



## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 25 September 2025

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



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### **RECOMMENDATION**

Approve Conditionally with Legal Agreement

## **APPLICATION BACKGROUND**

### **Site Description**

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

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

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

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

### **Relevant Planning History**

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

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

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

landscaping and infrastructure works.

The various elements can be described as follows:

#### Main building

The original Category B-listed building 'Gordon House' is proposed to be converted to a total of seven flats. The ground floor would provide a communal lobby serving all flats in the main building; two flats, one facing east and entirely contained in the original listed building, and one facing west, partly located in the original building and partly in the upper floor of the existing west extension. Both the first and second floors of the original building would each accommodate a single flat. All four flats would have two to three bedrooms and a generous floorplate ranging between 150m<sup>2</sup> and 320m<sup>2</sup>.

The lower floor of the west extension would accommodate a further three studio flats with a footprint between c.45m<sup>2</sup> and 75m<sup>2</sup>, all with a west-facing aspect looking out over 'the Den'.

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

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

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

#### Pavillion

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

#### Garden House

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

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

### Garages

A garage building containing five single garages is proposed to be located along the northern site boundary. The building would measure c.22m x c.8m and would have a footprint of c.175m<sup>2</sup>. Its highest point, the parapet to the front, would be the same height as the top of the boundary wall separating the site from 27 Rubislaw Den North. It would be south of three existing trees within the site. It would have a flat sedum roof and finished in grey textured brick and the same Nordic brown pre-oxidised copper rainscreen panels as seen across the site. Five garage doors with an arched detail would be set into the south elevation, and full height windows would be located on the north elevation.

### Site layout

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

### **Amendments**

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

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

Neighbour renotification was undertaken, following publication of updated plans.

### **Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SO135VBZM4J00>

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

### **Reason for Referral to Committee**

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

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

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

### **CONSULTATIONS**

#### **Aberdeen City Council (ACC) Internal Consultees**

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

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

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

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

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

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

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

### External Consultees

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

### REPRESENTATIONS

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

The matters raised can be summarised as follows –

### Material Considerations

#### Garden House

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

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

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

#### Pavillion

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

#### Main House

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

#### Den Studios

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

and 3 would fall below the minimum internal floor space of 52m<sup>2</sup> as set out in Aberdeen Planning Guidance on Space Standards;

### Garages

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

### Other

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

### **Non-Material Considerations**

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



## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

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

### **Development Plan**

#### **National Planning Framework 4**

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 22 (Flood Risk and Water Management)

#### **Aberdeen Local Development Plan 2023**

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

## **Supplementary Guidance**

- Planning Obligations

## **Aberdeen Planning Guidance**

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

## **Other National Policy and Guidance**

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

## **EVALUATION**

### **Key Determining Factors**

The key determining factors for this application are:

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

### **Principle of Development**

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

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

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

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

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

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

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

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

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

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

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

## Scale and Design

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

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

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

#### Main Building

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

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

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

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

In this case, the external alterations would be to upgrade and alter the existing modern western extension and increase its size to the north west by c.14.50m<sup>2</sup> to accommodate a further staircase leading to the studio flats which itself is not of special interest. It would further separate the Main House from a the modern extension to the north, thus opening up this original elevation and its special features. However, a new irregular shaped extension with a footprint of c.40m<sup>2</sup> would be constructed to the north accommodating a bike and bin store and plant room. This extension would sit lower than the existing extension that is proposed to be demolished, and would open up some original features of the building in comparison to the current situation which would have a positive impact on the character of the listed building. The north elevation, whilst facing out onto Rubislaw Den North, was originally designed as a secondary elevation of the building, with the south elevation

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

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

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

#### Pavillion

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

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

#### Garage

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

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

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

### Garden House

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

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

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

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

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

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

### Site Layout

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

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

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

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

### **Impact on Residential Amenity**

#### 25A Rubislaw Den North

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

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

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

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

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

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

### 29 Rubislaw Den North

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

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



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

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

#### Other Neighbouring Properties

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

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

#### 'The Den'

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

#### Future occupiers

Aberdeen Planning Guidance 'Amenity and Space Standards' sets out that as a minimum a one-bed flat should have a floorspace of 52m<sup>2</sup>, a two-bed flat of 66m<sup>2</sup> and a three-bed flat of 91m<sup>2</sup>. In this case, all two and three bed flats in the Main House would have a floorspace between 150m<sup>2</sup> and 320m<sup>2</sup>; the studio flats in the Main House would measure between 45m<sup>2</sup> and 75m<sup>2</sup>; the two-bed units in the Pavillion would be c.120m<sup>2</sup>; and the two-bed Garden House would have a floorspace of 190m<sup>2</sup>.

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

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

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

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

### **Impact on Natural Environment**

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

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

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

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

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

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

### Protected Species

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

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

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

### Impact on Trees

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

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

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

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

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

## **Access and Parking**

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

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

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

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

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

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

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

## **Developer Obligations and Affordable Housing**

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

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

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

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

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

## **Other Matters**

### Waste

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

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

### Drainage

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

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

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

### Digital Infrastructure

Policy CI1 (Digital Infrastructure) of the ALDP includes an expectation that all new residential development consisting of five units or more have access to high-speed communication infrastructure. While no evidence of such a connection has been submitted as part of this application, a search on the OFCOM website demonstrates that ultrafast broadband would be available at the application site, and the proposal thus complies with this policy.

### **Tackling the Climate and Nature Crises and Climate Mitigation**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

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

### **Matters Raised in Representations**

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

### **Legal Agreement Heads of Terms**

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

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

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

## **ADMINISTRATIVE MATTERS**

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

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

## **RECOMMENDATION**

Approve Conditionally with Legal Agreement

## **REASON FOR RECOMMENDATION**

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

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

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

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

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

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

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

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

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

## **CONDITIONS**

### **(01) DURATION OF PERMISSION**

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

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



## (02) MATERIALS

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

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

## (03) HARD LANDSCAPING MATERIALS

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

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

## (04) GATE

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

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

## (05) LIGHTING

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

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

## (06) GARDEN HOUSE DETAILS

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

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

## (07) GARAGE DETAILS

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

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

#### (08) IMPLEMENTATION SOFT LANDSCAPING

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

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

#### (09) TREE PROTECTION (01)

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

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

#### (10) TREE PROTECTION (02)

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

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

#### (11) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

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

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

Conservation Site will be prevented;

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

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

## (12) DRAINAGE DETAILS

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

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

## **ADVISORY NOTES FOR APPLICANT**

### (01) HOURS OF CONSTRUCTION

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

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

### (02) SOUND INSULATION

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