



## Strategic Place Planning

Report of Handling by Development Management Manager

<b>Site Address:</b>	Kingswells House, Skene Road, Aberdeen AB15 8PJ
<b>Application Description:</b>	Change of use from class 10 (non-residential institutions) to class 4 (business); erection of replacement extension, alterations to door and associated works
<b>Application Ref:</b>	231380/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	2 November 2023
<b>Applicant:</b>	Mr Andrew Mosley
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council:</b>	Kingswells

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site, extending to an area of some 1.89ha, comprises Kingswells House, a Category B listed building and its associated curtilage with lawns, mature shrubs and trees in the garden grounds which surround the property. The site is located some 5 miles west of Aberdeen City Centre with access gained to the front of the property via a private, tree-lined single track road which extends some 325m off the north side of the A944 dual carriageway. Kingswells House dating from the 17<sup>th</sup> century with subsequent alterations throughout the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> centuries, is of traditional granite construction with harled walls and a slate clad roof. It rises to 2½ storeys with a 1/1½ storey side off-shoot and single storey flat roofed projection to the north and north-west respectively, and modern conservatory extension to the south. To the west of Kingswells House and its mature woodland which is protected under Tree Protection Order No 195, is land allocated but as yet undeveloped within the Prime Four Business Park, to the south west is the Ardene House Veterinary Practice and to the north is Home Farm. To the south, east and north-west the application site is bound by Prime Four Business Park comprising a number of modern office developments. The property is currently vacant having been in most recent use as an institutional rural retreat, prior to which it was occupied as a single dwellinghouse.

#### **Relevant Planning History**

Application No	Proposal	Decision Date
201468/TPO	Works to various protected trees as per schedule of works	Approved in 2020
231347/LBC	Erection of replacement single storey extension and alterations to door; internal alterations to include upgrading existing doors, repair and maintenance works	Decision Pending

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for a change of use of the property to Class 4 (Business) and for development works in association with that change of use, including the following:

- Single storey, flat roofed extension to replace and exceed the footprint of the existing garage/store to front (west) elevation;
- Erection of retaining wall to rear (north) of proposed extension;
- Removal of existing internal door to form external full height fixed window;
- Formation of extended car parking area and introduction of cycle stands.

### **Amendments**

In addition to the provision of necessary details following the original submission of the application, including vehicle/cycle parking and bin storage arrangements for the site and further detail on finishes, for example clarification on the use of granite doughtings for the retaining wall, there has been a reduction in scale of the proposed link, and associated detailing, which would serve to connect the proposed extension with main house.

### **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=S3HQH9BZH7700>

- Supporting Statement – Change of Use
- Supporting Statement – Access Junction
- Supporting Statement – Change of Use (Additional Information)
- Design Statement
- Tree Survey Report
- Heritage Statement
- Bat Survey
- Archaeology – Desk Based Assessment
- Photographic Record of Extension

## **CONSULTATIONS**

**ACC - Roads Development Management (DM) Team** – The Roads DM Team have raised an objection to the proposal. Roads officers noted that access to the site was off the A944, a key arterial route into the city carrying a significant volume of vehicular traffic, with a 40mph speed limit and a well-used shared use path for pedestrians and cyclists extending along the frontage of the site. It was established that the existing site access was far below modern standards in terms of the required visibility splays which in turn raised safety concerns with regards vehicle entry/exit of the site.

The Roads DM team raised safety concerns in relation to the potential use of the existing gap in the central reservation of the A944, directly opposite the entrance to the site, which permits vehicles travelling westbound along the dual carriageway to turn right and cross the eastbound carriageway into the site and vice versa for vehicles exiting the site, with these types of manoeuvres considered to be unsafe. In the event that the proposed development had been supported, then a condition of

any consent would have required for the gap in the central reservation to be closed.

The Roads DM Team noted that the required visibility splays could not be achieved due to landownership limitations and siting of existing buildings, as confirmed by the applicant. It was not accepted by the Roads DM Team that such constraints could justify a relaxation in road safety standards, nor that the road safety concerns identified could be overlooked on the basis that the access is historic and had been allowed when the existing use of the site as an institutional rural retreat under Class 10 use was originally granted consent, with conditions applied at that time to control the activities and intensity of use of the site.

Having reviewed all plans, information and supporting documentation submitted, the Roads DM Team maintained their objection and recommended that the proposal be refused on the grounds of road safety.

**ACC - Waste and Recycling** – No objection to the proposal and have provided general advice and comment in respect of business waste storage and collection.

**Scottish Water** – No objection, and have provided advice in relation to surface water connections.

**Aberdeen International Airport** – No response.

**Kingswells 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 relevant to the application, unless material considerations indicate otherwise.

### **Development Plan**

#### **National Planning Framework 4 (NPF4)**

NPF4 is Scotland's long-term spatial strategy and contains a comprehensive set of national planning policies that form part of the statutory Development Plan, along with the Aberdeen Local 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 26 (Business and Industry)

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

- Policy B2 (Business Zones)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy D8 (Window and Doors)
- Policy NE3 (Natural Heritage)
- Policy NE5 (Trees and Woodland)
- Policy R5 (Waste Management Requirements for New Development)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

#### **Aberdeen Planning Guidance (APG)**

- Repair and Replacement of Windows and Doors
- Transport & Accessibility

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

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE): Use & Adaptation of Listed Buildings - 'Extensions and Doors'

### **EVALUATION**

#### **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 in the evaluation below are the re-use of the building, loss of historic fabric, scale/form/design of the proposed extension and its impact on the special character and historic interest of the building and the significant road/public safety concerns regarding access and egress onto the A944.

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

National Planning Framework 4 (NPF4) requires, in the consideration of all development proposals, that significant weight is given to the global climate and nature crises. Policy 1 (Tackling the Climate and Nature Crises) of NPF4 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crises whilst Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

As the proposal is to provide a new use and extend the existing Kingswells House, Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 is of relevance. It seeks to support development proposals resulting in the sustainable reuse of vacant buildings, whether permanent or temporary, with demolition regarded as the least preferred option, based on the need to conserve embodied energy. The principle of re-using existing buildings and minimising demolition is also reflected in the objectives of Policy 12 (Zero Waste) of NPF4.

In this instance the application is for a change of use of a protected Category B listed property and its conversion to office use. Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on the Use and Adaptation of Listed Buildings is in support of such development in principle, stating that '*The continued use of buildings is sustainable and is often the least environmentally damaging option. The use and reuse of buildings retains the embodied energy expended in the original construction and sourcing of materials.*' It does also make the point that '*Retention saves carbon associated with new-build, including costs in new materials, transport, demolition, landfill and new infrastructure*'.

Whilst the proposed conversion would therefore allow for the conservation of embodied energy from the vacant historic building and thereby delivering a more sustainable option than that of constructing a new office development in its entirety for the proposed use. The proposal does also include the demolition of a relatively small existing single storey garage/store/utility extension, which is considered to be a reworking from a much older building on the site that is from the time of the original form of Kingswells House, if not predating it, and the erection of a replacement extension office space in and beyond its footprint. Whilst the demolition aspect of the proposal is considered in detail as part of this evaluation under the heading 'Design & Impact of Development', including on the Historic Environment, it is of note that information provided in support of the proposed development does not evidence that the proposal has sought to limit or avoid demolition of the existing extension in support of its retention and adaptation, thus minimising greenhouse gas emissions in the process, or ultimately why retention of the existing building, later altered to be an extension is not possible.

Policy 3 (Biodiversity) of NPF4 requires proposals for local development '*to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.*' The proposal does not include landscaping or planting in association with the change of use and would as a result of the additional level of parking required for the intended office use result in the loss of a small area of existing lawn to the front of the property. Whilst the additional area of hardstanding would not be significant, it would nevertheless result in a net loss in terms of delivering on-site biodiversity, and the proposal has not sought to address this marginal loss or provide for a soft landscaping plan that would ameliorate the setting of the main entrance to Kingswells House and augmenting the flora and fauna habitat of the curtilage.

Taking the above into account it is considered that the proposal would only accord with the objectives of Policy 9 of NPF4 in part and would be contrary to Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 12 (Zero Waste) and Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on the Use and Adaptation of Listed Buildings.

### **Principle of Development**

The application site is located adjacent to the Prime 4 Business Park and is zoned under Policy B2 (Business) in the Aberdeen Local Development Plan 2023 (ALDP). Policy B2 sets out that in areas identified as Business Zones, only Class 4 (Business) uses shall be permitted in order to maintain a high quality environment. It continues to set out that facilities directly supporting business uses may be permitted where they enhance the attraction and sustainability of the Business Zone for investment. Policy 26 (Business and Industry) of NPF4 meanwhile states that development proposals for business and industry uses on sites allocated for those uses in the ALDP will be supported.

The application relates to a proposed change of use of a Category B listed property and the

development works associated with its extension and adaptation in support of a Class 4 (Business) use. The property is currently vacant following a period of over 10 years in use as an institutional rural retreat, and prior to that a residence. Whilst the proposed use of the property as an office for an engineering consultancy business would be deemed acceptable in principle on the basis that it would be compliant with the criteria of Policy B2 of the ALDP and address the expectations of Policy 26 of NPF4, the proposal must be considered against all relevant national and local policies and guidance contained within the Aberdeen Local Development Plan 2023 and National Planning Framework 4, as outlined in the evaluation below.

### **Design & Impact of Development, including on the Historic Environment**

Under Policy 14 (Design, Quality and Place) of 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) 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.

Policy 7 (Historic Assets and Places) of NPF4 is clearly of relevance in the consideration of the proposal on the basis that the application property comprises a Category B listed building. Policy 7 seeks to protect and enhance historic environment assets and places and to enable positive change as a catalyst for the appropriate 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'*. The overall policy intent is outlined as being *'To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places'* with one of the policy outcomes *'Redundant or neglected buildings brought back into sustainable and productive uses'*. Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on the Use and Adaptation of Listed Buildings accepts that for a building to stay in use over the long term, change will be necessary and whilst highlighting that *'the best use of a listed building is often going to be the one for which it was designed'*, which in this case is that of a single dwellinghouse, it equally acknowledges that new uses may enable retention of the fabric and special interest of a building whilst accepting that *'the process of conversion will have some impact on a building's special interest, regardless of how well it is handled'*.

Historic Environment Policy for Scotland (HEPS) outlines the importance of fully understanding the impact of decisions for development proposal on the historic environment. It accepts that with the passage of time change to the historic environment is inevitable and advises that considered necessary intervention should be minimised, and any negative impact avoided where possible. Policy D6 (Historic Environment) of the ALDP meanwhile seeks to support high quality design in line with HEPS. It states that *'Development must protect, preserve and enhance Aberdeen's historic environment, including its historic fabric'* and further outlines that *'there will be a presumption in favour of the retention and appropriate reuse of historic environment, historic assets, and heritage assets that contribute positively to Aberdeen's character'* with proposed development *'designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings'*.

The proposed development associated with the change of use to office, including the conversion of the building, is outlined and considered as follows:

### Erection of Replacement Extension

In addition to the general expectation of Policy D1 (Quality Placemaking) of the ALDP, which requires all development to ensure high standards of design and for proposals to ensure quality architecture, craftsmanship and material, the further expectations of Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on Extensions are of particular relevance in the consideration of this application, outlining the principles which should be applied to extending historic buildings. The Guidance acknowledges the importance of considering the historic use of the building and how this will often reflect in the cumulative changes which have been made to it and subsequently inform considerations of a building's special interest. The guidance states that '*New alterations or additions, which are of high design quality, sympathetic to the character of the building, form part of this continuum*', advising that '*most historic buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses*'.

The HES guidance on 'Extensions' provides a number of principles which should apply in the consideration of such development proposals, namely:

- That an extension should play a subordinate role. It should not dominate the original building as a result of scale, materials or location and should not overlay principal elevations.
- Where an extension is built beside a principal elevation it should generally be lower than and set back behind that façade.
- An extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided.
- An extension should be modestly scaled and skilfully sited.

The guidance also states the following key issues for extensions, in that they:

- Must protect the character and appearance of the building;
- Should be subordinate in scale and form;
- Should be located on a secondary elevation;
- Must be designed in a high quality manner using appropriate material.

Taking the above into account, the proposed extension does raise a number of conflicts in terms of addressing the relevant criteria, most notably:

- The proposed extension would not be located on a secondary elevation, rather the extension would be to the front (principal) elevation of the property where it would project between 10 and 12.6m forward of that elevation, with an additional 1m projection beyond the walls of the extension from the roof overhang;
- The proposed extension of 104.3m<sup>2</sup> would result in an increased footprint of some 39% based on the 75m<sup>2</sup> footprint of the existing garage/store extension which it would replace. This would see the proposed development footprint of the extended property rising from 285.5m<sup>2</sup> to 314.8m<sup>2</sup>, thereby resulting in the 104.3m<sup>2</sup> footprint of the replacement extension equating to just under a third of the entire building footprint.
- Whilst the proposed extension would be single-storey in height, its internal ceiling height and form bears no relationship to that of the original House, including in terms of the proposed detailing which is also of a larger scale. Whether in terms of its siting, scale or detailing, the proposed development would not have a subordinate relationship with the Category B listed Kingswells House.

In further considering the siting of the proposed development in the context of the existing property

and surrounding grounds, the proposed single storey extension would serve to replace an existing flat-roofed garage/store extension which extends from the same front elevation of the building as the remodelling of an earlier granite building, documented in the Heritage Statement submitted, and it is acknowledged that the proposed extension would be set slightly further back (by some 3.3m) from the main part of the front elevation than the existing garage/store is. That the proposed extension would be further removed from the main elevation and entrance to the property is considered a positive in terms of the resulting architectural relationship between existing and proposed development, though the proposed extension's form and scale is greater than the existing garage and the architectural design does not demonstrate a harmonious visual relationship with the main frontage to Kingswells House.

However what does need to be taken into account in the consideration of this application, based on the requirements of the aforementioned national and local policy expectations, is that a form of the aforementioned garage/store extension dates back to the late 19<sup>th</sup> century, being of a traditional granite construction, and despite having been the subject of alterations over time, with the loss of the curved front wall as an architectural feature and the insertion of garage doors, the remaining extension does nevertheless retain historical relevance to Kingswells House, with the rear and side granite walls appearing original to that 19<sup>th</sup> century extension. Whilst this aspect of the extension has been somewhat recognised and reflected in the information provided within the Heritage Statement and with photographic evidence included in the Planning & Listed Building Consent Design Statement it does appear to have been overlooked in terms of the current proposal which seeks the full-scale demolition of that extension. It is also of note that the garage/store extension has remained very much domestic in scale and form and in-keeping with the character of the wider property. This includes in relation to its granite construction and harled finish which is clearly reflected across the wider building.

In the consideration of this application it has been noted that Policy D7 (Our Granite Heritage) of the ALDP seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures and features and states that '*Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission or listed building consent.*' The Policy continues by outlining that in order to support such demolition, a number of tests should be met, notably that:

- Evidence provided to demonstrate that every effort has been made to retain it, and
- It is no longer of special interest or cultural significance; or
- It is incapable of meaningful repair; or
- It can be demonstrated the demolition is essential to delivering significant benefits to economic growth or the wider community; or
- Its repair and reuse is not economically viable and that it has been marketed in an open and transparent manner.

It is acknowledged that clarification was provided demonstrating that the proposal would accommodate the granite dowlings from the existing garage/store building within the retaining wall which is proposed some 1m back from the northern (rear) elevation of the extension. If the above tests had been satisfied in terms of demolition of that existing garage/store extension, such re-use would be entirely appropriate, however there has been no real indication or evidence provided within the supporting information submitted as to the consideration given to the potential upgrading, adaptation and re-use of the existing garage/store building for office accommodation, or at least as part of, where this would potentially have enabled retention of much of the remaining historic footprint and structure. As such, it has not been demonstrated that the principle of demolition is acceptable.



It has not been demonstrated in the submission whether consideration was given to the siting of an extension, in support of the proposed change of use of the property to an office, on any secondary and less sensitive elevation of the building. The Design Statement submitted with the application contains no detail on whether alternatives to the existing proposal were explored. Taking into account the existing layout of Kingswells House and of the corresponding ground levels surrounding the property, it would certainly appear achievable for an extension to be sited within the rear curtilage and on a secondary elevation of this listed property, including to the rear of the existing off-shoot where it would have no visual impact on the principal elevation of the building. Such an option would potentially have resulted in less visual intrusion and likely limited the impact on the historic setting, allowing for reduced intervention and this could have more readily supported retention of the existing garage/store structure.

Following on from the above and taking into account the scale, form and design of the single storey extension as proposed, clearly with the look of a modern office development, it remains questionable as to how the proposed extension relates to the character and appearance of the existing Kingswells House, which as outlined above, remains very much domestic in terms of its scale and general appearance. Whilst accepting that the applicant has sought to demonstrate that the floorspace deemed necessary for the proposed office use cannot be accommodated within the existing floor space of Kingswells House, thereby justifying the scale of development which is being proposed, it is nevertheless considered that the resulting exaggerated scale of the proposed extension, both in terms of its height and footprint, is out of context with the original building. With the footprint taking no reference from and being considerably larger than that of the existing garage/store building, and notwithstanding that it would be set slightly further back, the proposed development would nonetheless serve to challenge the visual importance of the main entrance of the House.

In the evaluation of extensions to historic buildings against HES's Managing Change Guidance, there is a requirement for such development to play a subordinate role and be of a scale, form, material finish and siting which does not dominate the original building, nor overlay principal elevations. In this respect the proposed extension does raise concern, as previously indicated, and this includes with regards the height and form of development being sought. It has been suggested by the applicant that the proposed roof height reflects that of the main rooms in the House, however the proposed extension would be linked to a 1½ storey off-shoot and by means of a simple glazed corridor, therefore demonstrating no external reference to the House or any direct connection to the mains rooms, and in conjunction with the larger footprint of development which is being sought, it is considered that the exaggerated height of the roof further adds to the dominant appearance of the extension.

HES's Managing Change Guidance on 'Extensions' states that in every case, new development must acknowledge the old and that includes where the proposal is considered to be an '*assertive contrast*', where new design is required to be of equal or higher calibre than that of the historic building to which it is attached and which also '*demand higher-quality work than would often be found in an isolated new building, where the existing building 'raises the game for the new build*'. In this respect the presence of the existing building should 'raise the game' for the replacement extension, with the delivery of suitably high quality design. It is noted that the proposed extension is indeed materially different from the architecture of Kingswells House in both form and detail but appears lacking in terms of its relationship with the listed building.

The main House for example is finished in a grey/brown harling with granite features, slate roof and white timber windows and doors. Where it has a vertical emphasis in design, the proposed extension is very much horizontal, with a timber cladding finish laid horizontally which further emphasises that point. The proposed material finish of the replacement extension including timber

and zinc cladding with a projecting zinc fin also appears to have been focussed on the intention to achieve an assertive contrast. The combined effect results in a development proposal which appears simply different in terms of its scale, design and form and which would draw attention to itself at the expense of the setting of the listed building, unlike the current extension which may not be of particularly great design, but which nevertheless retains a degree of neutrality and does not serve to dominate the main elevation of the property. The development as proposed does not deliver the suitably high-quality response expected in terms of its overall form and detail, with the 'assertive contrast' required of such a proposal appearing neither suitably harmonious nor exemplary for the principal elevation of Kingswells House.

Whilst there is no doubt that the intended reuse of a currently vacant listed building is positive in its own right, it is considered that the scale, form and design of the proposed replacement extension to the front elevation of the building is such that its character and historic interest would not be suitably preserved and whilst the proposal could well enable positive change in terms of the reuse of the building, such benefit cannot be considered in isolation and at the expense of the protection and enhancement of the buildings historic assets.

Taking all of the above into account, it is considered that the proposal has not suitably demonstrated that the principle of demolition is acceptable in this instance, therefore the requirements of Policy D7 (Our Granite Heritage) of the ALDP have not been addressed. Beyond this, the proposed replacement extension is not considered to be of an appropriate, suitably high-quality in terms of its scale, form or design and could not reasonably be described as exemplary, as is the requirement for development which seeks to deliver an 'assertive contrast' as appears to be the case in this instance. The proposed development is contrary to the requirements of Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of the NPF4, Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the ALDP and does not address the requirements of Historic Environment Policy for Scotland (HEPS) or Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on Extensions.

#### Alteration to Door/Formation of Window

Notwithstanding the above evaluation which does raise issues in terms of the proposed demolition of the existing garage/store extension and its subsequent replacement with a single storey office extension, it is noted that the proposed extension would be set further back, resulting in part of the front elevation of the existing and historic off-shoot being opened up. This would also see an existing internal door being blocked up and a fully glazed aluminium framed fixed window introduced in its place, with the remaining external façade made good with a granite and lime mortar finish.

Historic Environment Scotland's Managing Change Guidance on 'Doorways' states that '*Conversion of doors to windows is usually difficult to achieve without disruption to the architectural character of the building*' and advises that '*Such alteration work should only be considered in subsidiary locations and where it will not involve the loss of historic fabric of quality.*' Policy D8 (Window and Doors) of the ALDP meanwhile states that '*Historic windows and doors will be retained, repaired and restored*'. In this instance whilst the door opening itself would originally have been located on an external wall to the property, for many years now it has been 'enclosed' within the garage/store layout, currently providing access between the kitchen and utility room and fitted with a modern glazed door which is of no historic relevance. With this in mind it is considered that the proposed removal of the door and introduction of full height glazing within the existing opening and subsequent formation of an external, full height window would not have any significant adverse impact on the overall appearance of this elevation, with no loss of historic fabric and would allow for the historic proportions of the original doorway to be suitably retained. As a result, and if viewed in isolation of the wider development works, including the proposed demolition of the existing extension the proposal would be compliant with Policy D8 (Window and Doors) of the ALDP and the associated Aberdeen

Planning Guidance in addition to addressing the requirements of Historic Environment Scotland's Managing Change Guidance on 'Doorways'.

### **Impact of Development on Trees & Natural Heritage**

Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4 (NPF4) has as its intention, the protection and expansion of existing forests, woodland and trees whilst Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023 (ALDP) states that development should not result in the loss of, or damage to, trees and woodland. Policy 4 (Natural Places) of NPF4 meanwhile seeks to protect, restore and enhance natural assets, with this including a requirement to avoid any adverse effect on protected species and Policy NE3 (Our Natural Heritage) is in line with this, stating that '*development should not have a detrimental effect on sites, habitats, ecosystems or species protected by law or natural heritage designation*'.

As previously stated, the mature woodland which covers part of the application site is protected under Tree Protection Order No 195. The application was supported by a Tree Survey Report and Arboricultural Assessment. The Report outlined that the proposed development would not result in the loss of, or damage to any trees and woodland. A Bat Survey Report was also submitted in support of the application comprising a bird and protected species assessment.

Aberdeen City Council's Environmental Policy team was consulted on the application and having reviewed all of the supporting information submitted confirmed that the findings of the tree survey report and assessment were acceptable, with the existing tree stock not being impacted by the proposed development.

The findings of the bat report and protection plan were also deemed acceptable. The Council's Environmental Policy team advised that due to the small number of bat roosts and species found to be using the building that the proposed development works could be carried out under a low impact licence issued by NatureScot and that the proposed bat mitigation and compensation as detailed in the Bat Survey Report should be carried out in full. The bird assessment undertaken as part of the aforementioned Survey had identified nesting house sparrows within the building. This was noted by the Environmental Policy team who advised that where possible, works should avoid the breeding season. They confirmed that both the bat and bird protections plans, as detailed in the Bat Survey Report submitted in support of the application, would need to be implemented as part of any approved development works.

Taking the above into account the proposed development would not be contrary to Policies NE3 (Natural Heritage) and NE5 (Trees and Woodland) of NPF4 or Policies 4 (Natural Places) and 6 (Forestry, Woodland and Trees) of the ALDP.

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

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP require new development to be accessible by a range of transport modes, with an emphasis on sustainable and active modes of transport, including public transport, walking and cycling. Policy T3 (Parking) of the ALDP meanwhile requires new development to have sufficient car parking for the context of the proposed use and its location and to ensure that such parking accords with Council standards.

The Roads Development Management (DM) team considered the proposed change of use of the building for office use and noted that the application site would be accessible on foot and by cycle via the adopted shared use footways which extend along the northern side of the A944. The Kingswells Park and Ride is within a 15 minute walk of the site and there are bus stops located on the eastbound (city) and westbound (Westhill) side of the dual carriageway at a distance of some

500m from the site, with an existing signalised pedestrian crossing allowing access from the western side. The Roads DM team noted that access to the property off the A944 would be along a narrow access track with no separation from motor vehicles, but with traffic volumes likely to be low. Given the lack of physical separation and the apparent lack of lighting, along with heavy vegetation cover, this sole means of access to the site was not considered to be a particularly pedestrian friendly route.

The Roads DM team considered the proposed parking layout which would see 9 car parking spaces being delivered on site, 1 of which would be accessible and 3 cycle stands. It was confirmed that the cycle stands as shown would be acceptable but should be covered for long stay. Based on the Council's parking standards of 1 space per 30m<sup>2</sup> GFA, which takes account of the expected occupation of a building, the Roads DM team advised that the proposed car parking provision for the site would see a significant shortfall from the maximum level expected of 19 spaces, with accessible requirements on top of this. The Roads DM team considered that such a shortfall could be accepted in this instance on the basis that the constraints of the site would mean that the level of parking expected may not be readily achievable. It was also noted by the team that the potential for indiscriminate parking beyond the site boundary would be limited given the parking controls within the adjacent Prime Four site and with parking unauthorised along the A944.

Finally, the Roads Development Management team considered the proposed vehicle access to the site. They raised safety concerns in relation to the potential use of the existing gap in the central reservation of the A944, directly opposite the entrance to the site. This gap permits vehicles travelling westbound along the dual carriageway to turn right and cross the eastbound carriageway into the site and vice versa for vehicles exiting the site. These types of manoeuvres are not considered to be safe. In the event that the proposed development had been supported, then a condition of any consent would have required that section of central reservation to be closed, and for this to have taken place prior to the implementation of the change of use and occupation of the property for office use. Such works would be deemed necessary in terms of removing the potential for the aforementioned vehicle movements and to ensure that whether accessing or exiting the site, vehicles would be restricted to left turn only.

However in addition to the abovementioned concern, and fundamental in terms of their objection to the proposed change of use, the Roads DM team has raised significant road safety concerns with regards the limitations of the existing vehicle access/egress available to and from the site, based on the inadequate visibility splays for the access road and its junction with the A944 which are far below modern standards in terms of geometry. It is noted that as a result of the limited width of the junction and the narrowness of the single track access road, visibility of any vehicle looking to exit the site would not be possible until such time as a vehicle seeking to enter the site would have committed to turning left, thereby exiting the A944. This could potentially result in a vehicle entering the site having to stop partly on the dual carriageway and for the vehicle approaching the junction from along the single track road having to reverse for a considerable distance with the nearest passing space located some 65m into the site. The restricted visibility available to vehicle drivers exiting/entering the site is further compromised by the curvature in the dual carriageway to the east of where the junction is located. Whilst this is an existing situation, it is evident that the potential for such hazardous situations arising increases with any intensification of use.

This issue of limited visibility not only affects the safety of vehicles in terms of their access/egress of the site, but also compromises the safety of cyclists and pedestrians using the shared public footway which runs in line with the A944. Cyclists in particular are likely to be using this commuter route at some speed and with very limited sight of vehicles that may be approaching the junction to access the A944 from the single track road. In the event that cyclists travelling along the shared path encounter vehicles exiting the site, the lack of prior sight could easily result in collision or where

cyclists attempt to avoid a vehicle, such a manoeuvre taking them into the path of eastbound traffic on the dual carriageway. Once again, whilst noting this is an existing situation, any intensification of vehicle movement in exiting the site would inevitably increase such a risk.

The Roads DM team noted that due to land ownership limitations and the location of buildings outwith the site, the significant road safety concerns which they had raised could not be overcome and this was confirmed by the applicant. The applicant did suggest the existing junction should be subject to less stringent road safety standards than required by the Roads DM team and treated as a 'Direct Access' junction, thus allowing for a visibility splay depth of 2m. However, the Roads DM team confirmed that any disregard of current safety standards would not be supported and advised that the junction could not be treated other than as a 'Priority Junction', requiring a visibility splay depth of 9m, on the basis that a 'Direct Access' junction provides access to only one of the following, and does not provide a through route: 1) a single dwelling; 2) a single field; 3) a single-use public utilities site (such as an electric substation) where access is needed for maintenance of that specific site only; or, 4) a single-use highway maintenance site (such as an attenuation pond) where access is needed for maintenance of that specific site only. The application site and proposed use clearly does not fall within any of the aforementioned categories.

Notwithstanding that the applicant has highlighted the existence of similar non-compliant junctions which remain in use along this same section of the A944, it is contested that none have such poor, restricted visibility whilst also serving business premises. It is also quite apparent that these non-compliant junctions are historic, therefore their existence cannot in any way provide justification to allow the road safety concerns which are being raised to be overlooked by the planning authority or by the Roads DM team based on their assessment of this application which is seeking a change of use of the property to Class 4 (Business).

The applicant has indicated that based on the 16 current employees of the business, the expected number of vehicles accessing the site on a daily basis would be 4-5 on average to a maximum of 7. It is noted that the proposed floor plans show a total of 8 desks within the proposed ground floor extension, with the addition of two separate managers offices at first floor, with the remaining floor space across the three floors of the building allocated as meeting rooms, a reception area, breakout space, a canteen and storage space along with the requisite toilet facilities. It is therefore of particular note that under Regulation 10 of the Health and Safety Executive's Workplace, (Health Safety and Welfare) Regulations 1992 and the associated Approved Code of Practice and Guidance, a specific minimum floorspace allocation of 3.7m<sup>2</sup> is stipulated for each workspace, based on a minimum 3m high ceiling. This allocation would allow for 19 people to occupy the open plan office space within the proposed extension alone, given its 73m<sup>2</sup> floorspace, compared to the 8 desks currently shown on the proposed floor plan, without even starting to consider the additional staff numbers that could then potentially occupy the remaining floor space within the rest of the building. Whilst accepting that such a high level of occupation would be unlikely, for example it doesn't take account of the equipment that would be required in support of an office environment, it does nonetheless demonstrate the much higher staff numbers which Kingswells House could potentially accommodate under a Class 4 use, based on Health and Safety Executive requirements, and given the building's total floor space of 560m<sup>2</sup>.

Taking the above into account it is considered that the proposed use would allow for intensification of vehicle movements in and out of the existing junction compared to its current use and without the ability to restrict such movement. The imposition of any condition to attempt to limit the intensity of the office use or control travel arrangements for those occupying the office would be unenforceable and therefore unlawful, with such a condition failing to meet the required six tests as outlined within *Planning Circular 4/1998: the use of conditions in planning permissions*. The circular states that 'A condition should not be imposed if it cannot be enforced' and if the terms of a condition cannot be

monitored in practice, thereby making it impossible to detect or prove an infringement, then such a condition would be unenforceable. A clear example of this would be the imposition of a condition, for traffic reasons, to restrict the intensity of use of a property. In such a case the intensity of use, and resulting vehicle movement, would have to be continually measured/monitored. This would not only be impracticable but would also pose severe difficulties in terms of proving an infringement. The circular also states that the use of '*an unreasonable condition does not become reasonable because an applicant suggests it or consents to its terms*'. The condition runs with the land, and in this instance therefore with the proposed office use, and therefore would still be operative long after the applicant may have moved on and where the resulting intensity of use of the building by a different occupier could undoubtedly be significantly higher than is currently being suggested based on the applicants current business model.

The Council's Roads Development Management team has raised fundamental road safety concerns regarding vehicle access to the site and objected to the proposed change of use to Class 4 (Business) on this basis. In addition, it was noted that the sole means of access to the proposed office building would not be particularly conducive to pedestrians, given that it would be along a narrow, single track road off the A944 dual carriageway, with no apparent lighting or physical separation available for vehicles and pedestrians and with heavy vegetation cover. Taking all of the above into account the proposal would be contrary to the requirements of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP, both of which require safe access to new development by a range of transport modes. Whilst Policy T3 (Parking) of the ALDP seeks to ensure adequate parking standards are delivered for new development and in this regard the proposed vehicle on-site parking arrangements are in themselves deemed acceptable by the Roads DM team, such provision and use is clearly inextricably linked to and dependant on vehicles having safe access to the site and therefore given the road safety concerns which have been raised, there would also be tension with Policy T3 (Parking) of the ALDP.

### **Other Technical Matters**

Policy R5 (Waste Management Requirements for New Development) of the ALDP requires all new development to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The proposal has identified an area for bin storage adjacent to the drive and at a distance of some 19 metres back from the site entrance. For collection purposes the bins would be brought adjacent to the site entrance, set back from the bell mouth which forms the junction with the A944. Waste vehicles would not access the site but would uplift at the site entrance. The Council's Waste Strategy & Recycling team provided general advice on bin storage/collection arrangements relevant to the proposed commercial use of the site. ACC Roads DM team confirmed that whilst the proposed waste collection arrangements were not ideal, they acknowledged that this was an existing situation and could therefore be accepted, noting that the appointed waste collection company would likely undertake their own risk assessment for the proposed location of the bins and subsequent collection and would likely arrange such collection outwith peak times. The proposal would not be deemed to be contrary to the requirements of Policy R5 of the ALDP or to the expectations of Policy 12 (Zero Waste) of NPF4 in terms of its intended use and subsequent waste generation.

## **DECISION**

Refuse

## **REASON FOR DECISION**

The application relates to a proposed change of use to Class 4 (Business) for the Category B listed Kingswells House and the development works associated with its extension and adaptation in support of that Class 4 (Business) use. The proposed use of the property as an office for an engineering consultancy business would be deemed acceptable in principle on the basis that it would be compliant with the criteria of Policy B2 (Business Zones) of the Aberdeen Local Development Plan 2023 (ALDP) and the expectations of Policy 26 (Business and Industry) of the National Planning Framework 4 (NPF4).

Policy D7 (Our Granite Heritage) of the ALDP seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures and features and states that *'Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission or listed building consent.'* The proposal has not demonstrated that the proposed change of use necessitates the demolition of the garage/store extension and as such the proposal has failed to address the expectations of Historic Environment Policy for Scotland and is deemed contrary to Policy D7.

In terms of the merits of the proposed replacement extension which would be located on the principal elevation of this listed building where it would project some 10 metres beyond the frontage of the main house, it is considered that it would neither appear sufficiently subordinate nor would it be of a suitably high quality in terms of its scale, form or design and could not reasonably be described as exemplary or appear harmonious when viewed in the context of the existing property. The proposed development is deemed to be contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of the NPF4, Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the ALDP and fails to address the requirements of Historic Environment Policy for Scotland (HEPS) or of Historic Environment Scotland's Managing Change in the Historic Environment Guidance on Extensions.

The proposal would not be contrary to Policies NE3 (Natural Heritage) and NE5 (Trees and Woodland) of NPF4 or Policies 4 (Natural Places) and 6 (Forestry, Woodland and Trees) of the ALDP. Whilst it would accord with the objectives of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 in part, it is of note that as a result of the demolition works required to deliver the replacement extension and lack of any biodiversity enhancement the proposal would be contrary to Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 12 (Zero Waste) of the NPF4, whilst also conflicting with Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on the Use and Adaptation of Listed Buildings.

In terms of the intended business use and subsequent waste generation, the proposal has suitably addressed the requirements of Policy R5 (Waste Management Requirements for New Development) of the ALDP and the relevant aspect of Policy 12 (Zero Waste) of NPF4.

The application site is accessed directly off the A944, a dual carriageway which acts as a key arterial route into the city with a 40mph speed limit, carrying a significant volume of vehicular traffic and with a well-used shared use path extending along the frontage of the site. Pedestrian access to the property is off the A944 along a narrow access track with no separation from motor vehicles, a lack of lighting and heavy vegetation cover and not considered to be a particularly pedestrian friendly route. Refusal of the application by the Planning Authority on the grounds of road safety is agreed by Aberdeen City Council's Roads Development Management team, taking into account that the existing junction of the site's single track road with the A944 is far below modern standards. In the

absence of the required visibility splays, the proposal raises significant safety concerns for vehicles accessing/exiting the site. The extremely poor visibility at that junction is also of concern with regards the likely conflict with cyclist and pedestrian use of the shared public footway. As a result of existing land ownership limitations and the location of buildings outwith the site there is an inability to address or overcome these road/public safety concerns, as confirmed by the applicant. The Roads Development Management team has advised that this does not justify any relaxation in safety standards and has maintained their objection to the proposed change of use to Class 4 (Business).

The proposal would therefore be contrary to the requirements of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP, both of which require safe access to new development by a range of transport modes. Whilst Policy T3 (Parking) of the ALDP seeks to ensure adequate parking standards are delivered for new development and in this regard the proposed vehicle on-site parking arrangements are in themselves deemed acceptable by the Roads DM team, such provision and use is clearly inextricably linked to and dependant on vehicles having safe access to the site and therefore given the road safety concerns which have been raised, the proposal would also raise tension with Policy T3 (Parking) of the ALDP.

There are no material planning considerations which would warrant approval of planning permission in this instance.