



Strategic Place Planning

Report of Handling by Development Management Manager

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

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

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

Relevant Planning History

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

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

APPLICATION DESCRIPTION

Description of Proposal

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

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

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

Amendments

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

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

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at –

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9VIQ5BZKUE00>

- Design & Planning Statement

CONSULTATIONS

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

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

ACC - Environmental Health – No comments.

City Centre Community Council – No comments.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4 (NPF4)

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

planning policies that form part of the statutory development plan.

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

Aberdeen Local Development Plan 2023 (ALDP)

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

Aberdeen Planning Guidance

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

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)

Other Material Considerations

- Albyn Place and Rubislaw Conservation Area Character Appraisal

EVALUATION

Background

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

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

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

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

Key Determining Issues

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

Climate Change, Biodiversity and the Reuse of the Building

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

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

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

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

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

Principle of Development

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

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

Scale/Design/Amenity of Proposed Development

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

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

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

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

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

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

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

In this instance the proposed change of use of the existing office building would result in its sub-division to form 2 residential dwellings, with a 3 bedroom property occupying the front and original part of the listed building and spanning 3 floors, and the second, 1 bedroom property occupying the rear 2 storey modern extension. The 3 bedroom property would be accessed off Victoria Street, whilst access to the 1 bedroom property would be gained through the rear curtilage of the site and via a service lane off Thistle Place. The proposal would see the rear curtilage enclosed along its southern boundary by a new 1.8m high boundary wall and subdivided by means of a 1.2m high timber fence. An area of some 24m² would be allocated for car and secure cycle parking for the 3 bed roomed property and formed to the rear of the site, whilst the remaining space to the rear of the building would see an area of some 36m² providing garden ground alongside secure cycle parking and bin storage space with direct access from the 1 bedroom property. A low level wall would serve to separate the car parking area allocated to the 3 bedroom property to the front of the building from the path providing access to the 1 bedroom property to the rear.

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

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

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

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

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

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

support.

Impact of Development on the Historic Environment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Transport, Accessibility and Parking

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

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

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

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

Waste Management

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

Consideration of Matters Raised in Notice of Review

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

Front House (3 bedroomed property)

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

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

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

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

Rear House (1 bedroomed property)

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

It is noted that the revised layout for the ground floor of the 1 bed property would deliver a gross floor area of some 87.5m², but it is also relevant to note that the previously approved scheme with a gross floor area of some 73.5m² would already have secured a sizeable 1 bed unit, bearing in mind the minimum space standard for a 1 bed dwelling, as set out in the Council's Aberdeen Planning Guidance on Amenity & Space Standards, is actually 52m². Taking this figure into account it is also apparent that whether in considering the previously approved layout of the 1 bedroom unit to the rear, which included the shared access corridor with the 3 bedroom property to the front, or the revised layout with the corridor removed, the gross floor area of the 1 bedroom unit in both circumstances would in fact exceed the minimum space standard of 66m² for a 2 bedroom unit. Furthermore, it is worth noting that the additional floor space gained by the proposed layout would equate to just 1m² of additional floor space for the main kitchen/living space, with the rest of the space gained by the reconfiguration being lost to the proposed vestibule and shower room.

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

The current proposal would see the layout of the 1 bedroom property revised from the scheme approved by LRB with the main living accommodation consisting of a 28m² area of open plan kitchen/living/dining room moved from the 1st floor level to ground floor. The proposed reconfiguration of the living accommodation would result in the removal of a shared hallway to the rear of the building. This hall would have provided access for the residents of the 3 bedroom property to the rear curtilage. Whilst the proposed layout would result in additional space at ground floor level for the 1 bedroom property, the floor plan shows this would largely be taken up by a vestibule and shower room. The actual floorspace given over to the main living accommodation (open plan living/kitchen) would actually equate to 29m², with this being just 1m² larger than what was approved at 1st floor level under the previous application.

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

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

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

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

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

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

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

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

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