPING AND BIODIVERSITY ENHANCEMENTS

That the change of use hereby approved shall not occur unless all of the hard and soft landscaping measures, fixed seating and boundary treatment on the approved landscape scheme (as shown on Drawing 11B) have been implemented in their entirety, unless a variation to this scheme has been submitted to, and approved in writing by the planning authority.

All soft landscaping proposals and biodiversity enhancements shall be carried out in accordance with the approved landscape scheme and shall be completed during the planting season immediately following the completion of the extension, or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of five years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - In the interests of enhancing green infrastructure, the character and appearance of the conservation area and biodiversity, as well as positively addressing the climate and nature crises.

(04) EXTERNAL MATERIALS

That no development shall take place unless specifications, samples, and finalised details, including a sample panel of the perforated metal cladding system of the walls, roof, window panels and doors of the extensions and exposed elevations, have been submitted to, and approved in writing by the planning authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason - In the interests of visual amenity and the character and appearance of the conservation area.

(05) NEW DOOR OPENING AND BLOCKING UP OF DOOR

That no development shall take place unless finalised details of the proposed door opening and the blocking up of the existing door on the north elevation of the flat roofed extension to the northwest of the application site has been submitted to, and approved in writing by, the planning authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason - In the interests of visual amenity and the character and appearance of the conservation area.

ADVISORY NOTES FOR APPLICANT

(01) ENVIRONMENTAL NOISE

To protect local amenity and minimise the risk of any statutory nuisance in relation to noise, it is recommended that noise generated inside the premises is not audible outside the building.

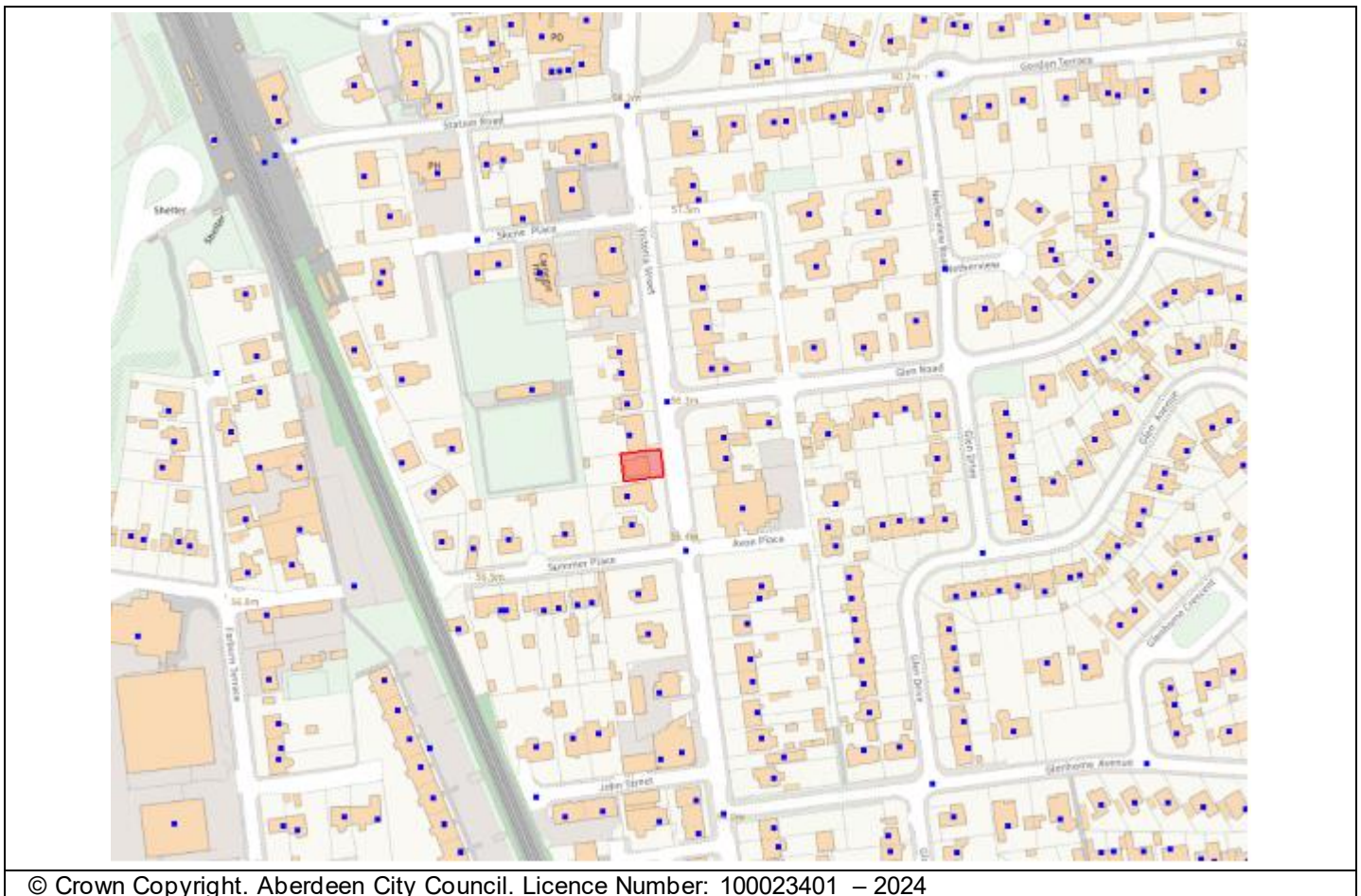
(02) CONSTRUCTION NOISE

To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- Monday to Friday 0700 hours to 1900 hours
- Saturday 0800 hours to 1300 hours

	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 25 September 2025

Site Address:	71b/c Victoria Street, Dyce, Aberdeen AB21 7AX
Application Description:	Change of use from veterinary practice [class 1A (shops, financial professional and other services) use] to hot food takeaway (sui generis) and installation of extract flue
Application Ref:	250485/DPP
Application Type	Detailed Planning Permission
Application Date:	15 May 2025
Applicant:	Mr Mohammad Faruk
Ward:	Dyce/Buckburn/Danestone
Community Council:	Dyce and Stoneywood



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises vacant premises occupying a detached two storey building within Dyce Neighbourhood Centre. It was formerly used as a veterinary practice, with reception, waiting room and treatment rooms located on the ground floor, which extends to 95 square metres. Ancillary office, staff room and a self-contained one bedroom residential flat are located on the 1st floor. The premises fronts onto and is accessed from Victoria Street. The upper floor is accessed via an internal stair and separate external door located on the north elevation of the building. The entire external area and frontage of the site is hard surfaced and used as ancillary parking, bin storage and access. The boundary of the parking area at the frontage is undefined on its east and north edges. The site is bounded by a guest house (Class 7 use) to the north (71 Victoria Street) and a detached house to the south. There is private garden ground and a bowling club to the rear. There are no hot food takeaway uses within the vicinity of the site. The nearest such premises is a fish and chip shop (Sea Salt and Sole) located 225m north-west of the site on Station Road.

Relevant Planning History

- 090894 - Detailed planning permission for a first floor extension of the vet practice at the site to form office, staff room and a flat was granted using delegated powers on 18 September 2009 and has been implemented. Condition 3 of that permission restricts the use of the flat as follows :

“(3) the flat hereby granted planning permission shall not be occupied by any person other than a person employed in the adjoining veterinary practice or any other business which may occupy the premises in the future, and the dependants, widow or widower of such a person – in order to ensure an appropriate level of amenity for the occupiers of the said flat.”

- 100700 – Detailed planning permission for formation of a car parking area within the entire front garden of no.71 Victoria Street was refused at the Planning Development Management Committee on 17 June 2010.
- 111825 – Detailed planning permission for formation of a car parking area within the entire front garden of 71 Victoria Street was granted retrospectively on 15 February 2012 using delegated powers. This has been implemented.
- 220837/DPP - Detailed planning permission for change of use of part of a guest house at 58 Victoria Street to form a café was granted conditionally by the Planning Development Management Committee on 10 November 2022. This has not been implemented.

APPLICATION DESCRIPTION

Description of Proposal

Conversion of the ground floor to create a hot food take-away. The existing access and parking arrangements would remain. The existing upper floor ancillary flat would remain unaltered. The existing ground floor window on the north elevation would be blocked off with white timber boards and a fresh air intake grille. An external flue would be fixed to the rear (west) elevation. This would have a galvanised metal finish and would terminate at the ridge line. The intended operating hours would be from 11am until 9pm on weekdays and from 11am until 10pm at weekends.

Amendments

- Flue relocated to rear elevation.

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=SW5J06BZISX00>

- Planning Statement
- Odour Impact Assessment
- Noise Impact Assessment
- Operating Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because:

- it is being recommended for approval and has been the subject of formal timeous objection by the local community council within whose area the application site falls.
- it is being recommended for approval and has been the subject of six or more timeous letters of representation containing material planning considerations that express objection or concern about the proposal.

Determination of the application therefore falls outwith the scheme of delegation.

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Environmental Health** – No objection subject to implementation of the proposed odour and noise control measures recommended in the supporting reports. Request that the operational hours of the premises are restricted, with an 8.30pm closing time. Recommend that the operator establishes an odour management plan.
- **ACC - Roads Development Management Team** – No objection in terms of access, parking or pedestrian accessibility. Advise that the proposed cycle parking is accepted. Note that deliveries would be undertaken outwith peak hours from the public road, similar to existing premises in the area. Advise that bins would not be permitted to be stored on the public road / footway.
- **ACC - Waste And Recycling** – No objection. Request that a condition is imposed to require segregated waste and recycling bin storage on site. Advise that segregated food waste storage may be required.

External Consultees

- **Aberdeen International Airport** – No objection subject to imposition of a condition requiring agreement and implementation of a bird hazard management plan.
- **Scottish Water** – No objection. Advise that for food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains. Advise that a segregated food waste bin may be required.
- **Dyce and Stoneywood Community Council** – Object on the basis of conflict with policies VC8 (Town, District, Neighbourhood and Commercial Centres), H1 (Residential Areas), WB3 (Noise) and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 and due to adverse amenity impacts due to odours, litter, long hours of operation, inconsiderate parking and anti-social behaviour.

REPRESENTATIONS

A total of nine objections have been received. Renotification of neighbours was undertaken on 25 July 2025 due to the delayed submission of odour and noise impact assessment reports. Seven objection were initially received. A further two objections were received following renotification. The matters raised can be summarised as follows –

Material Considerations

1. Conflict with development plan policies (National Planning Framework 4 policies 9 (Brownfield, vacant and derelict land and empty buildings), 14 (Design quality and place), 17 (Rural homes), 23 (Health and safety), 26 (Business and industry), 27c (City, town, local and commercial centres) and 28 (Retail) and Aberdeen Local Development Plan policies H1 (Residential Areas), D1 (Quality Placemaking), VC8 (Town, District, Neighbourhood and Commercial Centre), WB1 (Healthy Developments), WB2 (Air Quality), WB3 (Noise) and ACC Harmony of Uses Guidance, due to adverse impact on residential amenity and the character and wellbeing of the area;
2. Conflict with the use of and adverse privacy impact in the adjacent guest house;
3. Odour impact;
4. Noise impact (late night operating hours / sleep disruption) and potential mental health impact;
5. Litter, waste and vermin generation;
6. Traffic, parking generation, road safety and the reversing of and use of e-bikes;
7. Anti-social behaviour and attraction of undesirable late night visits;
8. Adverse visual impact of flue and conflict with placemaking policy.

Non-Material Considerations

1. Lack of demand for proposed use
2. Trespass onto other property
3. Breach of private access rights
4. Devaluation of nearby property value.

As the above matters are not material to the determination of the application they have not been considered. Matters of access rights and trespass are civil legal matters.

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

National Planning Framework 4 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 3 (Biodiversity)
- 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 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 23 (Health and Safety)
- Policy 27 (City, Town, Local and Commercial Centres)

Aberdeen Local Development Plan 2023

- Policy B3 (Aberdeen International Airport and Perwinnes Radar)
- Policy D1 (Quality Placemaking)
- Policy NE3 (Our Natural Heritage)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC3 (Network of Centres)
- Policy VC8 (Town, District, Neighbourhood and Commercial Centres)
- Policy WB1 (Healthy Developments)
- Policy WB2 (Air Quality)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Aberdeen International Airport & Perwinnes Radar
- Air Quality
- Harmony of Uses
- Health Impact Assessment
- Hierarchy of Centres
- Noise
- Transport & Accessibility
- Waste Management Requirements for New Developments

Other National Policy and Guidance

- Planning Advice Note 51 – Planning, Environmental Protection and Regulation

EVALUATION

Key Determining Factors

- Impact on the Retail Centre
- Residential Amenity Impact
- Health Impact
- Overprovision / Clustering of Uses
- Road Safety, Traffic Generation and Parking

Impact on the Retail Centre

The proposal accords with National Planning Framework 4 (NPF4) policies 9, 13 and 15 as it would result in re-use of a vacant unit and would provide an appropriate commercial use within a designated centre which is accessible by public transport and to wider residential areas.

The site lies within a Neighbourhood Centre as defined in the Hierarchy of Centres Aberdeen Planning Guidance (APG) and identified in the Aberdeen Local Development Plan (ALDP). The proposed use would be complementary to the role of the neighbourhood centre, by providing a related commercial service, re-use of a vacant unit and provision of a supporting service for the wider residential area. Thus it accords with the intent NPF4 policy 27 and ALDP policies VC3 and VC8 (*issue 1 in representations*). The proposal complies with the specific criteria set out in policy VC8 as follows:

1. The re-use of vacant premises makes a positive contribution to the vitality and viability of the centre;
2. It would not undermine the principal function of the centre in which it is located;
3. Although no information regarding the target catchment of the use has been provided, it would likely cater for a local demand appropriate to the neighbourhood centre;
4. It would maintain an active street frontage as the main windows would not be blocked off;
5. It does not result in overprovision or clustering of hot food take away uses;
6. Subject to implementation of the proposed mitigation measures, it does not conflict with the amenity of the neighbouring area or existing commercial uses.

Residential Amenity Impact

Harmony of Uses APG states that:

“ It is not usually considered acceptable to locate a hot food shop,... directly adjacent or beneath residential properties. Applications within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibration, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises.”

The premises is located directly adjacent to residential properties, such that there is a degree of

conflict with the above APG. Whilst there is a residential flat within the same building, located on the upper floor, its use is restricted by planning condition to be ancillary to the commercial use of the application premises. Thus any occupants of the flat would be associated with the business within the application site. The technical assessments provided demonstrate that any potential adverse impacts in terms of odour and noise can be suitably mitigated and therefore the conflict with the APG does not warrant refusal. At its closet point, the proposed flue would be 7m from the closest window of a habitable room within the rear dormer of the building to the north. The termination point of the flue would be substantially higher than all nearby opening windows, thereby facilitating dispersal of flue emissions.

Subject to imposition of conditions requiring implementation of the mitigation measures set out in the technical assessments, restriction of the hours of operation to prevent late night operation and provision of bin storage, there would be no insurmountable conflict with residential amenity and the expectations of NPF4 policies 12 and 23, ALDP policies H2, WB2, WB3, R5 and related guidance regarding Air Quality, Noise and Waste Management Requirements for New Developments. Subject to appropriate waste management on site the proposed use would not attract vermin (*issue 5*). It is noted that the nearest hot food takeaway to the site, located on Station Road, closes at 8pm. A similarly restricted closing time is considered necessary to address concerns regarding late night opening due to the proximity to residential properties (*issue 4*).

Health Impact

The premises does not lie within a disadvantaged area identified in ACC Health Impact Assessment APG. Although it lies close to (within 500m) of a primary school (that is, Dyce School) and around 1km from Dyce Academy, there is no planning policy restriction or presumption against the location of food retail premises near, or on approach routes to schools. Given the location of the premises within a designated neighbourhood centre and the presence of other premises selling hot food within similar distance of such schools (for example, Greggs and Domino Pizza at Burnside Road) the proposal would have no substantive effect on community health and wellbeing. As the site is already in commercial use and located within a designated neighbourhood centre the proposal does not undermine its character. Subject to imposition of the proposed mitigation measures the amenity of the wider area would not be adversely impacted. Thus, there is no conflict with NPF4 policy 27 part c).

As there would be no significant adverse effect on health, there is no conflict with NPF4 policy 23 part b. A Health Impact Assessment is not required given the minor nature of the proposal, its location outwith a disadvantaged area, that the proposal does not have significant placemaking effect and that the potential adverse impacts on human health have been assessed by the supporting odour and noise impact assessments. Thus there is no conflict with ALDP policy WB1 and Health Impact Assessment APG.

Overprovision / Clustering of Uses

There are no hot food takeaway uses within the vicinity of the site. The nearest such premises is a fish and chip shop (Sea Salt and Sole) located 225m north-west of the site on Station Road. Domino's Pizza and Greggs are located 700m south-east of the site, outwith any designated centre, on Burnside Road. There are no hot food takeaway uses within Victoria Street neighbourhood centre. Whilst food is available at the Dunavon Hotel on Victoria Street, which is a licensed premises, that does not lie within the neighbourhood centre. That premises does not function as a hot food takeaway. Thus, there would be no overprovision, or excessive clustering, of hot food takeaway uses within the designated centre. The proposal therefore accords with this criteria within the Harmony of Uses APG.

Road Safety, Traffic Generation and Parking

The proposed use has potential to generate traffic and increased stopping of vehicles (for example, short stay car trips associated with food collection and delivery) as is recognised by Harmony of Uses APG. Whilst vehicles reversing onto the public road from the site could potentially pose a safety hazard to other road users, including pedestrians, the Roads Team have no road safety concerns regarding that matter. Given that the existing commercial use of the site would generate vehicle trips and customer parking, including similar reversing manoeuvres, that no additional car parking is proposed and that the Roads Team have no road safety objection, this concern does not warrant refusal. Given that there is unrestricted vehicle parking on the west side of Victoria Street at the site frontage, the risk of obstruction of the footway by vehicles and cycles or e-bikes is relatively low. It is proposed that servicing and delivery vehicles would use Victoria Street, which is accepted by the Roads Team. A condition is proposed requiring visitor and staff cycle parking on site in order to accord with NPF4 policy 13 and ALDP policy T3. An advisory note is proposed in relation to refuse bin collection.

Design

The amended flue proposed would be appropriately located on the rear elevation of the building, such that it would be largely screened from public view. It would not be an unduly prominent or overly dominant feature in the street scene as the flue would not extend above the building ridge and only the top part of the flue would be potentially visible from Victoria Street when heading south. The proposed flue would be of similar appearance and finish to the flue installed in at the rear of the nearby Dunavon hotel. Although it would be visible from adjacent residential premises and would have substantial diameter, the protection of views from private land / property is not a material planning consideration. The blanking of windows and installation of a louvre on the north elevation raises no design concerns as these are not display windows and are on a side elevation. Thus the proposal accords with NPF4 policy 14 and ALDP policy D1.

Air Safety

The proposal has no direct impact on air safety as the proposed flue would be no higher than the existing building. Although the use has potential to attract birds (for example, due to litter generation) a condition is proposed to ensure the agreement and implementation of a bird management plan as requested by Aberdeen Airport. Thus there would be no conflict with ALDP policy B3 and related guidance regarding Aberdeen International Airport & Perwinnes Radar.

Nature and Climate Crises

Notwithstanding the expectations of NPF4 policies 1 and 3 and ALDP policy NE3, given that the proposal is for a change of use and only minor external alteration to the building, it would be unreasonable to require the development to address biodiversity, nature crises, or climate emergency matters. Any such policy tension therefore does not warrant refusal in this instance.

Matters Raised in Representations

Conflict with Development Plan Policy (*issue 1*)

The site does not lie within an H1 policy area as identified in the ALDP. Thus, that policy is not relevant in this instance. The potential conflict with residential amenity is discussed in detail above. As the proposal is not for retail, business or industrial uses, or for rural homes, NPF4 policies 17, 26 and 28 are not relevant and there is no related conflict.

Conflict with Guest House Use / Privacy Impact (issue 2)

The proposed use would be complementary to the operation of the guest house as it would provide a potential supporting food service for guests. Thus, in principle, there is no conflict with such use. The proposed use results in no adverse privacy impact on adjacent premises as no new window or door openings are proposed. As an existing clear glass window in the north elevation of the ground floor would be blocked off, there would be a reduction in intervisibility with the adjacent premises to the north.

Odour, noise, waste, traffic and parking impacts (issues 3-6)

The technical concerns relating to generation of odours, waste, late night activity and traffic are addressed in the evaluation above.

Mental Health Impact (issue 4)

No evidence has been provided that the use would result in significant adverse effect on mental health. Thus there is no grounds for refusal on the basis of potential conflict with NPF4 Policy 23 part b) and ALDP Policy WB1.

Anti-Social Behaviour (issue 7)

This is not identified as a relevant consideration within Harmony of Uses APG in relation to consideration of proposed hot food takeaways. Whilst it is claimed that there is existing anti-social behaviour in the area, such as littering, noise disturbance and drunken behaviour, there is no policy requirement that the application address such impacts. No evidence has been provided that the proposed use would result in an unacceptable increase in anti-social behaviour in the area. Thus it would not be appropriate to refuse the proposal on that basis. The proposed hours of operation of the business would be restricted by planning condition and would reduce any risk of late night disturbance to nearby residents.

Visual / Placemaking Impact (issue 8)

The revised proposal has no adverse impacts.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The re-use of vacant premises and provision of commercial uses within a designated and accessible neighbourhood centre accords with the objective of enhancement of its vitality and viability and the intent of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings), Policy 13 (Sustainable Transport), Policy 15 (Local Living and 20 Minute Neighbourhoods) and Policy 27 (City, Town, Local and Commercial Centres) within National Planning Framework 4 (NPF4) and Policy VC3 (Network of Centres), Policy VC8 (Town, District, Neighbourhood and Commercial Centres) and Policy T2 (Sustainable Transport) within the Aberdeen Local Development Plan 2023 (ALDP). There is no conflict with NPF4 Policy 14 (Design, Quality and Place) and ALDP Policy D1 (Quality Placemaking) and ALDP Policy WB1 (Healthy Developments).

Subject to imposition of conditions requiring implementation of the mitigation measures set out in the technical assessments, restriction of the hours of operation to prevent late night operation and provision of bin storage, there would be no insurmountable conflict with residential amenity. Conditions can be used to address the potential adverse impacts of the development and ensure compliance with NPF4 Policy 12 (Zero Waste), Policy 13 (Sustainable Transport), and Policy 23 (Health and Safety) and ALDP Policy R5 (Waste Management Requirements for New Developments), Policy T3 (Parking), Policy WB2 (Air Quality) and Policy WB3 (Noise).

The tension with NPF4 Policy 1 (Tackling the Climate and Nature Crises), Policy 3 (Biodiversity) and Policy NE3 (Our Natural Heritage), ACC Harmony of Uses Aberdeen Planning Guidance and other material considerations do not warrant refusal.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) BIRD MANAGEMENT

No development shall take place, nor shall the use operate, unless a Bird Hazard Management Plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of:

- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
- signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the duration of the approved use. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

(03) WASTE AND RECYCLING STORAGE

The use hereby approved shall not take place unless a scheme of segregated waste storage for the site, including food waste storage, has been submitted to and approved in writing by the Planning Authority. This shall include screening of the proposed refuse and recycling bin store, as specified on drawing no. PL01 G hereby approved and provision of gully and wash down facilities within the site. The approved use shall not take place unless the approved bin store has been provided and thereafter is retained and is available for use for the duration of the use of the premises as a hot food takeaway.

Reason – In order to ensure waste storage on site, preserve the amenity of the area and ensure that the bins do not obstruct the adjacent public road / footway.

(04) ODOUR MITIGATION

The use hereby approved shall not take place unless the odour mitigation measures specified in the approved Odour Impact Assessment (TKM Ventilation Services, 23rd July 2025) including the external flue shown on drawing ref. PL01 G, or such other assessment and drawing as may be approved in writing by the planning authority, have been implemented in full. Implementation of the following specific measures is required:

- Wall mounted extract canopy located directly above cooking appliances
- Canopy to include baffle type grease filters (washable)
- Extract ductwork routed to the external termination point incorporating sufficient access panels to permit cleaning/filter changeout
- 3-stage filtration comprising first stage G2 mesh filter (grease), second stage M5 disposable bag filter and third stage activated carbon filter for removal of grease and odour. Carbon filter to have minimum dwell time of 0.2 seconds. Suitable access will be required to the filters
- Exhaust to atmosphere via high velocity jet cowl discharging above eaves
- Fresh-air make-up via ducted system with filter/fan
- Both supply and extract fans operated via speed controllers
- Safety gas interlock required to isolate gas supply in event of ventilation fan failure

The approved use shall not take place unless evidence of implementation of the requisite physical measures to be installed on site has been submitted to and agreed in writing by the planning authority. Thereafter, the odour mitigation measures shall be retained for duration of the use of the premises as a hot food takeaway.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of odours.

(05) NOISE IMPACT / MITIGATION

The use hereby approved shall not take place unless the noise mitigation measures specified in the approved Noise Impact Assessment (FEC Acoustics, 23rd July 2025), or such other assessment as may be approved in writing by the planning authority, have been implemented in full. Implementation of the following specific measures is required:

- The intake/extract points are located as shown on the Proposed Plans and Elevations (Drawing No: PL01 G).
- The Local Extract Ventilation system (LEV) has an intake fan with equivalent (or lower) noise emissions than the Vent Axia Quiet Pack Fan (as detailed in Appendix 8.1.1).
- The LEV has an extract fan with equivalent (or lower) noise emissions than the Soler & Palau CVAB/4-6000/450N D Fan (as detailed in Appendix 8.1.2).
- A silencer is fitted upstream of the intake ventilation fan that provides (as a minimum) dynamic insertion loss values equivalent to the Vent Axia 'Sonex' Silencer (400 mm diameter, 900 mm length) detailed in Appendix 8.1.3.
- A silencer is fitted downstream of the exhaust fan that provides (as a minimum) dynamic insertion loss values equivalent to the Vent Axia 'Sonex' Silencer (400 mm diameter, 900 mm length) detailed in Appendix 8.1.3.
- The LEV installer ensures all necessary measures are taken to reduce the effects of vibration on the internal and external building structure using various anti-vibration methods (e.g. pads/mats/mounts and flexible hose connections).

The approved use shall not take place unless evidence of implementation of the requisite physical measures to be installed on site has been submitted to and agreed in writing by the planning authority. Thereafter, the said measures shall be retained for the duration of the use of the premises as a hot food takeaway.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of plant noise.

(06) CYCLE PARKING / STORAGE

The use hereby approved shall not take place unless the proposed cycle parking, as specified on drawing no. PL01 G hereby approved has been implemented in full and thereafter is retained and is available for use for the duration of the premises as a hot food takeaway.

Reason – In order to ensure provision of adequate customer and staff cycle parking on site and reduce the risk of obstruction of the adjacent public road / footway.

(07) HOURS OF OPERATION

The use hereby approved shall not operate outwith the hours from 7.00am to 8.30pm on any day.

Reason - In order to protect the amenity of adjacent residential uses due to potential late night noise generation / disturbance associated with use of the premises.

ADVISORY NOTES FOR APPLICANT

01. Odour Management

The operator of the premises is advised to establish a written Odour Management Plan including cleaning and maintenance procedures for the plant (based on extent of use) in accordance with manufacturers guidelines and recommendations in Section 5.3.10 of the Kitchen Ventilation Report in order to reduce risk of future malodour and statutory nuisance.

02. Drainage / Waste Management

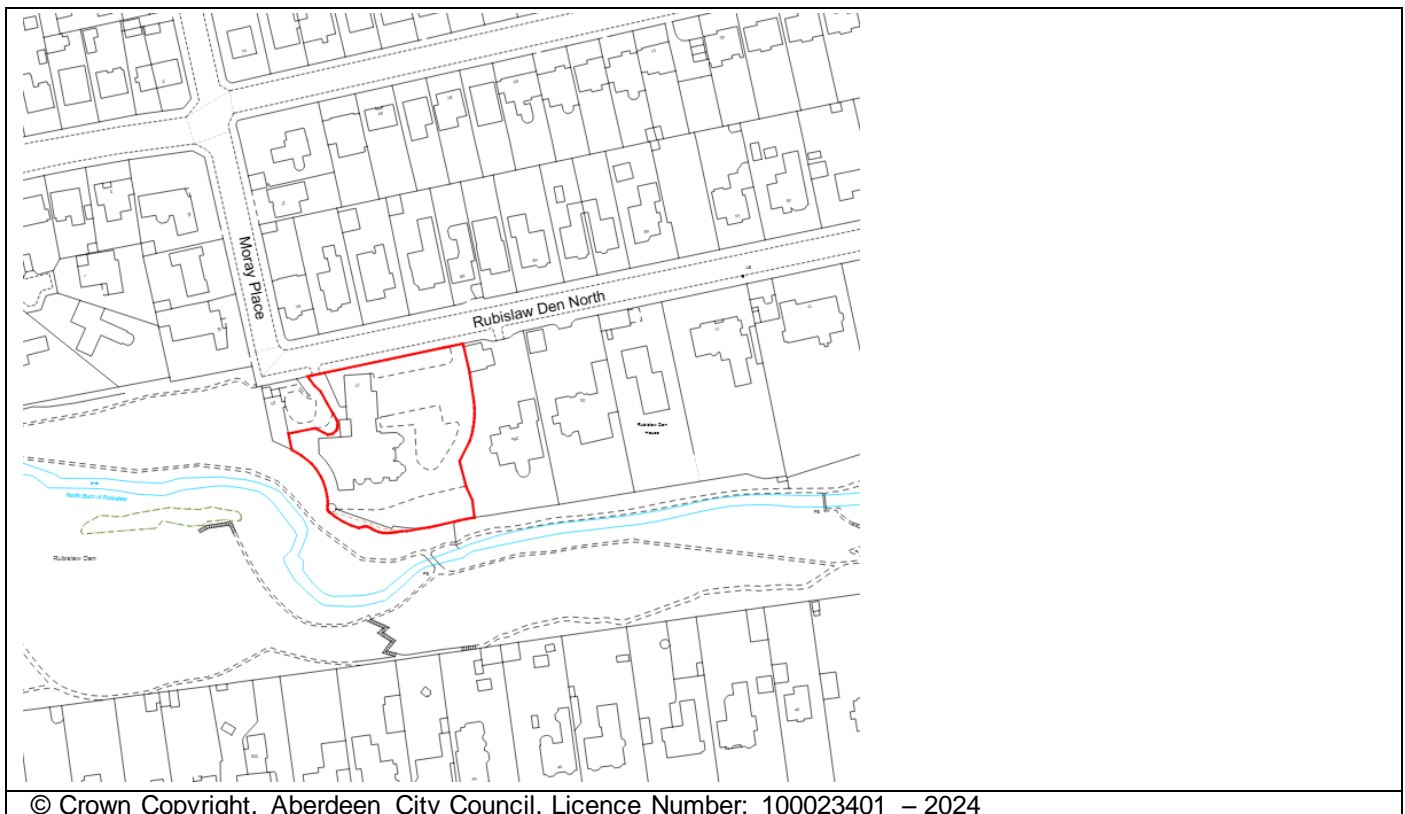
For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

03. Refuse / Recycling Bin Storage

The operator of the premises is advised that no business refuse or recycling bins would be permitted to be stored on the public road (includes footway) outwith collection time and should be removed immediately after collection.

	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 25 September 2025

Site Address:	27 Rubislaw Den North, Aberdeen, AB15 4AL
Application Description:	Change of use from offices to form seven residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces with glass balustrade and roof extension; installation of roof lights, alterations to door and window openings blocking up door opening to form windows, opening up windows opening; erection of ancillary garages, formation of car parking and erection of single dwelling house with associated landscaping and infrastructure works
Application Ref:	241426/DPP
Application Type	Detailed Planning Permission
Application Date:	9 December 2024
Applicant:	Diamond Property Developments
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw



RECOMMENDATION

Approve Conditionally with Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site extends to c.0.42ha and is occupied by the Category B-listed 27 Rubislaw Den North, also known as Gordon House and Rubislaw Den House, which has been vacant for a number of years, its most recent use having been office accommodation. It is located at the western end, and on the southern side of Rubislaw Den North and falls within the Albyn Place and Rubislaw Conservation Area. It is bounded by the Rubislaw Den Local Nature Conservation Site ('the Den') to the west and south, residential properties to the east and north, and a further single property to the west. The 'Den' is a private green space only accessible to residents with properties directly bounding onto this large green space sitting either side of the North Burn of Rubislaw that runs in a general west-east direction between Anderson Drive and Forest Road.

The first property constructed in the area, prior to the setting out of the feus to the east and north, Gordon House is a granite two storey and attic five bay villa with a slated roof that was constructed in the 1880s, with an extensive curtilage. The original building has been extended with a modern hip roofed two storey extension to the north elevation, and a large curved flat roofed extension to the west and south. A two storey folly tower built in granite is located in the south west corner of the plot which overlooks 'the Den'.

There is direct pedestrian access from the site into the 'Den'. The property, along with all other properties with access into 'the Den', sits at a significantly higher level than the ground level of the Den. The path runs along a series of stone steps and terraces, all falling within the site boundary, and forming part of the property listing, providing a gradual entry into this significant Urban Green Space.

The site further includes a hard surfaced car park to the north and small area of soft landscaping to the east of the house. The site is covered by Tree Preservation Order 270, with prominent trees located along the north boundary and further into the site.

Relevant Planning History

- 091496 – Detailed planning permission for a change of use from nursing home to offices, was approved by Planning Development Management Committee on 14 January 2010.
- 241427/LBC – Listed building consent for alterations to former office building to form seven residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces and roof extension; installation of roof lights, alterations to door and window openings; erection of garages with ancillary space, formation of car parking and erection of single dwelling house with associated landscaping, infrastructure works and internal alterations is under consideration and is included on today's agenda.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the existing office building to a total of seven flats and two houses and associated external alterations including demolition of part of existing extensions, recladding of existing extension, construction of a new extension and replacement windows and doors; construction of a further new dwelling; construction of a detached garage building with a total of five bays, with formation of surface car parking, associated

landscaping and infrastructure works.

The various elements can be described as follows:

Main building

The original Category B-listed building 'Gordon House' is proposed to be converted to a total of seven flats. The ground floor would provide a communal lobby serving all flats in the main building; two flats, one facing east and entirely contained in the original listed building, and one facing west, partly located in the original building and partly in the upper floor of the existing west extension. Both the first and second floors of the original building would each accommodate a single flat. All four flats would have two to three bedrooms and a generous floorplate ranging between 150m² and 320m².

The lower floor of the west extension would accommodate a further three studio flats with a footprint between c.45m² and 75m², all with a west-facing aspect looking out over 'the Den'.

The main external alterations to this part of the building would be a slight reduction in the size of the existing west extension to bring this into line with the south elevation of the main building; and recladding of the existing west facing modern extension with Nordic brown pre-oxidised copper rainscreen panels to match other proposed elements within the site. It would further see a small extension to the north west, increasing the size of the existing extension by c.3.2m to allow for the creation of an additional staircase to the lower ground floor. In addition, a portion of the extension to the north would be removed to separate the remainder of this extension from the main building. A new single storey extension would then be created to the front containing a bike and bin store, and an additional secondary entrance from the north into the building. This extension would be finished in the same material used to reclad the existing west extension.

Other external alterations would consist of replacement of a door with a window and opening up of a previously covered window; replacement of windows on the lower ground floor level in the west extension with double doors and installation of a glazed barrier to create Juliet balconies serving the studio flats; installation of roof lights in the modern extension serving two studio flats; and the installation of glazed balustrades screening existing balconies and roof terraces.

A private garden serving the east ground floor flat would be located immediately to the east of the Main House. The other ground floor flat, the two flats on the upper floors of the Main House and two out of three studio flats would have private external amenity space through a combination of roof terraces and balconies.

Pavillion

The existing two storey north extension would be separated from the main house through demolition of a link. The resultant building would be split into two 2 storey dwellings, each with two bedrooms and a similar floorspace of c.120m². Both properties would be accessed from the east and would have a private front and rear garden to the east and west respectively, in addition to a roof terrace. Whilst the footprint and ground floor of the existing building would be used, the first floor and existing roof structure would be removed and replaced with a flat roof and first floor extension. This would be set back to allow the formation of roof terraces for both units to the south, east and north. The entire building would be reclad and finished in grey textured brick and Nordic brown pre-oxidised copper rainscreen panels with copper fins above the windows, along part of the roof terrace and along the top of the first floor extension. This again, would match the materials used on the main house.

Garden House

A new build 'Garden House' property is proposed to be located in the south east corner of the site.

It would be split over three levels, and would make use of the existing terraces stepping down to 'the Den'. It would consist of an upper ground floor at the existing ground / garden level, which would contain a garage and entrance hall. The proposed lower level 1 would accommodate the main living spaces and a bedroom, with a further bedroom and bathroom on lower level 2. The overall floorspace would be c.190m². Due to its location set on top of the terraces leading down to 'the Den', the building would predominantly face south and west. Finishing materials consist of the same Nordic brown pre-oxidised copper rainscreen panels with copper fins and grey textured brick as proposed for the Pavilions and extension to the main house. Fenestration would consist of full height windows, alternated with full height windows screened by copper fins. The upper ground floor level would have a sedum roof and the building would provide access to a series of roof terraces and private garden space on the existing terrace.

Garages

A garage building containing five single garages is proposed to be located along the northern site boundary. The building would measure c.22m x c.8m and would have a footprint of c.175m². Its highest point, the parapet to the front, would be the same height as the top of the boundary wall separating the site from 27 Rubislaw Den North. It would be south of three existing trees within the site. It would have a flat sedum roof and finished in grey textured brick and the same Nordic brown pre-oxidised copper rainscreen panels as seen across the site. Five garage doors with an arched detail would be set into the south elevation, and full height windows would be located on the north elevation.

Site layout

The existing vehicular access into the site in the north east corner and pedestrian access in the north west corner would be retained. Additional car parking would be provided to the south of the garage building with a driveway running along the eastern boundary providing access to three further parking spaces and the garage serving the Garden House and a turning head in front of the main entrance on the southern elevation of the main building. Landscaped communal garden ground would be provided to the south of the main building leading to the terraces which in turn lead to 'the Den' and to the east of the private garden serving the flat in the Main House.

Amendments

In agreement with the applicant, the following amendments were made to the application:

- Alterations to the design of the Garden House through a reduction in the size of the upper floor level, reorientation of the garage, reduction in overall height, increase in length of boundary wall adjacent to 25A Rubislaw Den North, and alterations to external finishes reducing the amount of glazing in the south and west elevations;
- Reduction in size of the garage building through removal of workshops to the rear;
- Alterations to the design and layout of the Pavillion units;
- Alterations to the internal layout of the studio flats;
- Increase in soft landscaping across the site and reduction in hard landscaping.

Neighbour renotification was undertaken, following publication of updated plans.

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=SO135VBZM4J00>

- Bat survey
- Daylight and Sunlight Study
- Design Statement
- Drainage Assessment
- Heritage Statement
- Outline specification for landscaping works
- Planning Statement
- Tree Survey and Arboricultural Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because:

- It is being recommended for approval and has been the subject of six or more timeous letters of representation containing material planning considerations that express objection or concern about the proposal.

Determination of the application therefore falls outwith the scheme of delegation.

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Developer Obligations** – The following contributions are required in relation to the proposed development: Core Path Network - £5,078; Primary Education - £3,655; Secondary Education - £3,655; Healthcare Facilities - £6,967; Open Space - £1,732. There is an affordable housing requirement for 2.5 units. Given the number of units provided, a commuted sum would be acceptable.
- **ACC - Environmental Health** – No objection provided any necessary sound insulation measures are incorporated into the design of the flats.

Construction hours causing noise audible outside the site boundary should be limited to Monday to Friday 07:00 to 19:00; and on Saturdays 08:00 to 13:00.

The development proposal includes some minor demolition as well as new construction. This has the potential to generate dust emissions affecting neighbouring properties. It is recommended that the developer has a robust Dust Management Plan in place.

- **ACC - Housing Strategy** – An affordable housing requirement of 25% would apply which equates to 2.5 units. For developments of fewer than 20 units, the provision of affordable housing may be on-site, off-site or commuted payments. In this instance, a commuted sum would be the preferred option.
- **ACC - Roads Development Management Team** – No objection.

The proposed development is for seven residential flats and three houses. A total of 18 parking spaces is proposed, which is an appropriate level of parking. Parking is appropriately proportioned amongst the dwellings. The internal dimensions of the garages meet standards

as set out in Aberdeen Planning Guidance – Transport and Accessibility. A gate is proposed across the main vehicular entrance into the site. This would be remotely controlled by residents and would generally be left closed. The applicant is advised that there is currently no plan to amend the footway at the entrance. Given this is an existing situation this is acceptable. Refuse collection would be private and the proposed refuse collection arrangements are acceptable.

- **ACC - Schools Estates Team** – The site of the proposed development falls within the school catchment areas for Mile End School and Aberdeen Grammar School. Pupil numbers at both schools are currently over their available capacity. A contribution from the developer may be required to assist with the cost of reconfiguring spaces at both schools to accommodate the additional pupils expected to be generated by the proposed development.
- **ACC - Waste and Recycling** – No objection. General comments in relation to bin storage requirements for residential development.

External Consultees

- **Scottish Water** – No objection. General comments in relation to capacity at Invercannie Water Treatment Works and NIGG PFI Waste Water Treatment Works.
- **Queen's Cross and Harlaw Community Council** – No comments received

REPRESENTATIONS

19 representations have been received (19 objections, 0 in support and 0 neutral). Following amendments of the proposal and renotification, a further two additional comments were received.

The matters raised can be summarised as follows –

Material Considerations

Garden House

1. The scale and massing of the Garden House does not complement the scale of surrounding properties as required by APG on 'Subdivision and Redevelopment of Residential Curtilages';
2. The proposed Garden House would be the only property that projects to the south of the established building line of existing properties and the only dwelling to be built into the terrace adjacent to the North Burn of Rubislaw. This will appear incongruous to the character and form of established built development. The proposal does not 'respect the established pattern of development' and does not comply with the requirement to 'not project forward of any established building line' as required by APG on 'Subdivision and Redevelopment of Residential Curtilages'. The proposal fails to make a positive contribution to the character or appearance of the Conservation Area and is inappropriate in this setting;
3. The location of the Garden House will have a negative impact on the setting of the Category B-listed building within the application site given that it will project forward from its principal elevation;
4. The location of the Garden House will have a negative impact on the listed granite terraces immediately adjacent to the Rubislaw Den Urban Green Space. The terraces would be partially hidden or removed by development resulting in the loss of these listed, granite features;
5. The proposed Garden House appears to encroach into the area identified as Urban Green

Space and Green Space Network. This could result in a loss of biodiversity and will undoubtedly have an unacceptable impact on the historic landscape and townscape value of this area;

6. The location of the Garden House on the edge of the Rubislaw Den would not respect the historic landscape setting of this natural woodland green space;
7. The proposed Garden House would have an adverse impact on the residential amenity of 25A Rubislaw Den North due to a loss of sunlight and daylight; significant and overbearing impact adversely affecting their outlook; and increased overlooking;
8. The position of the Garden House on the edge of 'the Den' would result in a privacy conflict between the new owners of the house and other owners using the Rubislaw Den Urban Green Space and borrows amenity from 'the Den';
9. Given the scale of the Garden House, split over three levels, this would likely require substantial structural underpinning in its construction. There is a concern that this could pose detrimental impacts on the structural integrity of 25A Rubislaw Den North, existing terrace and boundary wall;
10. Concern that development of the Garden House would have an unacceptable impact on trees within the garden ground of 25A Rubislaw Den North and within the wider Rubislaw Den;
11. Concern that the position of the Garden House would set a precedent for further subdivision applications for houses looking into the Den, which would detrimentally affect this green space;
12. The proposed materials and design for the Garden House would be unsympathetic and have no link to the context of the Conservation Area, listed building or green space. The use of grey brick on the east elevation is also going to be highly visible, and with no windows will be incongruous;

Pavillion

13. Original planning permission for the 'Pavillion' extension required the use of a hipped roof to lessen the visual impact of the extension when viewing the main house from Rubislaw Den North. The current proposal to build a full height first floor 'box' design with large windows and extensive roof terraces close to the boundary wall undermines this condition. This would in turn significantly affect the privacy and standards of daylight and sunlight of 72, 74 and 76 Rubislaw Den North;
14. The use of roof terraces to provide external amenity space is not accepted given there would be sufficient ground around the pavilion and the area between it and the proposed garages to provide garden space for these units.
15. The proposed design and use of copper cladding for the Pavillion building would be contrary to the founded character, and would not respect the character, appearance and setting of the existing Albyn Place and Rubislaw Conservation Area and nearby granite listed buildings;
16. The proposed first floor proposal for the 'Pavillion' building would be overdevelopment and unnecessary considering the extensive alterations and additions to the main house and other proposed buildings on the site;

Main House

17. Change of use would result in increased overlooking and loss of privacy from flats in the Main House towards 58 Rubislaw Den South. This impact is aggravated through the loss of trees previously on the site following implementation of 240538/TPO, which resulted in the loss of privacy screening between the two properties.

Den Studios

18. The area outside the Den Studios was replanted with trees to obscure the previous office use. These trees have grown successfully, but given the limited daylight available to properties, there is concern that there would be pressure to remove the trees. This is compounded by their single aspect plan and small size, which in the case of Den Studios 2

and 3 would fall below the minimum internal floor space of 52m² as set out in Aberdeen Planning Guidance on Space Standards;

Garages

19. The proposed use of copper cladding and brick finish for the garage building would not complement the stature and importance of Gordon House and neighbouring properties;
20. Garage building would appear to be an unnecessary development on the site, and it is expected that this would only result in more crowded parking on the application site;
21. Insufficient information has been provided in terms of foundation detail and their impact on the protected trees along the north boundary of the site;

Other

22. The proposed ten dwelling house project would be an overdevelopment of the current site resulting in an unacceptable level of residents and traffic in a concentrated space on the site;
23. The proposed addition of ten residential properties would lead to a considerable increase in traffic on Rubislaw Den North and the surrounding streets. There are safety concerns associated with this significant increase in traffic;
24. The proposed volume of bins and waste collection onto the street would be a concern;
25. The tree survey provides limited information on height of trees beyond the immediate boundaries and there is no consideration of zone of influence of the surrounding woodland. The applicant should undertake an ecological impact assessment of the development and reconsider the design to ensure the integrity of the habitat;
26. Permission 240583/TPO included a replacement planting scheme requiring the planting of thirteen trees to the east of the main house. The proposed landscaping scheme submitted as part of this application would see this area as a private garden and communal garden, with replacement tree planting dispersed through the site. To allow for biodiversity improvements across the site, more trees should be planted than the thirteen previously required as part of this TPO consent. It is requested if some of the additional trees can be planted in the western section of the section and that they can be heavy standard or mature trees;
27. Noise and disturbance caused by construction works could have an adverse impact on wildlife in the existing woodland;
28. Drainage Statement identifies that an existing surface water outfall to the Den Burn would be used for surface water. There is no knowledge of such an existing outfall;

Non-Material Considerations

29. Expressed concerns in relation to volume of construction traffic, any potential issues with access to other properties on Rubislaw Den North, impact construction traffic could have on road surface of Rubislaw Den North and construction noise;
30. Contradiction in description of proposals. Neighbour notification refers to nine residential flats and a single dwelling house, and submitted design statement to seven flats, two houses and a garden house;
31. Change of use of the site to residential will cost Aberdeen City Council some £100,000 per annum in lost business rates revenue;
32. Are the garages assigned to particular properties or are they being sold separately;
33. Fencing provisions made for the trees in the Den – these areas lie outwith the applicants' boundary. All fencing should be within the site's perimeter;
34. Concerns in relation to an increase in number of people with access to the Den.

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

National Planning Framework 4 (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 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- 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 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)
- Policy H1 (Residential Areas)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE3 (Our Natural Heritage)
- Policy NE5 (Trees and Woodland)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy CI1 (Digital Infrastructure)

Supplementary Guidance

- Planning Obligations

Aberdeen Planning Guidance

- Affordable and Specialist Housing;
- Amenity and Space Standards;
- Repair and Replacement of Windows and Doors;
- Transport and Accessibility; and
- Waste Management Requirements for New Developments

Other National Policy and Guidance

- Historic Environment Policy for Scotland (Historic Environment Scotland)
- Managing Change in the Historic Environment – Extensions (Historic Environment Scotland)

EVALUATION

Key Determining Factors

The key determining factors for this application are:

- The principle of development;
- The impact of the proposal on the character and appearance of the surrounding area, with special consideration of its position within the Albyn Place and Rubislaw Conservation Area;
- The impact of the proposal on the setting and character of the Category B-listed building of 27 Rubislaw Den North;
- The impact of the proposal on the residential amenity of neighbouring properties;
- The level of amenity provided for future residents;
- The impact of the proposal on the Rubislaw Local Nature Conservation Site;
- The impact of the proposal on protected species;
- The impact of the proposal on trees protected through TPO270 covering the application site of Gordon House, 27 Rubislaw Den North;
- The impact of the proposal on local highway conditions, especially in terms of parking and access;

Principle of Development

The application site includes the Category-B listed building at 27 Rubislaw Den North and its associated curtilage that has been vacant for a number of years and is located in an existing residential area as designated in the Aberdeen Local Development Plan 2023 (ALDP).

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of National Planning Framework 4 (NPF4) is generally supportive of the reuse of existing buildings, taking into account their suitability for conversion to other uses.

Policy 16 (Quality Homes) of NPF4 encourages the development and delivery of more high quality dwellings in the right location. It sets out in part (f) that development proposals for new homes on land not allocated for housing in the LDP will only be supported in a small number of circumstances where:

1. The proposal is supported by an agreed timescale for build-out; and
2. The proposal is otherwise consistent with the plan spatial strategy and complies with other relevant policies; and

3. The proposal is for smaller scale opportunities within an existing settlement boundary.

Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) is generally supportive of residential development in existing residential areas zoned as such, provided it:

- Does not constitute overdevelopment;
- Does not have an adverse impact on the amenity and character of the surrounding area; and
- Does not result in the loss of open space.

Gordon House was originally constructed as a single residential property, and has since been converted first into a nursing home, and latterly into an office. It has been vacant for a number of years. The proposal would see the reuse of this empty granite building, its alteration, including part demolition of modern extensions, and conversion of existing modern extension to the north and west. The proposed alterations would provide a suitable solution to reuse of the building, avoiding demolition and ensuring retention of its embodied carbon. The proposal would thus comply with Policy 9 of NPF4.

Whilst located in an existing residential area, the site itself is not an allocated site for housing in the ALDP, and thus part (f) as set out above of Policy 16 of NPF4 applies. The proposal is not supported by an agreed timescale for build-out, but given the size of the proposed development, which would be limited to the conversion of the main house into seven flats, alteration of the Pavillion extension into two houses, and construction of a single new-build property, it is considered that this can be suitably controlled through a condition requiring the permission to be implemented within the usual timescale of three years. It is further noted that the proposal would comply with the final criterion in this part of Policy 16 as the proposed development would be for a smaller scale opportunity within the settlement boundary.

In terms of Policy H1 (Residential Areas) of the ALDP, it is noted that the site covers the curtilage of the existing building and does not extend into 'the Den' LNCS, with the exception of a small sliver of land at the south west corner, below the folly, where no development works are proposed. It therefore would not result in the loss of open space. The site extends to c.0.42ha, and with a proposed development of ten units, this would result in an overall density of 23 dwellings per hectare, which would be relatively low for an urban site, but, as set out in more detail below, in accordance with the character of the site and surrounding area (*Issue 22 in representations*). Provided all units would offer a good level of residential amenity for future occupants, the overall development would not constitute an overdevelopment of the site.

The proposal would therefore comply with all parts of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings), and Policy 16 (Quality Homes) of NPF4 and policy H1 (Residential Areas) of ALDP, with further consideration to its impact on the character and amenity of the surrounding area discussed in detail below. The principle of residential development in this location is therefore accepted.

Scale and Design

The site is located in the Albyn Place and Rubislaw Conservation Area, and Gordon House is a Category B-Listed building. HEP4 of Historic Environment Policy for Scotland (HEPS) sets out that changes to specific assets and their context should be managed in a way that protects the historic environment. Policy 7 (Historic Assets and Places) of NPF4 seeks to protect and enhance the historic environment. It sets out in part (c) 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. It continues in part (d) in that development proposals in conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Policy D6 (Historic Environment) sets out that

development must protect, preserve and enhance Aberdeen's historic environment. It carries a presumption in favour of the retention and appropriate reuse of the historic environment assets that contribute positively to Aberdeen's character.

Policy 14 (Design, Quality and Place) of NPF4 seeks to encourage, promote and facilitate well designed development that creates successful places. It further sets out that all development will need to be designed to improve the quality of an area, and that development proposals will be supported where they are consistent with the six qualities of successful places. Policy D1 (Quality Placemaking) of ALDP seeks to ensure that all development meets high standards of design, and has a strong and distinctive sense of place resulting from a detailed contextual appraisal.

Main Building

The main building would be converted to four large two to three bedroom flats and three smaller studio flats. The upper ground floor would provide access to two large flats, both the first and second floor would each accommodate a single flat, and the lower ground floor, which sits underneath an existing modern extension to the west of the building, would be divided and converted into three studio flats.

The main entrance to the building would remain through the existing principal entrance into the south elevation. From there, a communal reception area would provide access to a lift and staircase to the flats on the first and second floor; entrance doors immediately from the reception area into the upper ground floor flats; and a corridor leading to the staircase providing access to the three studio flats on the lower ground floor.

External alterations would see the existing western extension reclad, and a small extension to the north west corner of this existing extension added to allow construction of an additional staircase to the lower ground floor. The existing north extension would be separated from the Main House through demolition of the modern link between the two buildings. It would further see a small area of a further modern extension to the north elevation demolished to separate the northern element of the west extension from the Main House, and to provide space for a new single storey extension containing a bin store, bike store and plant area. This north extension would further provide a secondary entrance into the Main House from the north. Both the recladding of the west extension and the newly proposed north extension would be finished in Nordic brown pre-oxidised copper rainscreen panels and copper fins. This is a material that will be used throughout the site, and would thus provide an element of unity in finishes across the site.

HES guidance on Managing Change in the Historic Environment – Extensions sets out that most historic buildings can sustain some degree of alteration or extension to accommodate a new use. All new extensions should be based on a thorough understanding of the historic context of the site and building. This guidance document sets out that an addition or extension to a historic building should play a subordinate role, and should not dominate the existing, historic building. It should not be constructed in front of a principal elevation, or unbalance a symmetrical elevation.

In this case, the external alterations would be to upgrade and alter the existing modern western extension and increase its size to the north west by c.14.50m² to accommodate a further staircase leading to the studio flats which itself is not of special interest. It would further separate the Main House from a the modern extension to the north, thus opening up this original elevation and its special features. However, a new irregular shaped extension with a footprint of c.40m² would be constructed to the north accommodating a bike and bin store and plant room. This extension would sit lower than the existing extension that is proposed to be demolished, and would open up some original features of the building in comparison to the current situation which would have a positive impact on the character of the listed building. The north elevation, whilst facing out onto Rubislaw Den North, was originally designed as a secondary elevation of the building, with the south elevation

acting as the principal elevation containing the main entrance into the building and making best use of views across 'the Den'. The location of this additional extension would therefore be appropriate.

Policy D8 (Windows and Doors) of ALDP sets out that historic windows and doors will be retained, repaired and restored, and that opportunities to replace unsympathetic windows and doors will be supported. Additional guidance is provided in Aberdeen Planning Guidance – Repair and Replacement of Windows and Doors. External alterations would see an existing window opening previously covered by the extension to the north elevation opened up again and reinstated as a new window matching the details of other windows in the building. In the same section of the north elevation it would see an existing internal door opening filled with a full height window. A third existing window opening, again currently covered by this extension to the north elevation, would be increased in size and would be adapted to form a further secondary entrance into the Main House. All details of doors and windows would match that of existing windows and doors with white painted timber windows and an anthracite painted traditional timber panel door. It is accepted that all windows and doors proposed to be replaced are not original, and that the proposal to reinstate more traditional timber windows and doors in the north elevation would have a positive impact on the character of the Category B-listed building. Whilst the timber doors and Juliet balconies proposed for the Den Studios are not of a traditional design, high quality materials and design would be used, and, given their position serving the studio flats on the lower ground floor, they would not have a detrimental impact on the character and appearance of the Category B-listed building. The proposal would therefore generally comply with Policy D8 of ALDP and associated guidance.

The proposed alterations to the Category B-listed building are sympathetic to the character and appearance of the listed building, and would not have a harmful impact on the Albyn Place and Rubislaw Conservation Area.

Pavillion

As set out above, the existing modern northern extension would be separated from the Main House through the removal of the single storey link. The remaining building would be converted and extended into two 2-bed houses. To allow for this conversion, the existing roof and upper floor would be removed, and replaced with a first floor extension and flat roof to be used as a roof terrace (*Issue 16*). The ground floor of the resultant building would be finished in a mix of grey textured brick and the same cladding materials proposed for the Main House. The first floor extension would be set in from the north, east and south, and would be finished in a mix of the same cladding panels and full height windows and fully glazed doors allowing access to the roof terraces. Whilst the existing building is retained, the recladding and proposed first floor extension would result in a remodelled, contemporary property. This contrast with the materials and design of the Main House is acceptable and, given that the proposed cladding materials are carried across the site, would provide a unified approach throughout the development (*Issue 15*). It is further noted that the building sits behind a high granite boundary wall which generally provides screening of the ground floor. The upper floor sits c.7m behind the north site boundary. This separation distance, whilst clearly visible in views from Rubislaw Den North, would ensure that the visual impact of the upper floor extension on the character of the Albyn Place and Rubislaw Conservation Area is limited.

Whilst clearly a modern approach to the redesign of this extension, it is considered that the existing extension does not have a particularly positive impact on the character of the listed building or the conservation area. The proposed alterations would improve its overall appearance and thus have a positive impact on both the listed building and the conservation area.

Garage

The Pavillion houses would be connected to the east by a brick colonnade to a five bay garage which would be set in the northern part of the site. It would be finished in a combination of brick and matching cladding material. This building, which would have a footprint of c.22m by c.8m would sit

c.9m behind the granite boundary wall. It would have a low profile with a maximum height of c.4.3m to the front, c.3.8m to the rear and would incorporate a sedum roof. Due to its siting close to the northern boundary, behind the granite wall and trees, and being set at a lower level, in addition to its relatively low height, it is not considered to have an adverse impact on the setting and character of the listed building.

Due to the low profile of the garage and the use of a sedum roof, the garage building would not have an unacceptable visual impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area. Within the site, the proposed materials would be harmonious with those proposed for the Pavillion and through the use of the cladding material would provide a clear link to the development at the Main House (*Issue 19*).

Garden House

The final element within the application site would be the construction of the Garden House set in the south east corner of the site. This would be a detached dwelling split over three floors. The upper floor would be located at the existing garden ground level, and would accommodate an entrance hall, staircase and garage only. The staircase would then provide access to the two lower floors, which would be set on top of existing terraces providing access to 'The Den'. The main living accommodation and a single bedroom would be on the lower level 1 with a further second bedroom and bathroom on lower level 2.

The Garden House would be a unique design, where only a small element of the overall accommodation would be located at the same level as the main application site. It would make use of the existing terraces and would provide extensive views from all living accommodation into 'The Den'. Finishing materials would consist of the same cladding materials as seen elsewhere in the site and grey textured brick matching the garage building.

The building would be screened by a hedge upon entry into the site, and would sit behind the principal elevation of the Main House in accordance with guidance as set out in Managing Change by Historic Environment Scotland. It would thus not have an adverse impact on the setting of the listed building (*Issue 3*).

It is acknowledged that there are currently no residential dwellings located on the edge of 'The Den'. The majority of buildings both to the north and south of 'The Den' sit relatively centrally within their plot, the exception being 25A Rubislaw Den North, which sits further to the south, and thus nearer 'the Den' than any of the other properties. However, the application site has a unique context as it is the curtilage of the original dwelling in this location and has the largest original feu area. This unique context is further reflected in the design of the building itself, where a secondary elevation faces north towards Rubislaw Den North, whereas most other properties along this street have a principal elevation facing either north or south towards Rubislaw Den North. Other properties, both to the north and the south of 'the Den' were constructed later in a more rigid pattern with smaller, long rectangular plots. The resultant plot is therefore larger than the others and has a more irregular shape. The plot would therefore be sufficiently large to accommodate the additional dwelling whilst not having an adverse impact on the existing listed building and the conservation area. In terms of its location, whilst it would be clearly set behind the building line of the majority of dwellings along Rubislaw Den North, its design and associated landscaping, including the introduction of sufficient boundary treatment, ensure that any impact from Rubislaw Den North and from within the site would be extremely limited (*Issues 1 and 2*). This particular site specific context would further ensure that the proposal would not set a precedent for any further development immediately adjacent to the Rubislaw Den LNCS (*Issue 11*).

The proposal would have a clear impact on the visual amenity of 'The Den' as the main elevations would look out directly over this green space. The building has however been designed to

complement the character of the existing terraces, reflecting their stepped nature, and would not project out beyond the edge of these terraces. It would sit within the corner of the site and slightly back from the edge of the terraces. The palette of materials would consist of muted, earthy colours in the textured brick and pre-oxidized copper cladding materials and would be appropriate in this context, which is characterised by the natural environment of 'the Den'. The listed terraces would act as additional amenity space to both the Garden House and the other properties within the site. To reduce the impact of the building on, and of light spilling into 'the Den', the amount of glazing has been reduced across the south elevation, with an increase in solid panels and panels with copper fins. Whilst unusual, due to its unique, site specific design working with the various levels and sizes of the terraces, and its position tucked into the south east corner of the site, it is not considered that the Garden House would have an adverse impact on the character of 'the Den'. (*Issue 6 and 12*)

Site Layout

The wider site layout would see the retention of existing vehicular and pedestrian accesses from the public street of Rubislaw Den North. Direct pedestrian links from the application site into 'the Den' would be reinstated for use by residents. Existing boundary treatments consist of a high boundary wall along Rubislaw Den North to the north; a high boundary wall and fence along the eastern boundary with 25A Rubislaw Den North; and a close boarded timber fence separating the application site from 29 Rubislaw Den North in the north west corner. All of these boundary treatments would be retained, providing a high level of privacy from neighbouring properties towards the site. The boundary towards 'the Den' is currently open and would remain as such to make best use of views into this Urban Green Space and to retain the character of the site.

The main communal gardens would be created to the south of the Main House, leading up to the terraces which would be landscaped to incorporate a route down towards 'the Den'. A smaller, additional communal garden space would be created to the east adjacent to the east facing private garden serving a single flat in the Main House.

Parking would generally be provided in the northern part of the site, with further spaces along the drive leading down to the main, south entrance into the Main House and serving the Garden House in the south east corner. A detailed landscaping plan has been submitted, incorporating soft and hard landscaping. It would see the introduction of native hedges separating the various areas within the wider site, a more formal design for the private garden serving the ground floor flat in the Main House and the area to the south of the Main House leading up to the start of the terraces down to 'the Den'. Overall, the amount of soft landscaping would be increased across the site, especially along the north and south boundaries. The overall detailed landscaping design is considered appropriate for the proposed development and would take sufficient cognisance of the character of the Category B-listed building and its position within the Albyn Place and Rubislaw Conservation Area. However, further consideration will be required of hard surfacing materials, and a suitably worded condition can ensure this can be agreed prior to commencement of development.

In summary, the overall site layout and design of the various elements across the site take sufficient cognisance of and have been designed with due consideration of the site context, including its impact on the character and setting of the Category B-listed building 'Gordon House' and the Albyn Place and Rubislaw Conservation Area. The proposal thus complies with Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place) of NPF4 and Policies D1 (Quality Placemaking) and D6 (Historic Environment) of ALDP.

Impact on Residential Amenity

25A Rubislaw Den North

Policy D2 (Amenity) of ALDP sets out that buildings should be fit for purpose and meet the needs of occupiers, whilst not having an adverse impact on the residential amenity of neighbouring

properties. It further sets out that consideration should be given to neighbouring properties ensure there are no adverse impact on their residential amenity in terms of day light, sunlight, outlook and privacy.

The nearest residential properties are 25A Rubislaw Den North to the east; 29 Rubislaw Den North to the west; and 72, 74 and 76 Rubislaw Den North to the north. Properties on Rubislaw Den South lie over 50 metres to the south, across the Den. The property of 25A Rubislaw Den North sits c.14m to the east of the boundary with the application site. The main element of the proposed development that could have a potential impact on that property's residential amenity would be the Garden House. This building would be set c.1.5m from the boundary with this neighbouring property. It would have an overall height of c.3.8m from garden ground level and have a flat, sedum roof. The height of the Garden House has been reduced by c.1m from the original submission, and the length of the upper floor level of the building along the boundary wall by c.4.4m to reduce its impact on the neighbouring property at 25A Rubislaw Den North, of which a level garden patio area lies adjacent to the boundary, to the west and south of the dwellinghouse.

It is acknowledged that the Garden House would represent a significant change to the current boundary with the neighbouring property. However it is considered that due to the reduction in both the height and length of the proposed building, its overall impact has been significantly reduced. It is further noted that the Garden House only covers a small portion of the extensive boundary between the two properties, with main views from the neighbouring property primarily directed to the south towards 'the Den', and it enjoying further terraced areas at lower levels. The addition of the Garden House would not have a significant impact on these views. The proposed building would therefore not significantly adversely affect the outlook from 25A Rubislaw Den North.

A shadow study has been submitted, setting out that whilst the Garden House would increase shadows cast into the garden of 25A Rubislaw Den North, this would be limited in both time and location. Therefore, the shadows cast would not unduly reduce its residential amenity due to loss of daylight/sunlight. Finally, the design of the Garden House has been amended to increase the length of the boundary wall between the two properties. This would ensure that there would be no direct views from the top roof terrace directly towards the garden ground and property at 25A Rubislaw Den North.

Taken together, the proposed Garden House is not considered to have a significant adverse impact on the residential amenity of 25A Rubislaw Den North (*Issue 7*).

29 Rubislaw Den North

29 Rubislaw Den North is located immediately adjacent to the rear gardens of the two properties proposed in the Pavillion building, to the west. It sits at a higher level, which would eliminate any direct overlooking of this dwelling from their garden ground and ground floor living areas. The first floor has been designed to ensure no windows look out towards the west, and the west boundary of the roof terrace serving Pavillion 1 includes additional copper fins providing a further element of privacy to both the users of this roof terrace and the occupiers of 29 Rubislaw Den. Due to the shape of the plot, the rear garden serving Pavillion 2 is longer, with a distance of c.26m between the rear of the roof terrace and the front elevation of 29 Rubislaw Den North. Pavillion 2 is also positioned closer to the north boundary of the site, where, within the residential curtilage of 29 Rubislaw Den an existing additional high blockwork wall would screen any views from this roof terrace towards their garden. The proposal would therefore not result in an unacceptable loss of privacy/excessive overlooking to this property. In terms of sunlight/daylight, the Pavillion building is set at a lower level, which would reduce any impact on overshadowing of this neighbouring property.

The roof terrace serving Flat 2 in the Main House would be located on the existing flat roof of the modern western extension. This roof terrace sits between c.1m and c.3m from the northern site

boundary with 29 Rubislaw Den North. Part of this boundary is screened by existing tall trees, which are to remain, limiting views into this neighbouring site from the roof terrace. It is proposed to include a privacy screen along this boundary to ensure the proposal would not result in any unacceptable levels of overlooking of the private garden space and property of 29 Rubislaw Den North. Apart from this privacy screen there would be no alteration to the height of the extension, and the proposal would therefore not result in additional overshadowing/ loss of sunlight.

Taking account of these mitigation measures, the proposal would not result in an unacceptable increase in overlooking or loss of privacy to the existing dwelling at 29 Rubislaw Den North.

Other Neighbouring Properties

The dwellings of 72, 74 and 76 Rubislaw Den North are located on the north side of Rubislaw Den North. The front elevations of these dwellings are set at a distance of more than 25m from the edge of the roof terrace serving Pavillion 2. This distance more than exceeds the generally accepted distance of 18m required between facing windows, and the proposal would thus not result in an unacceptable loss of privacy to these dwellings (*issue 13*)

Any other residential properties, including 58 Rubislaw Den South to the south of the application site are too far away (in excess of 50 metres, through the mature planting of the Den area) from the application site to be adversely affected by the proposed development in terms of its impact on their residential amenity (*issue 17*)

'The Den'

The Garden House would be located on the edge of 'the Den', which is a semi-private Urban Green Space serving all properties with direct access. Whilst it is accepted that the construction of the Garden House would alter the character of 'the Den' in this location, its careful design, which includes full height glazing alternated with windows screened by copper fins, and its position where the main living accommodation would be set at a height of c.4.5m above the main level of 'the Den', ensures it would only offer views of a relatively small section of the main path running along the northern bank of the North Burn of Rubislaw whereas any views towards the southern path would be set at a longer distance and would be generally screened by mature trees and planting (*Issue 4 and 9*). Therefore, the introduction of the Garden House, would not have an unacceptable impact on the enjoyment of 'the Den' by other users and therefore would have no unacceptable impact on the residential amenity of occupiers of other properties with access to 'the Den' (*issue 8*)).

Future occupiers

Aberdeen Planning Guidance 'Amenity and Space Standards' sets out that as a minimum a one-bed flat should have a floorspace of 52m², a two-bed flat of 66m² and a three-bed flat of 91m². In this case, all two and three bed flats in the Main House would have a floorspace between 150m² and 320m²; the studio flats in the Main House would measure between 45m² and 75m²; the two-bed units in the Pavillion would be c.120m²; and the two-bed Garden House would have a floorspace of 190m².

This demonstrates that all two and three bed units within the proposed development would more than exceed the minimum floorspace sizes as set out in the Guidance. However, two out of three studio flats would fail to meet the minimum space standards, with Den Studio 1 measuring c.75m² and Den Studios 2 and 3 both c.45m² respectively. The Guidance acknowledges that in the case of conversions, meeting minimum space standards for all units can be a challenge and that it may be necessary to compromise. Where minimum space standards are not feasible for all units, then it needs to be ensured that a good quality of amenity can be achieved. This can be mitigated through other ways, such as additional external amenity space or a good outlook. In this case, it is noted that all studio flats are single aspect, which is generally discouraged, but that their aspect is across 'the Den'. Whilst this can be considered a benefit, at the same time the existing trees within 'the

Den' can limit their daylight and sunlight into the units. Therefore, a daylight study has been submitted, demonstrating that all units would benefit from good levels of daylight (*Issue 18*). In addition, two out of three units would have access to a private roof terrace, and all units would have access to good quality communal gardens to the east and south of the building and the wider Urban Green Space of 'the Den'. On that basis, the smaller floorplans for these two units is accepted.

All larger flats within the Main House would either have access to a private garden, roof terrace or balcony. The Pavillion units both have a private front and rear garden area in addition to a roof terrace. Given the change in levels across and the size of the rear gardens serving these units, their usable space is limited. The introduction of the roof terraces would thus ensure that sufficient private amenity space would be provided for these units. (*Issue 14*).

The Garden House would have multiple private roof terraces and garden spaces. All units, including the studio flats, would also have access to the communal gardens as set out above and rights to access 'the Den'. Taken together, all units would therefore have access to good quality external amenity space (*Issue 14*).

Impact on Natural Environment

The site is located on the edge of the Rubislaw Local Nature Conservation Site (LNCS). Policy 4 (Natural Places) of NPF4 sets out in part (a) that development proposals which by virtue of their type, location or scale will have an unacceptable impact on the natural environment will not be supported. It continues in part (d) that proposals that affect a site designated as a local nature conservation site in the LDP will only be supported where:

- *Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
- *Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.*

Policy NE3 (Natural Heritage) of the ALDP generally reiterates this section on Local Nature Conservation Sites.

In this case, the vast majority of development would clearly be contained within the existing, established site boundaries, and the conversion and alteration of both the Main House and the Pavillion building and general landscaping across the site would not have any impacts on the Rubislaw LNCS.

The Garden House would be located immediately on the terraces leading down to the Den / the defined LNCS. The main impact on the natural environment in the LNCS would be the construction of the building itself and, following its completion, any light emitting from the building.

Whilst in close proximity, the Garden House would be set above, and not intrude into 'the Den' or the LNCS. It is acknowledged that the building would contain full height windows, however, their impact on 'the Den' has been reduced through the introduction of additional solid panels and copper fins along the south elevation in order to minimise light spillage from the property. No physical works would take place in 'the Den' (*Issue 5*). A suitably worded condition can be attached to any decision notice requesting a methodology and further information on foundation details to ensure that the construction of the Garden House would not have a detrimental impact on the integrity of the listed terraces or on the quality of the Rubislaw Den LNCS (*Issue 9*). A Construction Environmental Management Plan to ensure that the construction of the building would have no adverse impact on the Rubislaw Den LNCS can be secured through a suitably worded condition (*Issue 27*)

Protected Species

The LNCS and the surrounding area is known as a habitat for numerous protected species, including bats and red squirrels. Part (f) of Policy 4 of NPF seeks to ensure that development has no adverse impacts on any protected species, and that applications are supported by suitable evidence providing confidence that the proposal would meet all relevant statutory tests. This again is reiterated in the relevant part of Policy NE3 (Our Natural Heritage) of ALDP.

The application is supported by a bat survey, which provided sufficient evidence that the works proposed to existing buildings on the site would not have an unacceptable adverse impact on protected species. Whilst it is likely that there is a bat roost in the roof, this is in a position that is not affected by the works, and whilst care should be taken, no additional mitigation measures are required.

The lighting proposed across the site would be of a type and location that would not have a detrimental impact on protected species.

Impact on Trees

Policy 6 (Forestry, Woodland and Trees) of NPF4 seeks to protect and expand trees and tree cover within the limits of development. Policy NE5 (Trees and Woodland) of ALDP sets out that development should not result in the loss of, or damage to, trees and woodland. It further specifies that buildings should be sited to allow adequate space for a tree's natural development, taking into account the predicted mature height, canopy spreads and future rooting environment (its Zone of Influence).

The site is covered by Tree Preservation Order 270, which covers the entire application site only. In 2024 permission was granted for the removal of thirteen trees within the site following approval of tree works application 240583/TPO. This permission included a replacement planting scheme for all thirteen trees within the site. Whilst it is acknowledged that this replacement planting scheme cannot be implemented in conjunction with the current development proposal, the proposed detailed landscaping scheme would allow for the same number of heavy standard trees to be planted within the site, thus providing an acceptable alternative to this previously approved replacement planting scheme (*Issue26*).

The proposed alterations to the Main House and Pavillion building and the construction of the Garden House would be outside the root protection area of any trees, including the trees falling just outside the application boundary in the garden of 25A Rubislaw Den North (*matter 10*).

The submitted tree survey sets out that three Category B trees (two beeches and a copper beech) are located just within the application site along the north boundary. The drawings initially submitted as part of the application showed that the proposed garage building would be partly located within the root protection area and zone of influence of these three trees. The size of the garage building has subsequently been reduced through the removal of the workshop units, and the north elevation moved further away from the site boundary. As a result, the garage would now be completely contained on the area currently covered by hardstanding, which already compromises the root plates of the trees to some extent. To ensure the construction of the building would not result in any further harm to the trees, a piled foundation system is proposed, and has been set out through detailed engineering drawings. This is considered acceptable, and a suitably worded condition would ensure that it would be implemented in accordance with approved drawings and that suitable

tree protection measures would be implemented prior to development (*Issue 21*). Therefore, whilst there is tension with both Policy 6 of NPF4 and Policy NE5 of ALDP given that development would take place within the root protection area of these protected trees, it is considered that suitable measures are proposed to limit any harm to the three trees.

Access and Parking

Policy 13 (Sustainable Transport) of NPF4 seeks to reduce reliance on the private car and stimulates development that is accessible by a range of sustainable transport methods, including walking, cycling and public transport. Policy T2 (Sustainable Transport) of ALDP generally reiterates this policy.

Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home.

Policy T3 (Parking) seeks to ensure that all development is served by sufficient parking in line with parking standards as set out in Aberdeen Planning Guidance on Transport and Accessibility (APG-TA).

The proposed development would be located in an established residential area in the Outer City Area. It would be served by various pavements, with the nearest bus stops set at a distance of c.250m from the application site on King's Gate, with additional routes available from Queens Road c.800m to the south. Whilst in an existing residential area, the nearest small cluster of shops and services would be located on Fountainhall Road, which is c.1km to the east. In this instance, whilst falling outwith the 20 minute walking distance as promoted within Policy 15, given the established nature of the residential area, this is accepted.

Parking standards as set out in APG-TA require 1.5 spaces for each one-, two- and three-bed flat, and two spaces for each two-bed house, resulting in a total requirement of seventeen spaces across the site. A total of eighteen spaces would be provided on-site, twelve of which would be surface parking and a further six within garages. This slight overprovision is not of concern, and sufficient parking would be provided on site in compliance with Policy T3 (*Issue 20*).

Whilst no EV-charging infrastructure is shown on the submitted drawings, this aspect of the proposal would be considered at building warrant stage. In terms of the impact of EV-charging infrastructure on the proposed site layout, there would be sufficient space to suitably locate and connect loading stations and connections.

The previous site layout for the use of 27 Rubislaw Den North included in excess of forty parking spaces across the site, serving the previous office use. Taking this into consideration, it is likely that this previous use resulted in a higher number of cars entering and exiting the site on a regular basis, compared to the ten residential units proposed as part of this scheme. The number of vehicle trips generated as part of this proposal is therefore not a concern (*Issue 23*).

Developer Obligations and Affordable Housing

Policy 18 (Infrastructure First) of NPF4 sets out that the impact of development on local infrastructure should be assessed as part of any application, and that where necessary, developer contributions can be required. Part (e) of Policy 16 (Quality Homes) of NPF4 seeks a contribution of 25% of all housing units to be affordable units.

In line with Policy I1 (Infrastructure Delivery and Planning Obligations) and Supplementary Guidance on Planning Obligations, an assessment has been undertaken to determine whether contributions to developer obligations would be required to mitigate the impacts of the proposed development on infrastructure, services and facilities. Policy H5 (Affordable Housing) requires 25% of all housing units on residential developments of five or more units to be provided as affordable housing. Aberdeen Planning Guidance – Affordable and Specialist Housing provides a hierarchy setting out preferred methods of delivery of affordable housing. This sets out that for sites delivering less than twenty units, a commuted sum might be acceptable.

The overall development would be for a development of ten residential units, consisting of a mix of three one-bed flats, three two-bed flats, one three-bed flat, and three two-bed houses. A consultation request with the Developer Obligations Team resulted in the following requirements:

1. A contribution of £5,078 towards Core Paths 27 and 60;
2. A contribution of £3,655 towards Mile End Primary School;
3. A contribution of £3,655 towards Aberdeen Grammar School;
4. A contribution of £6,967 towards Hamilton Medical Group on Queens Road or a similar facility serving the development;
5. A contribution towards open space, in particular towards local play areas at Cromwell Road, Johnston Gardens, Willowpark Crescent or Eday Crescent of £1,732;
6. An affordable housing requirement of 2.5 units. This may be provided on-site, off-site or through a commuted sum.

The applicant has agreed to these sums, with a further specification for a commuted sum for affordable housing delivery.

Other Matters

Waste

Policy 12 (Zero Waste) of NPF4 requires all development proposals to incorporate sufficient storage facilities for segregated waste facilities. This policy is reiterated in Policy R5 (Waste Management Requirements for New Development).

The proposed site plan demonstrates that an internal bin store would be provided for residents of the Main House, serving both the larger and the studio flats. The three houses on the site in the Pavillion and Garden House would have sufficient space for bin storage within their curtilage. All bins would be collected from Rubislaw Den North, which is already served by refuse lorries and this proposed solution is thus accepted (*Issue 24*).

Drainage

Part (c) of Policy 22 (Flood Risk and Water Management) of NPF4 sets out that new development

should not increase the risk of surface water flooding and that rain and surface water should be managed through a sustainable urban drainage system (SUDS). Policy NE4 (Our Water Environment) generally reiterates this policy and further sets out that all development for proposals with five or more homes should be supported by a Drainage Impact Assessment.

Given that the overall proposal is for a total of ten residential properties, a Drainage Assessment was submitted as part of the submission. This sets out that as part of the proposed drainage system, two cellular storage attenuation tanks would be installed that would then discharge into an existing surface water outlet running towards the burn. This would comply with requirements as set out in the policies above. However, to ensure that the proposed drainage system would have no adverse impact on the quality of the Rubislaw Den LNCS and the North Burn of Rubislaw, a suitably worded condition requesting additional information, including the exact position of the surface water outfall towards the burn can be attached to any decision notice (*Issue 28*).

Digital Infrastructure

Policy C11 (Digital Infrastructure) of the ALDP includes an expectation that all new residential development consisting of five units or more have access to high-speed communication infrastructure. While no evidence of such a connection has been submitted as part of this application, a search on the OFCOM website demonstrates that ultrafast broadband would be available at the application site, and the proposal thus complies with this policy.

Tackling the Climate and Nature Crises and Climate Mitigation

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 life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The proposal would see an existing vacant building brought back into use as residential flats in a sustainable location. Demolition would be restricted to parts of modern extensions, thereby conserving embodied energy in accordance with the requirements of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4. To facilitate development, additional elements would be constructed within the wider application site, thereby making best use of the space available whilst providing a good quality residential development in a sustainable location. The proposal thus gives sufficient consideration to Policy 1 and Policy 2 of NPF4.

Matters Raised in Representations

All material planning matters raised in representations have been addressed in the evaluation above.

Legal Agreement Heads of Terms

The applicant has agreed to enter into a legal agreement through a S75 agreement covering the following matters:

1. A contribution of £5,078 towards Core Paths 27 and 60;

2. A contribution of £3,655 towards Mile End Primary School;
3. A contribution of £3,655 towards Aberdeen Grammar School;
4. A contribution of £6,967 towards Hamilton Medical Group on Queens Road or a similar facility serving the development;
5. A contribution towards open space, in particular towards local play areas at Cromwell Road, Johnston Gardens, Willowpark Crescent play or Eday Crescent of £1,732;
6. An affordable housing requirement of 2.5 units. This may be provided on-site, off-site or through a commuted sum.

ADMINISTRATIVE MATTERS

Whilst located in an established residential area, the application site is not allocated for residential development in the Aberdeen Local Development Plan 2023. Therefore, in line with the recent Town and Country Planning (Notification of Applications)(10 or more homes on non-allocated land)(Scotland) Direction 2025, the application has been notified to Scottish Ministers. This Direction came into effect after validation of the application, and this notification has thus taken place after validation.

In line with the Direction, following determination of the application and the issue of the decision notice, the Planning Service will further notify Scottish Minister of the outcome of the application.

RECOMMENDATION

Approve Conditionally with Legal Agreement

REASON FOR RECOMMENDATION

The principle of the proposed development to deliver a total of ten residential properties through the reuse of an existing vacant building, supplemented by the construction of an additional single dwelling and garage block in a sustainable location in an existing residential area would be in compliance with Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings), Policy 13 (Sustainable Transport), Policy 15 (Local Living and 20 Minute Neighbourhoods) and Policy 16 (Quality Homes) of NPF4 and Policy H1 (Residential Areas) and T2 (Sustainable Transport) of Aberdeen Local Development Plan 2023.

The proposed site layout, alterations to the existing Category-B listed building, including demolition of part of the existing modern extensions and construction of additional extension, separation of the two storey extension to the north to form a further two residential units, and construction of additional dwelling in the south east corner of the site and garage block to the north would, through its overall design and use of materials take sufficient cognisance of the existing site context, which is characterised by the Category B-listed building, its position within the Albyn Place and Rubislaw Conservation Area and setting on the edge of the Rubislaw Den Local Nature Conservation Site. The proposal therefore complies with Policy 7 (Historic Assets and Places), and Policy 14 (Design, Quality and Place) of NPF4 and policies D1 (Quality Placemaking), D6 (Historic Environment) and D8 (Windows and Doors) of Aberdeen Local Development Plan 2023.

Following amendments to the design of the Garden House and Pavillion buildings, the proposal would not have a detrimental impact on the residential amenity of neighbouring properties, or the

visual amenity of the wider Rubislaw Den Local Nature Conservation Site, whilst providing a good quality living environment for all future occupiers, all in accordance with Policy 14 (Design, Quality and Place) and Policy D1 (Quality Placemaking) and D2 (Amenity) of Aberdeen Local Development Plan 2023.

Sufficient information has been submitted to demonstrate that the proposal would not have an adverse impact on protected species, and due to its design and position on and slightly set back from the edge of the terraces above the Rubislaw Den Local Nature Conservation Site, the proposal would not have an adverse impact on local habitats and biodiversity. The detailed landscaping plan demonstrates that the amount of soft landscaping across the site would increase, and a good variety of native species would be introduced across the site, including sufficient replacement tree planting to comply with the replacement tree planting requirements agreed as part of 240583/TPO. The proposal is thus in compliance with Policy 3 (Biodiversity) and Policy 4 (Natural Places) of NPF4 and Policy NE3 (Our Natural Heritage) of Aberdeen Local Development Plan 2023.

The garage building has been reduced in size and moved away from the trees along the northern site boundary to mitigate its impact on the root protection area of three Category B trees along this boundary. It is acknowledged that part of the building would be located within the root protection area of these trees, however, sufficient details in terms of foundation details in combination with its location which is currently completely covered by hardstanding is sufficient to accept tension with Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodland) of Aberdeen Local Development Plan 2023.

Sufficient parking, cycle parking and bin storage would be provided across the site to serve all residents. Vehicular access into the site would be provided through the existing access onto Rubislaw Den North, and adequate information in relation to drainage and surface water management has been provided. All in compliance with Policy 12 (Zero Waste) and Policy 22 Flood Risk and Water Management) of NPF4 and Policy T3 (Parking), R5 (Waste Management Requirements for New Development) and NE4 (Our Water Environment) of Aberdeen Local Development Plan 2023.

The applicant has agreed to enter into a S75 legal agreement providing sufficient monetary contributions towards affordable housing, core path network; primary and secondary education; healthcare facilities and open space to mitigate the impact of the development on local services and infrastructure in compliance with Policy 18 (Infrastructure First) of NPF4 and Policy I1 (Infrastructure Delivery and Planning Obligations) of Aberdeen Local Development Plan 2023.

Given the nature of the proposal, which would see an existing long-vacant building brought back into use as residential flats in a sustainable location, the proposed development takes sufficient consideration of Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) MATERIALS

That no development shall take place unless a scheme/samples detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed. For the avoidance of doubt, a sample panel with all external finishing materials showing their proportionate relationship shall be erected on site.

Reason - in the interests of visual amenity and to preserve the character and appearance of the Category B-listed building at 27 Rubislaw Den North.

(03) HARD LANDSCAPING MATERIALS

Notwithstanding any information provided in the hereby approved drawings, no development shall take place unless a scheme detailing all hard surfacing materials of the development hereby approved has been submitted to, and approved in writing by, the planning authority. The development shall subsequently be carried out in accordance with the agreed details.

Reason – in the interest of visual amenity and to preserve the setting of the Category B-listed building at 27 Rubislaw Den North

(04) GATE

Notwithstanding any information contained in the drawings submitted as part of this application, the development hereby approved shall not be occupied unless further details of the gate to be implemented across the vehicular and pedestrian access into the site from Rubislaw Den North have been submitted. The development shall subsequently be carried out in accordance with the agreed details.

Reason – to preserve the setting and character of the Albyn Place and Rubislaw Conservation Area and the Category B-listed building.

(05) LIGHTING

Notwithstanding any information provided in the hereby approved drawings, prior to the occupation of any residential unit hereby approved a scheme of external lighting for that unit shall be submitted to, and approved in writing by, the planning authority. The development shall subsequently be carried out in accordance with the agreed details.

Reason – to preserve the character and fabric of the Category B-listed building and to avoid any potential adverse impact on protected species

(06) GARDEN HOUSE DETAILS

That no development on the Garden House shall take place unless details of foundations and a methodology for the construction for the Garden House have been submitted to, and approved in writing by, the planning authority. The development shall subsequently be carried out in accordance with the agreed details.

Reason – in the interest of the integrity of the listed terraces and to avoid any unacceptable impact on the Rubislaw Den Local Nature Conservation Site.

(07) GARAGE DETAILS

That no development shall take place unless details of foundations and a methodology for the construction of the garage building have been submitted to, and approved in writing by, the planning authority. The development shall subsequently be carried out in accordance with the agreed details.

Reason – to minimise any adverse impact on the roots of protected trees along the northern site boundary.

(08) IMPLEMENTATION SOFT LANDSCAPING

That all planting, seeding and turfing comprised in the approved scheme of landscaping as set out in the hereby approved drawings 2294/RFB/XX/XX/DR/L/0001/RevD and 2294/RFB/XX/XX/DR/L/0003/revC shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority

Reason - in the interests of visual amenity of the area, to provide a good quality living environment for residents and to ensure a satisfactory replacement tree planting scheme is implemented.

(09) TREE PROTECTION (01)

That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented

Reason - in order to ensure adequate protection for the trees on site during the construction of the development.

(10) TREE PROTECTION (02)

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks

Reason - in order to ensure. adequate protection for the trees on site during the construction of the development.

(11) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

That no development shall take place unless a detailed site-specific Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the planning authority. The approved plan shall be submitted in full for the duration of the works. For the avoidance of doubt, the CEMP shall contain details on:

- Air Quality (Dust) Risk Assessment;
- Dust Management Plan;
- A site waste management plan;
- Details of how pollution of the North Burn of Rubislaw and the Rubislaw Den Local Nature

Conservation Site will be prevented;

- Details of the measures put in place to ensure workers on the site are aware of the requirement to avoid any impacts with protected species
- Details of any construction lighting that might be required in relation to works to the Garden House

Reason – in the interest of residential amenity of neighbouring properties and to ensure that construction of the development will not have an adverse impact on the qualities of the Rubislaw Den Local Nature Conservation Site.

(12) DRAINAGE DETAILS

Notwithstanding the information contained within Drainage Assessment 163925 undertaken by Fairhurst and submitted as part of this application, no development shall take place unless details of the surface water management system, including the exact location of the outfall to the North Burn of Rubislaw has been submitted to, and approved in writing by, the planning authority. The development shall subsequently be implemented in accordance with the agreed details.

Reason – in the interest of the integrity of the Rubislaw Den Local Nature Conservation Site.

ADVISORY NOTES FOR APPLICANT

(01) HOURS OF CONSTRUCTION

The applicant is advised that development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the hours of

- Monday to Friday 07:00 to 19:00;
- Saturday 08:00 to 13:00.

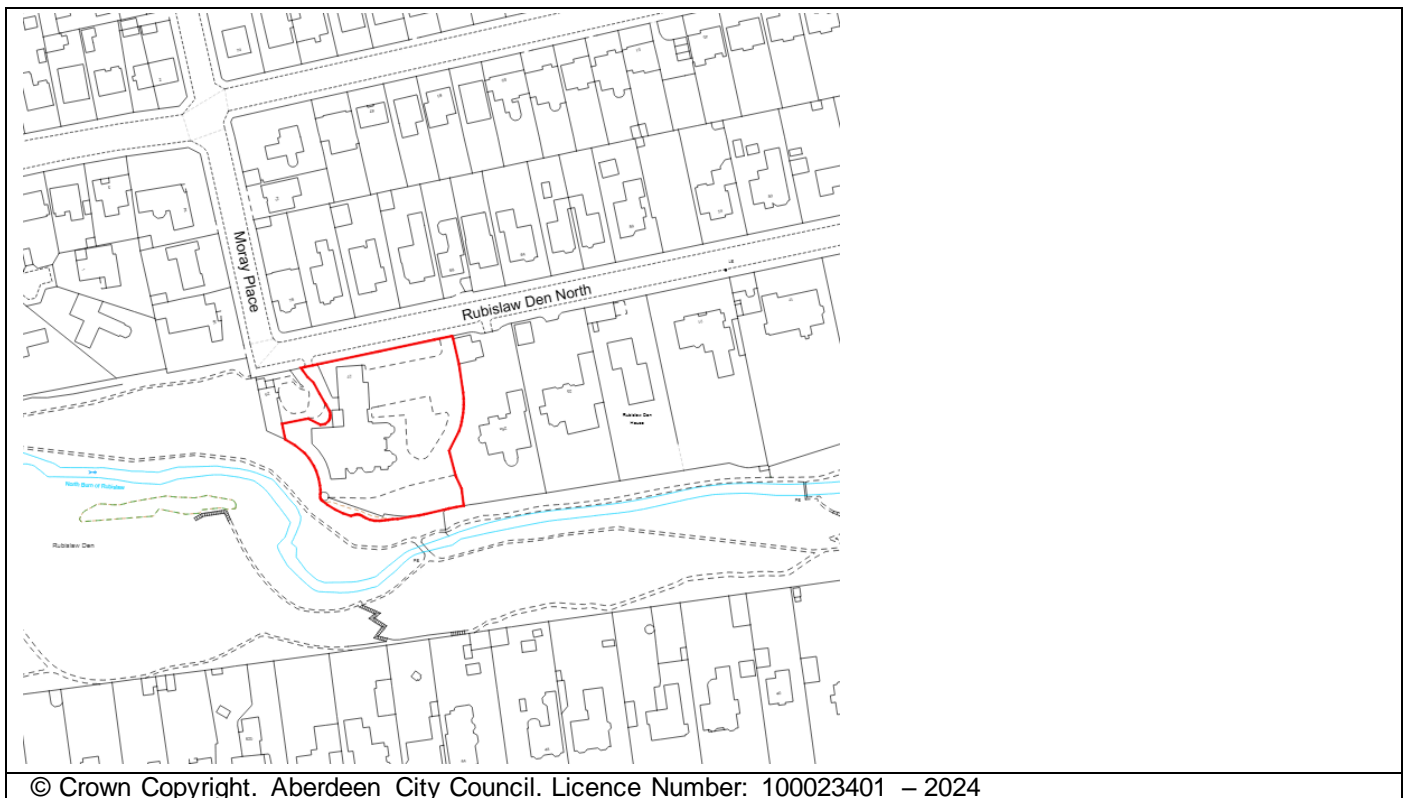
(02) SOUND INSULATION

The applicant is advised that any necessary sound insulation measures should be incorporated into the design of the flats/houses to ensure that, under reasonable circumstances, the indoor ambient levels for dwellings criteria as detailed in BS8233:2014 are met, namely 35dB (LAEq) within living/bedrooms during the daytime (07:00 to 23:00) and 30dB (LAEq) within bedrooms during the night (23:00 to 07:00).

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	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 25 September 2025

Site Address:	27 Rubislaw Den North, Aberdeen, AB15 4AL
Application Description:	Alterations to former office building to form 7no residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces and roof extension; installation of roof lights, alterations to door and window openings; erection of garages with ancillary space, formation of car parking and erection of single dwelling house with associated landscaping, infrastructure works and internal alterations
Application Ref:	241427/LBC
Application Type	Listed Building Consent
Application Date:	5 December 2024
Applicant:	Diamond Property Developments
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site extends to c.0.42h and is occupied by the Category B-listed 27 Rubislaw Den North, also known as Gordon House or Rubislaw Den House, which has been vacant for a number of years, its most recent use having been office accommodation. It is located at the western end, and on the southern side of Rubislaw Den North and falls within the Albyn Place and Rubislaw Conservation Area. It is bounded by the Rubislaw Den Local Nature Conservation Site ('the Den') to the west and south, residential properties to the east and north, and a further single property to the west. 'The Den' is a private green space only accessible to residents with properties directly bounding onto this large green space sitting either side of the North Burn of Rubislaw that runs in a general west-east direction between Anderson Drive and Forest Road.

The first property constructed in the area, prior to the setting out of the feus to the east and north, Gordon House is a granite two storey and attic five bay villa with a slated roof that was constructed in the 1880s, with an extensive curtilage. The original building has been extended with a modern hip roofed two storey extension to the north elevation, and a large curved flat roofed extension to the west and south. A two storey folly tower built in granite is located in the south west corner of the plot overlooking 'the Den'.

There is direct pedestrian access from the site into 'the Den'. The property, along with all other properties with access into 'the Den', sits at a significantly higher level than the ground level of 'the Den'. The path runs along a series of stone steps and terraces, all falling within the site boundary and forming part of the property's listing, providing a gradual entry into this significant Urban Green Space.

The site further includes a hard surfaced car park to the north and small area of soft landscaping to the east of the house. The site is covered by Tree Preservation Order 270, with prominent trees located along the north boundary and further into the site.

Relevant Planning History

- 091496 – Detailed planning permission for a change of use from nursing home to offices was approved by Planning Development Management Committee on 14 January 2010;
- 241426/DPP – Detailed planning permission for a change of use from offices to form 7no residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces with glass balustrade and roof extension; installation of roof lights, alterations to door and window openings blocking up door opening to form windows, opening up windows opening; erection of ancillary garages, formation of car parking and erection of single dwelling house with associated landscaping and infrastructure works is under consideration and is included on today's agenda.

APPLICATION DESCRIPTION

Description of Proposal

Listed building consent is sought for alterations and extension to the existing Category B-listed building Gordon House at 27 Rubislaw Den North to allow for its conversion to seven flats and two houses. This includes internal alterations, demolition of part of the existing modern extensions,

recladding of the remainder of the existing extension; construction of a new extension and replacement windows and doors; construction of a further new dwelling; construction of a detached garage building with a total of five bays, with formation of surface car parking, associated landscaping and infrastructure works.

The various elements can be described as follows:

Main Building

The original Category-B listed building 'Gordon House' is proposed to be converted to a total of seven flats. The ground floor would provide a communal lobby serving all flats in the main building: two flats, one facing east and entirely contained in the original listed building, and one facing west, partly located in the original building and partly in the upper floor of the existing west extension. Both the first and second floors of the original building would each accommodate a single flat. All four flats would have two to three bedrooms and a generous floorplate ranging between 150m² and 320m².

The lower floor of the west extension would accommodate a further three studio flats with a footprint between c.45m² and c.75m², all with a west-facing aspect looking out over 'the Den'.

The main external alterations to this part of the building would be a slight reduction in the size of the existing west extension to bring this into line with the south elevation of the main building; and recladding of the existing west facing modern extension Nordic brown pre-oxidised copper rainscreen panels to match other proposed elements within the site. It would further see a small extension to the north west, increasing the size of the existing extension by c.3.2m to allow for the creation of an additional staircase to the lower ground floor. In addition, a portion of the extension to the north would be removed to separate the remainder of this extension from the main building. A new single storey extension would then be created to the front, containing a bike and bin store, and an additional secondary entrance from the north into the building. This extension would be finished in the same material used to reclad the existing west extension.

Other external alterations would consist of replacement of a door with a window and opening up of a previously covered window; replacement of windows on the lower ground floor level in the west extension with double doors and installation of a glazed barrier to create Juliet balconies serving the studio flats; installation of roof lights in the modern extension serving two studio flats; and the installation of glazed balustrades screening existing balconies and roof terraces.

Internal alterations to the Main House would consist of removal of non-original partitions on the upper ground, first and second floor, and part removal of an original wall dividing two existing rooms on the upper ground floor, slapping of two openings on the first floor and second floor and replacement and removal and replacement of internal doors.

Pavillion

The existing two storey north extension would be separated from the main house through demolition of a link. The resultant building would be split into two 2 storey dwellings, each with two bedrooms and a similar floorspace of c.120m². Both properties would be accessed from the east and would have a private front and rear garden to the east and west respectively, in addition to a roof terrace. Whilst the footprint and ground floor of the existing building would be used, the first floor and roof structure would be removed and replaced with a flat roof and first floor extension. This would be set back to allow the formation of roof terraces for units to the south, east and north. The entire building would be reclad and finished in grey textured brick and Nordic brown pre-oxidised copper rainscreen panels with copper fins above the windows, along part of the roof terrace and along the top of the first floor extension. This again, would match the materials used on the main house.

The existing ground floor is open plan with a staircase located centrally along the west elevation. Internally, the staircase would be removed and the building separated into two units with a staircase each and additional partitions marking out living spaces such as a living room/kitchen/dining area, bedroom and bathroom.

Garden House

A new build 'Garden House' property is proposed to be located in the south east corner of the site. It would be split over three levels, and would make use of the existing terraces stepping down to 'the Den'. It would consist of an upper ground floor at the existing ground/garden level, which would contain a garage and entrance hall. The proposed lower level 1 would accommodate the main living spaces and a bedroom, with a further bedroom and bathroom on lower level 2. The overall floorspace would be c.190m². Due to its location set on top of the terraces leading down to 'the Den', the building would predominantly face south and west. Finishing materials consist of the same Nordic brown pre-oxidised copper rainscreen panels with copper fins and grey textured brick as proposed for the Pavilions and extension to the Main House. Fenestration would consist of full height windows, alternated with full height windows screened by copper fins. The upper ground floor level would have a sedum roof and the building would provide access to a series of roof terraces and private garden space on the existing terrace.

Garages

A garage building containing five single garages is proposed to be located along the northern site boundary. The building would measure c.22m x c.8m and would have a footprint of c.175m², and set at a lower level than the public pavement to the north, and south of the existing trees within the site. It would have a flat sedum roof and finished in grey textured brick and the same Nordic brown pre-oxidised copper rainscreen panels as seen across the site. Five garage doors with an arched detail would be set into the south elevation, and full height windows would be located on the north elevation.

Site layout

The existing vehicular access into the site in the north east corner and pedestrian access in the north west corner would be retained. Additional car parking would be provided to the south of the garage building with a driveway running along the eastern boundary providing access to three further parking spaces, the garage serving the Garden House and a turning head in front of the main entrance on the southern elevation of the main building. This in turn leads to the terraces which in turn leads to 'the Den' and to the east of the private garden serving the flat in the Main House.

Amendments

- Alterations to the design of the Garden House through a reduction in the size of the upper floor level, reorientation of the garage, reduction in overall height, increase in length of boundary wall adjacent to 25A Rubislaw Den North, and alterations to external finishes reducing the amount of glazing in the south and west elevations;
- Reduction in the size of the garage building through removal of workshops to the rear;
- Alterations to the design and layout of the Pavillion units;
- Alterations to the internal layout of the studio flats;
- Additional information in relation to type and location of vents and flues;
- Additional information in relation to noise and fire separation; and
- Increase in soft landscaping across the site and reduction in hard landscaping.

Neighbour notification was undertaken, following publication of updated plans.

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=SO15XVBZM4Q00>

- Design Statement
- Heritage Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because:

- It is being recommended for approval and has been the subject of six or more timeous letters of representation containing material planning considerations that express objection or concern about the proposal.

Determination of the application therefore falls outwith the scheme of delegation.

CONSULTATIONS

External Consultees

- **Historic Environment Scotland (HES)** – The proposals are for the reuse and refurbishment of 27 Rubislaw Den North to create new flats and a new house and garages in its grounds. HES remit is to provide advice on potential impacts on the Category B-listed building and not on its setting. Therefore comments solely relate to changes proposed to the fabric of the listed building.

The Heritage Statement describes the significance of 27 Rubislaw Den North and HES is content that the proposed repairs and upgrading have been informed by an understanding of the building's special interest.

The building has had varied uses over the years that have resulted in various alterations. It is noted that some fireplaces and panelling of interest remain. However, in general internal fixtures and fittings of interest are limited. However, the plan and layout of the building survives and is of interest with the principal rooms surviving in their original proportions. Content that the proportions of these rooms are mostly left unaltered.

Also content with the proposed re-cladding of the modern extensions to the north and the west of the building with a pre-patinated copper material.

It is also proposed to create a private roof terrace with a new glass balustrade. Whilst this would be an addition to the roof, HES does not think this would be prominent in important views and would not impact the structure of the roof.

Planning Authorities are expected to treat HES comments as a material consideration, and this advice should be taken into account in decision making. HES view is that the proposals do not raise historic environment issues of national significant and therefore does not object. However, HES's decision not to object should not be taken as support for the proposals. This application should be determined in accordance with national and local policy on listed

building consent, together with related policy guidance.

- **Queen's Cross and Harlaw Community Council** – No comments received.

REPRESENTATIONS

14 representations have been received, including from the Architectural Heritage Society of Scotland (13 objections, 0 in support and 1 neutral). Following amendments of the proposal and renotification, a further additional comment was received. The matters raised can be summarised as follows –

Material Considerations

1. The location of the Garden House will have a negative impact on the setting of the Category B-listed building within the application site given that it will project forward from its principal elevation;
2. The location of the Garden House will have a negative impact on the listed granite terraces immediately adjacent to the Rubislaw Den Urban Green Space. The terraces would be partially hidden or removed by development resulting in the loss of these listed, granite features;
3. The proposed materials and design for the Garden House would be unsympathetic and have no link to the context of the listed building. The use of grey brick on the east elevation is also going to be highly visible, and with no windows will be incongruous;
4. The proposed design and use of copper cladding for the Pavillion building is contrary to the founded character, and does not respect the character, appearance and setting of the existing Albyn Place and Rubislaw Conservation Area and nearby granite listed buildings;
5. The proposed use of copper cladding and brick finish for the garage building would not complement the stature and importance of Gordon House and neighbouring properties.

Non-Material Considerations

As all letters of objection submitted in respect of this application were submitted for both this current application and application 241426/DPP covering the associated application for detailed planning permission, they all raised matters that were material in relation to the determination of the application for detailed planning permission but not for the application for listed building consent. Non-material considerations in respect of this application for listed building consent raised included:

6. The impact of various elements of the proposal on the residential amenity of neighbouring properties;
7. The quality of living environment created for future residents;
8. The impact of various elements of the proposal on trees both within the site and within the Den of Rubislaw LNCS immediately south of the application site;
9. The impact of the proposal on the quality, biodiversity and habitats within the Den of Rubislaw LNCS;
10. Position of the Garden House adjacent to the Den of Rubislaw LNCS, not in line with the general building line of properties on Rubislaw Den North, and the potential for this setting a precedent for similar development;
11. Proposed landscaping scheme should allow for replacement planting of trees removed following 240583/TPO;
12. Structural integrity of proposed Garden House;
13. Proposal would result in overdevelopment of the site, including associated increases in level

- of traffic generated and space required for bin storage;
- 14. Comments on Drainage Statement;
- 15. Loss of business rates due to proposed change of use across site from offices to residential;
- 16. Concerns in relation to an increase in number of people with access to the Den.

MATERIAL CONSIDERATIONS

Legislative Requirements

Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

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

National Planning Framework 4 (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 7 (Historic Assets and Places)

Aberdeen Local Development Plan 2023

- Policy D6 (Historic Environment)
- Policy D8 (Window and Doors)

Aberdeen Planning Guidance

- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (Historic Environment Scotland)
- Managing Change in the Historic Environment – Extensions (Historic Environment Scotland)

EVALUATION

Key Determining Factors

The key determining factor for this application is:

- The impact of the proposed development on the character, fabric and setting of the Category B-listed building.

Impact on the character and fabric of the listed building

Gordon House or 27 Rubislaw Den North is a Category B-listed building. HEP4 of Historic Environment Policy for Scotland (HEPS) sets out that changes to specific assets and their context should be managed in a way that protects the historic environment. Policy 7 (Historic Assets and Places) of NPF4 sets out in part (c) that development proposals for the reuse or alteration of a listed building can only be supported where they will preserve the character, special interest and setting of a listed building. Policy D6 (Historic Environment) of Aberdeen Local Development Plan 2023 (ALDP) generally reiterates this policy. Policy D8 (Windows and Doors) of ALDP sets out that opportunities to replace unsympathetic windows and doors will be supported.

Main House

The main building is proposed to be converted to four large two to three bedroom flats and three smaller studio flats. The upper ground floor would provide access to two large flats, both the first and second floor would each accommodate a single flat, and the lower ground floor, which sits underneath an existing modern extension to the west of the building, would be divided and converted into three studio flats.

The main entrance to the building would remain through the existing principal entrance in the south elevation. From there, a communal reception area would provide access to a lift and staircase to the flats on the first and second floor; entrance doors immediately from the reception area into the upper ground floor flats; and a corridor leading to the staircase providing access to the three studio flats on the lower ground floor.

External alterations would see the existing western extension reclad, and a small extension created to the north west corner of this existing extension to allow construction of an additional staircase to the lower ground floor. The existing north extension would be separated from the Main House through demolition of the modern link between the two buildings. A further method statement would be required through a suitably worded condition in relation to the making good of the wall to which this extension is attached. It would further see a small area of a further modern extension to the north elevation demolished to separate the northern element of the west extension from the Main House, and to provide space for a new single storey extension containing a bin store, bike store and plant area. This north extension would further provide a secondary entrance into the Main House from the north. Both the recladding of the west extension and the newly proposed north extension would be finished in Nordic brown pre-oxidised copper rainscreen panels and copper fins. This is a material that will be used throughout the site, and would thus provide an element of unity in finishes across the site.

HES guidance on Managing Change in the Historic Environment – Extensions sets out that most historic buildings can sustain some degree of alteration or extension to accommodate a new use. All new extensions should be based on a thorough understanding of the historic context of the site and building. This guidance document sets out that an addition or extension to a historic building should play a subordinate role, and should not dominate the existing, historic building. It should not be constructed in front of a principal elevation, or unbalance a symmetrical elevation.

In this case, the external alterations would be to upgrade and alter the existing modern western extension, which itself is not of special interest. It would further separate the Main House from a further modern extension to the north, thus opening up this original elevation and its special features. However, a further modern extension would be constructed to the north. This extension would sit lower than the existing, and would open up some original features of the building in comparison to the current situation which would have a positive impact on the character of the listed building.

Policy D8 (Windows and Doors) of ALDP sets out that historic windows and doors will be retained,

repaired and restored, and that opportunities to replace unsympathetic windows and doors will be supported. Additional guidance is provided in Aberdeen Planning Guidance – Repair and Replacement of Windows and Doors. External alterations would see an existing window opening previously covered by the extension to the north elevation opened up again and reinstated as a new window matching the details of other windows in this part of the building. In the same section of this north elevation, it would see an existing internal door opening filled with a full height window. A third existing window opening, again currently covered by this extension to the north elevation, would be increased in size and would be adapted to form a further secondary entrance into the Main House.

All details of doors and windows would match that of existing windows and doors with white painted timber windows and an anthracite painted traditional timber panel door. It is accepted that all windows and doors proposed to be replaced are not original, and that the proposal to reinstate more traditional timber windows and doors in the north elevation would have a positive impact on the character of the Category B-listed building. Whilst the timber doors and Juliet balconies proposed for the three studio flats are not of a traditional design, high quality materials and design would be used and, given their position serving the studio flats on the lower ground floor, they would not have a detrimental impact on the character and appearance of the Category B-listed building. This part of the proposal would therefore generally comply with Policy D8 of ALDP and associated guidance.

Other alterations include the installation of glass balustrades serving the various roof terraces and balconies. Details have been submitted, demonstrating that these works would be reversible and would not have an adverse impact on the fabric of the listed building. Some details have been submitted in relation to the installation of vents and flues across the building. The information submitted is acceptable and would not have an adverse impact on the fabric of the listed building. However, it is acknowledged that the exact type and position of flues and vents can change somewhat as part of the building warrant process. To allow for this flexibility, it is recommended to include a suitably worded condition requiring the applicant to submit additional details on positioning and types of flues and vents prior to commencement of development.

Internal alterations to the Main House would predominantly consist of the removal of modern alterations, including parts of extensions and modern partitions. Some slappings would be created on the first and second floor to allow for the repositioning of door openings, and an opening would be created on the upper ground floor to allow for the creation of an additional bedroom. In general, the original plan form would be retained throughout the Main House, which would see the character of the listed building retained.

Pavillion

As set out above, the existing modern north extension would be separated from the Main House. The resultant of this building would be converted into two two-bed houses. To allow for this conversion, the existing roof and upper floor would be removed, and replaced with a first floor extension and flat roof to be used as a roof terrace. The ground floor of the resultant building would be finished in a mix of grey textured brick and the same cladding materials proposed for the Main House. The first floor extension would be set in from the north, east and south, and would be in a mix of the same cladding panels and full height windows and fully glazed doors allowing access to the roof terraces. Whilst the existing building is retained, the recladding and proposed first floor extension would result in a completely different, modern appearance of the property. This contrast with the materials and design of the Main House is acceptable and, given that the proposed cladding materials are carried across the site, would provide a unified approach to design across the site (*Issue 4 in representations*). It is further noted that, given the demolition of parts of the existing extension and through altering the roof shape of the building, some additional views of features in the north elevation of the original house become more apparent in the street scene. Given this consistency across the site, and through providing the separation between this modern addition and the original building, the proposal would not have a detrimental impact on the fabric or setting of the

listed building.

Garage

The Pavillion would be connected by a brick colonnade to a five bay garage which is set in the northern part of the site. It would be finished in a combination of brick and matching cladding material. This building, which would have a footprint of c.22m by c.8m would sit c.9m behind the granite boundary wall. It has a low profile with a maximum height of c.4.3m to the front, c.3.8m to the rear and incorporates a sedum roof. It would thus not have an adverse impact on the setting and character of the listed building.

The proposed materials would be harmonious with those proposed for the Pavillion and the use of the cladding materials would provide a clear link to the original (*Issue 5*). Furthermore, its low position within the site would further mitigate any impact the building might have on the setting of the Category B-listed building.

Garden House

The final element within the application site would be the construction of the Garden House in the south east corner of the site. This detached dwelling would be split over three floors. The upper floor would be located on garden ground level, and would accommodate an entrance hall, staircase and garage only. The staircase would then provide access to the two lower floors, which would be set on top of existing terraces providing access to 'the Den'. The main living accommodation and a single bedroom would be on the lower level 1 with a further second bedroom and bathroom on lower level 2.

The Garden house would be a unique design, where only a small element of the overall accommodation would be located at the same level as the main application site. It would make use of the existing terraces and would provide extensive views from all living accommodation into 'the Den'. Finishing materials would consist of the same cladding materials as seen elsewhere in the site and grey textured brick matching the main material used for the garage building (*Issue 3*).

The building would be screened by a hedge upon entry into the site, and would sit behind the principal elevation of the original house in accordance with guidance as set out in Managing Change by Historic Environment Scotland. It would thus not have an adverse impact on the setting of the listed building (*Issue 1*).

The building would be located in the far south east corner of the application site and the listed terraces. Additional foundation details can be secured through a suitably worded condition to ensure that the construction of the building would not harm the listed terraces. Due to its position on the far end of the listed terraces, and the careful design of the building, it would not have an unacceptable impact on the character of the terraces themselves (*Issue 2*).

Site layout

The wider site layout would see the retention of existing vehicular and pedestrian accesses from the north from Rubislaw Den North. Direct pedestrian links from the application site into 'the Den' would be reinstated. A series of communal gardens would be created to the south, incorporating the listed terraces leading down to 'the Den' and a smaller communal garden to the east adjacent to a private garden serving a single flat in the Main House. Parking would generally be provided to the north with further spaces along the drive leading up to the main, south entrance into the Main House and serving the Garden House in the south east corner. A detailed landscaping plan has been submitted incorporating both soft and hard landscaping. It would see the introduction of native hedges separating the various areas within the wider site, a more formal design for the private garden serving the ground floor flat in the Main House and the area to the south of the Main House leading up to the start of the terraces down to 'the Den'. The overall detailed landscaping design would be

appropriate for the proposed development and would take sufficient cognisance of the character and would improve the setting of the Category B-listed building although some additional consideration of hard surfacing materials would be required. These details can be secured through a suitably worded condition.

Taken together, the overall site layout and design of the various elements across the site, including internal and external alterations to the original house, have been designed with due consideration of the setting, character and fabric of the Category B-listed building. The proposal thus complies with Policy 7 (Historic Assets and Places) of NPF4 and Policies D6 (Historic Environment) and D8 (Windows and Doors) of Aberdeen Local Development Plan 2023.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed external and internal alterations to the original Category B-listed building, including construction and demolition of extensions, dividing and rebuilding an existing modern two storey extension from the original building, replacement and reinstatement of windows and doors, slapping through walls and repositioning of internal doors, installation of additional internal walls, installation of glazed balustrades and installation of flues and vents would not have a detrimental impact on the fabric and character of the Category B-listed building. The separation of and alterations to the existing two storey modern extension to the north of the original house, construction of a new garage building and additional dwelling in the south east corner of the application site would not have an adverse impact on the character and setting of the Category B-listed building.

The proposal is therefore in compliance with Policy 7 (Historic Assets and Places) of NPF4, and policies D6 (Historic Environment) and D8 (Windows and Doors) of Aberdeen Local Development Plan 2023, and generally compliant with Historic Environment Policy for Scotland by Historic Environment Scotland and guidance contained in Historic Environment Scotland's Managing Change in the Historic Environment: Extensions.

CONDITIONS

(01) MATERIALS

That no development shall take place unless a scheme/samples detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority, and thereafter the development shall be carried out in accordance with the details so agreed. For the avoidance of doubt, a sample panel with all external finishing materials showing their proportionate relationship shall be erected on site.

Reason – To preserve the character and appearance of the Category B-listed building at 27 Rubislaw Den North.

(02) HARD LANDSCAPING MATERIALS

Notwithstanding any information provided in the hereby approved drawings, no development shall

take place unless a scheme detailing all hard surfacing materials of the development hereby approved has been submitted to, and approved in writing by, the planning authority. The development shall subsequently be carried out in accordance with the agreed details.

Reason – To preserve the setting of the Category B-listed building.

(03) GATES

Notwithstanding any information contained in the drawings submitted as part of this application, the development hereby approved shall not be occupied unless further details of the gates to be implemented across the vehicular and pedestrian access into the site from Rubislaw Den North have been submitted. The development shall subsequently be carried out in accordance with the agreed details.

Reason – To preserve the setting and character of the Category B-listed building.

(04) LIGHTING

Notwithstanding any information provided in the hereby approved drawings, prior to occupation of any residential unit hereby approved, a scheme of external lighting for that unit shall be submitted to, and approved in writing by, the planning authority. The development shall subsequently be carried out in accordance with the agreed details.

Reason – To preserve the fabric of the Category B-listed building

(05) NOISE AND FIRE SEPARATION

Notwithstanding any information provided in the hereby approved drawings, prior to commencement of development, a detailed scheme setting out noise and fire separation measures shall be submitted and approved in writing by, the planning authority. For the avoidance of doubt, details shall include detailed drawings, including 1:10 cross-sections and, if a suspended ceiling is proposed, drawings must illustrate its relationship with any existing historic and architectural features and demonstrate how key features such as cornicing will be reinstated. The development shall subsequently be carried out in accordance with the agreed details.

Reason – To preserve the fabric and character of the Category B-listed building

(06) VENTILATION AND FLUES

Notwithstanding any information provided in the hereby approved drawings, prior to commencement of development, a detailed scheme showing location and type of vents and flues to be installed shall be submitted and approved in writing by the planning authority. For the avoidance of doubt, information to be provided shall include brochure details of slate vents, elevation vents/grilles and flues. The development shall subsequently be carried out in accordance with the agreed details.

Reason – To preserve the fabric and character of the Category B-listed building

(07) WALL RESTORATION METHODOLOGY

That following demolition of the existing modern extension to the north of the original house no further development shall take place unless a detailed methodology for restoration of the north elevation wall following removal of the extension has been submitted to and approved by the planning authority. The development shall subsequently be carried out in accordance with the

agreed details.

Reason – To preserve the fabric and character of the Category B-listed building

(08) GARDEN HOUSE DETAILS

That no development on the Garden House shall take place unless details of foundations and a methodology for the construction for the Garden House have been submitted to, and approved in writing by, the planning authority. The development of the Garden House shall subsequently be carried out in accordance with the agreed details.

Reason – in the interest of the integrity of the listed terraces and to avoid any unacceptable impact on the Rubislaw Den Local Nature Conservation Site.

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