



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mark Hadfield
4 St James's Place
Inverurie
AB51 3UB

on behalf of **Mr Andrew Mosley**

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

Application Reference Number	231380/DPP
Address of Development	Kingswells House Skene Road Aberdeen AB15 8PJ
Description of Development	Change of use from class 10 (non-residential institutions) to class 4 (business); erection of replacement extension, alterations to door and associated works
Date of Decision	27 June 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

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 downtakings 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.

REASON FOR DECISION

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

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.



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

PLANS AND DRAWINGS

5654-PL(00)001 REV B	Proposed Location Plan
5654-PL(90)001 REV D	Proposed Site Plan
5654-PL(00)001 REV C	Proposed Floor Plans
5654-PL(05)001 REV B	Existing/Proposed Internal Doors & Glazed Infill
5654-PL(05)002 REV A	Proposed Retaining Wall & Entrance Details
5654-PL(04)001 REV B	Proposed Elevations & Sections
KHA-2312-TP	Bat Survey Report (Bird & Protected Species Assessment)
5654-EX(00)002 REV A	Tree Protection Plan
	Location Plan
	Arboricultural Assessment
	Tree Survey Report

Signed on behalf of the planning authority

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

SERVICE OF PURCHASE NOTICE

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