



Strategic Place Planning

Report of Handling

Site Address:	Studio 3, 32 Albert Street, Aberdeen, AB25 1XR
Application Description:	Change of use and conversion of class 4 office building to form 2 residential flats, alterations and installation of replacement windows and doors; formation of entrance door from an existing window opening; associated works landscaping works; and installation of retractable bollards
Application Ref:	220432/DPP
Application Type:	Detailed Planning Permission
Application Date:	8 April 2022
Applicant:	Carden Studios Ltd
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Aoife Murphy

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site is located to the west of Albert Street and to the rear of 6 Carden Place within the West End of Aberdeen and forms part of a category B listed building; formerly known as Melville Carden Church. This building consists of a granite gothic church with 2 tower façade and cruciform-plan. The church was designed by Robert Wilson of Ellis and Wilson in 1882. In 1990 the church was sensitively converted into offices. 32 Albert Street, the subject of this application, comprises the rear (northern) section of the building and has a separate entrance off Albert Street, although the buildings are linked by internal staircases. 32 Albert Street originally comprised the vestry, kitchen and session room serving the church, and was converted to offices along with the church.

Whilst also accommodating the building, the application site also encompasses an area of parking to the north, beyond which lies Albert Lane. The site lies within the West End Office Area as designated by the Aberdeen Local Development Plan 2017 and within the Albyn Place and Rubislaw Conservation Area.

Relevant Planning History

220433/LBC – Listed Building Consent for internal alterations to form 2 residential flats, associated works including alterations and installation of replacement windows and doors; formation of entrance door from an existing window opening; the installation of boundary enclosure; landscaping works; and raised arm barrier to car park - Pending Consideration.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for a change of use and conversion of an office building (Class 4) to form 2 residential flats (Sui Generis). This change would require some alterations to the building including the installation of replacement windows and doors and the formation of an entrance door from an existing window opening. Associated works are also proposed, such as the installation of boundary enclosure, landscaping works and installation of retractable bollards along the northern boundary.

The proposal would see the ground and first floor converted into two flats, one on each floor. Each flat would have 2 bedrooms, kitchen, lounge and shower rooms. Access to flat 1, located on the ground floor, would be obtained via a proposed access door on the west elevation, which would be formed by enlarging an existing window opening. While access to flat 2 at first floor level would be gained via an existing access door on the west elevation and internal staircase. The existing access located on the east elevation would be retained but internal alterations would mean that this would only provide access to the existing offices located within 6 Carden Place.

It is not proposed to make any significant changes to the external area bar the provision of a footpath immediately to the west and north of the building, two bin stances and cycle stores to be located along the western boundary and some soft landscaping wrapping around the building and continuing into a small part of the car park. While it does fall within the application boundary, the car park would be retained, minus two spaces, leaving 12 spaces which would be retained for the existing offices at 6 Carden Place. The access off Albert Lane would be retained, but it is proposed to install stainless steel retractable bollards along the opening.

Listed building consent is also sought and will consider both the external and internal works to this B listed building.

Amendments

It was initially proposed to install a granite upstand with railings and an automatic raised arm barrier along the northern boundary, however stainless steel, retractable bollards are now proposed, but it should be noted that this change was not made at the request of the Planning Service. Amendments have also been made to the external amenity area, these have been at the request of the Planning Service and are discussed in detail below.

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=R9NFGVBZM5A00>

Heritage and Design Statement

Window Condition Survey

Heritage and Design Statement Rev A

Window Condition Survey Rev A

Supporting Statement – Response to Roads Development Management comments

Supporting Statement – Amenity provision

CONSULTATIONS

ACC - Environmental Health – no observations or comments.

ACC - Roads Development Management Team – has advised it has no objection to the proposal, noting that no parking is proposed and that cycle storage and a bin collection point has been shown on the plans.

ACC - Waste and Recycling – has no objection, but provides details on the type of waste storage facilities required.

Queen's Cross and Harlaw Community Council – no comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. While Section 64 of the same 1997 Act places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

Scottish Planning Policy

Historic Environment Policy for Scotland

Aberdeen Local Development Plan 2017

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy D5 - Our Granite Heritage

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy B3 - West End Office Area
 Policy H1 - Residential Areas
 Policy R6 - Waste Management Requirements for New Development
 Policy CI1 - Digital Infrastructure

Supplementary Guidance (SG)

Landscape SG
 Transport and Accessibility SG
 Resources for New Development SG
 The Repair and Replacement of Windows and Doors SG

Proposed Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following re relevant to the assessment of this application:

Policy D1 - Quality Placemaking
 Policy D2 - Amenity
 Policy D6 - Historic Environment
 Policy D7 - Our Granite Heritage
 Policy D8 - Windows and Doors
 Policy R5 - Waste Management Requirements from New Developments
 Policy H1 - Residential Areas
 Policy VC6 - West End Area
 Policy T2 - Sustainable Transport
 Policy T3 - Parking
 Policy CI1 - Digital Infrastructure

Other Material Considerations

Historic Environment Scotland's Managing Change Guidance: Windows, Doorways, Setting and Use and Adaption of Listed Buildings
 Albyn Place and Rubislaw Conservation Area Character Appraisal

EVALUATION

Principle of Development

The proposal is for the conversion of an existing building to form two residential flats. This building and the office building to the south are Cat. B listed, under the one listing, and the site is located within the Albyn Place and Rubislaw Conservation Area. The previous use of the buildings was offices, which was and continues to be supported by the current zoning of the site, which is designated as West End Office Area. However, under Policy B3 - West End Office Area, it does state that an application for residential development will be considered on its own merits. As this policy does not have any criteria or guidelines for residential development that may be supported, the Planning Service must turn to the next relevant policy to undertake an adequate assessment. As such Policy H1 - Residential Areas is relevant to the extent that this sets the criteria for 'high quality' development, which respect the existing character and context of the area, such aspects are assessed below.

Within the Proposed Aberdeen Local Development Plan 2020, it is acknowledged that this area would be designated as West End Area, with development assessed against Policy VC6 - West End Area. The Proposed Plan promotes this area as a prestigious, high quality location on the edge of the city centre, but which is readily accessible by active travel and public transport. The area currently comprises a mix of uses and the Proposed Plan encourages and promotes the continued development of this area with a focus on a mix of uses including residential, with Policy VC6 stating that 'the principle of change of use from office to residential will be supported', but they must take into account existing uses and avoid undue conflict with adjacent land uses and amenity.

In light of the above, the Planning Service is satisfied that the principle of residential use in this area can be supported. The area zoned under Policy B3 has seen a rise in the number of offices lying vacant over recent times, initially as a result of the downturn in the oil industry, subsequently due to an increase in the availability of purpose-built office accommodation elsewhere in the city and most recently due to a change in office accommodation requirements and resulting demand following the Covid 19 pandemic. However, while the Planning Service can be supportive of residential use, that does not mean such a development will be allowed and, in this case, careful consideration must be given to the proposed layout of the site, as well as the amenity of the future occupants of the proposed flats and any potential impact on existing amenity. Additionally, what must be considered is whether the development would result in any impact on the listed building and its setting as well as the potential impact on the wider conservation area. These aspects will be considered in full below, with the proposal assessed against SPP, HEPS, Policy H1 - Residential Areas, Policy D1 - Quality Placemaking by Design, Policy D4 - Historic Environment and Policy D5 - Our Granite Heritage of the Aberdeen local Development Plan 2017 and the Managing Change Guidance on *Setting*.

Layout and Amenity

In terms of the layout, it is acknowledged that there is no specific policies or guidance that advises an appropriate layout for a flat development, however Policy D1 - Quality Placemaking by Design does outline the six essential qualities, which aid the assessment of such proposals. Further to this, the Landscape SG states that "*Individual flats or houses shall be designed to make the most of any opportunities offered by the site to optimise views and sunlight*". However, in this case as the proposal seeks to re-use an existing building, located in the West End approximately 500m from the City Centre boundary and easily accessible to a range of facilities. While there are some constraints when re-using brownfield sites, which may limit levels of amenity for future occupants, such matters need to be given a careful consideration.

While there is no specific policy within the current Local Development Plan related to amenity, the Proposed Plan does now contain Policy D2 - Amenity. Amenity has an influence on the quality of life of individuals and communities and poor amenity can have detrimental impacts on health and wellbeing. Buildings must be fit for purpose and meet the needs of users and occupiers, with consideration given to neighbouring properties to ensure there are no unreasonable impacts on daylight, sunlight and outlook. Additionally, amenity spaces around buildings must be useable, have a degree of privacy and be designed to include a range of functions appropriate to the building use.

In terms of daylight, it is considered that from a plan view this is limited for both flats, owing to the fact that there are only small vertical windows serving the flats. However, having visited the site and undertaking an internal review, the Planning Service are comfortable that the level of daylight receipt for all rooms would be sufficient, owing to the height of the windows and the ceiling heights internally. The only exception would be the lounge and kitchen on the ground floor, given the location of the window. However, a new door with glazing and a fixed fan light is proposed for the enlarged opening on the west elevation which would allow for a satisfactory level of light for this room. Bearing in mind the constraints for these types of brownfield development, the fact that the

building is listed and ultimately constrained by that to some degree and the aim of Historic Environment Scotland's to ensure that such buildings have a long term future, the Planning Service need to be able to compromise on situations such as these. Having given this aspect of the proposal due consideration, the Planning Service are willing to compromise in this case given that the proposed units will be in receipt of adequate amenity in relation to daylight.

With regards to outlook, both units have windows on the west, north and east elevations and given the urban nature of area, the outlook for the upper floor unit, when looking to the west, north and east is considered to be sufficient to meet the requirements of both the Landscape SG and Policy D2. However, in relation to the outlook for the ground floor unit, to the west, this looks onto an existing boundary wall, to the north, the current view is one of the car park and to the east the view is onto the public footpath and road. This is not considered to be particularly attractive in terms of outlook, but it is appreciated that little can be done to the west and east owing to the site configuration and ultimately the physical constraints. In terms of outlook to the north, this will be given further consideration when looking at the proposal in respect of the external amenity space below.

With regards to amenity for the surrounding area, it is not considered that this development would result in any impact on existing levels of amenity.

Turning now to the external amenity space, several site plan revisions have been submitted to date showing amendments to the external amenity space. Initially it was proposed to remove two car parking spaces, increase the level of soft landscaping directly adjacent the building and incorporate a footpath providing access from the public footpath to the entrance doors on the north elevation. Several iterations of the proposed site plan have since been submitted showing ultimately the same proposal in slightly different forms. Concerns were highlighted by the Planning Service in relation to this area and fundamentally highlighted the lack of usable private garden space, the location of the path adjacent the north elevation, the lack of sufficient outlook to the north and ultimately the potential impact on privacy this may cause, especially considering that those who would use the office car park could gain direct access to this path. These concerns were highlighted to the applicant and it was suggested that a further two car parking spaces be removed to increase the level of garden ground and potentially provide areas of private garden ground for each flat. Furthermore, it was outlined that the footpath running along the north elevation be relocated further north and some form of boundary treatment incorporated to stop general access to and from the car park, thus ultimately improving outlook to the north specifically for the ground floor unit, but also for the unit on the upper floor.

The final site plan revision, to some extent, seeks to address the concerns highlighted with the footpath relocated slightly and a hedge now proposed to north. However, what has been done is not satisfactory nor does it provide sufficient external amenity space for future residents. Furthermore, the proposal to reduce the car parking by two further spaces, thus improving both amenity and outlook to the north, while still allowing sufficient parking for the office space was rejected with correspondence stating that "*removal of the car parking spaces will be detrimental to the rental viability of the office units*". The applicant was advised that 10 spaces was sufficient in terms of maximum car parking spaces outlined within the Supplementary Guidance and such changes would ultimately improve the quality of the development and the wellbeing of future residents. It is also noted that further parking spaces serving the existing office use are found to the south of the building frontage onto Carden Place.

Overall, it is considered that what is proposed is lacking in terms of external amenity space, which has a direct impact on the future residents of these units. It is considered that further, minor amendments to what is currently proposed would go a long way in improving the situation, but these have not been taken forward by the applicant. While a Supporting Statement relating to amenity provision was submitted in support of this application and it is acknowledged that there

are public spaces that could be utilised, such a compromise is normally only offered to city centre locations, where no external amenity space can be provided owing to the urban form. In this case, the Planning Service have highlighted several small amendments within the red line boundary that would ultimately improve the quality of the development.

Overall, while concerns existed initially with regards to daylight receipt, these have been satisfactorily addressed. However, what has not been shown is the ability to provide an appropriate layout of the external amenity space that allows for usable space for future occupants. Additionally, the lack of such a space directly impacts on the level of outlook, especially to the north due to the layout and character of the site, which cannot be accepted by the Planning Service in this instance. As a result, the proposal is not considered to be in compliance with Policy D1 - Quality Placemaking by Design of the current Aberdeen Local Development Plan, the associated Landscape SG or Policy D2 - Amenity of the Proposed Aberdeen Local Development Plan 2020.

Impact on Built Heritage

As outlined above the site sits within the Albyn Place and Rubislaw Conservation Area, with the building itself being category B listed, as such a thorough assessment of the proposal against Policy D4 - Historic Environment is required. This policy advises the Council will protect, preserve and enhance the historic environment in line with national and local policies and guidance.

Scottish Planning Policy (SPP) advises that in relation to listed buildings where applications are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. In respect of conservation areas, SPP advises that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Historic Environment Policy for Scotland (HEPS) outlines a number of policies which allow the Planning Service to manage the historic environment.

In respect of this application an assessment of potential impact on both the listed building and the conservation area will be undertaken. Turning first to the listed building, it is not considered that the proposed change of use would have any impact on the historic interest of the listed building its setting.

In terms of external works, it is proposed to replace the existing arched timber framed fixed windows with openable timber framed windows in order to address technical requirements for ventilation and thermal performance. The new windows will introduce openable sashes where required in place of the fixed glazing but would seek to match the original windows in the slim frame profile, placement of the case within the wall and a fitting method. The existing timber sash and case windows to rear elevation will be upgraded with double glazed units into existing frames. However, while timber windows are proposed, as noted on the submitted elevations, there is some ambiguity regarding the actual material as plans showing the replacement window details state Aluclad rather than timber. While this is easily resolved by updating the specific plan to show timber, given the issues with amenity as noted in the section above, it is not prudent to request these plans be updated. For the avoidance of doubt the installation of replacement timber windows is acceptable, the use of Alucad is not appropriate in this case and would not be supported given the historic importance of this building and its location within the conservation area. With regards to the Repair and Replacement of Windows and Doors Supplementary Guidance and the Managing Change Guidance: Windows, it is considered that the use of timber would meet the requirements highlighted in both documents, noting the errors on the submitted replacement window details.

In respect of the enlargement of the existing opening on the west elevation, this is considered to be in compliance with The Managing Change Guidance on Windows in that the works would be

undertaken on a subsidiary elevation, which is considered to be more suitable for work of this type. Additionally, the existing width of the window would be maintained and the opening expanded downwards to ground level. While this would result in the loss of some granite, owing to the extent of the work, this would be limited and overall acceptable given the above.

Turning now to the replacement rear door and the new door in the enlarged opening will be traditional two panel composite doors, top panel consisting of glazing, with fixed fan light above. In respect to the use of composite doors, the Planning Service can advise that this material is not appropriate for a B listed building. The Repair and Replacement of Windows and Doors Supplementary Guidance advises that in cases where replacement doors are proposed on listed buildings, timber will be the only material and no other material will be supported. Furthermore, the Managing Change Guidance on Doorways advises that *“any new replacement proposals must seek to improve the situation through designs and materials that are sympathetic to the character of the building”*. It is not considered that the use of composite doors would improve the existing situation. As such, the proposal fails to comply with the aforementioned guidance and ultimately Policy D4 - Historic Environment as the proposal does not preserve, protect or enhance the historic asset.

It is noted that all existing metal security bars will be removed. Overall, this proposal is considered to be appropriate and acceptable.

In respect of the works to provide external amenity space, it is not considered that these works, owing to their extent would detract from the setting of the listed building, especially considering the existing situation, however it is considered that the introduction of further soft landscaping would allow for an appropriate separation between the building from the existing car park, enhancing the appearance of the listed building in line with national and local policies.

Turning now to the conservation area, again it is not considered that the proposed change of use, the works to the existing window and door openings or formation would have any impact on or detract from the character of the conservation area owing to the nature of the works. With regards to the area of external amenity area, given the existing situation it is not considered that the works would detract from the character of area, however, as noted above, the introduction of further soft landscaping would allow for character to be enhanced.

In terms of the retractable bollards proposed along the northern boundary of the car park, overall, the Planning Service has no issue with this, although, it is considered the development could be enhanced by the installation of an appropriate boundary treatment. Such a treatment was requested by the way of railings to improve what was initially proposed, but such a proposal was not taken forward by the applicant and the northern boundary proposal fundamentally revised. Overall, the proposal for such a treatment does not adversely affect the character of the conservation area or the setting of the listed building.

In light of the above, noting the errors on the submitted plans, it is considered that aspects of the proposal are largely in compliance with the relevant policies and guidance, however, the proposal to use composite doors is not appropriate for a B listed building. As such, the works cannot be considered to comply with Policy D4 - Historic Environment, SPP and HEPS as well as the relevant guidance.

Access and Parking

In terms of Policy T2 - Managing the Transport Impact of Development, Policy T3 - Sustainable and Active Travel and the Transport and Accessibility SG, the proposal has been fully considered against the relevant criteria.

Roads Development Management has assessed the proposal and in terms of parking notes that 1.5 spaces are required for residential unit, which in this case would equate to a provision of 3 spaces. In this instance, no parking is proposed with this application, however owing to the location of the development in relation to the city centre and its proximity to existing bus services as well as being accessible by other sustainable means of transport, the proposal is considered acceptable as a no car development.

In relation to the existing car parking and the proposed loss of 2 spaces, this has been considered by Roads Development Management, who is satisfied that the level of parking remaining is acceptable for the existing offices. Noting that further spaces could be removed in line with comments provided above.

Overall, both the Planning Service and Roads Development Management are satisfied with the proposal in terms of access and parking and therefore have no objections. As such, it is considered that the proposal complies with Policy T2, Policy T3 and the associated SG.

Other Technical Matters

Policy R6 - Waste Management Requirements for New Development advises that all new development must provide sufficient space for waste including general, recyclable and compostable waste. In this instance, each property and associated curtilage will provide storage for the required facilities, with a bin presented to Albert Street for collection day. Overall, there are no objections to this aspect of the proposal and overall, the development is considered acceptable and in compliance with the aforementioned policy.

Policy CI1 - Digital Infrastructure requires all new residential and commercial development to have access to modern, up-to-date high-speed communications infrastructure. Given the sites location, it is considered that the building has acceptable level of access to communications infrastructure as such compliance with Policy CI1 can be achieved.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP, apart from Policy D8 - Windows and Doors, however this aspect has been suitably considered above and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

While the principle of a residential use in this area could be deemed appropriate, the proposal overall cannot be accepted given the lack of an appropriate level of external amenity space, which is considered to inhibit the quality of the development as well as the wellbeing of future occupants. The proposal therefore fails to comply with Policy D1 - Quality Placemaking by Design of the current Aberdeen Local Development Plan, the associated Landscape SG and with Policy D2 - Amenity of the Proposed Aberdeen Local Development Plan 2020.

Furthermore, the use of composite doors on the west elevation does not seek to protect, preserve and enhance the historic importance of the B listed building. As such, the proposal fails to comply with Policy D4 - Historic Environment of the current Aberdeen Local Development Plan, Scottish Planning Policy and Historic Environment Policy for Scotland, as well as the relevant Repair and Replacement of Windows and Doors and Managing Change Guidance: Doorways.