

Signed (authorised Officer(s)):

13-14 ADELPHI, ABERDEEN

ALTERATION, PARTIAL DEMOLITION AND  
CHANGE OF USE TO FORM 5 NO.FLATS  
TO FORMER TRADES CLUB

For: West Coast Estates Ltd

Application Type : Detailed Planning  
Permission

Application Ref. : P141482

Application Date : 02/10/2014

Advert : Section 60/65 - Dev aff  
LB/CA

Advertised on : 29/10/2014

Officer : Paul Williamson

Creation Date : 19 May 2015

Ward: George Street/Harbour (A May/J  
Morrison/N Morrison)

Community Council: No response received

## **RECOMMENDATION:**

**Refuse**

## **DESCRIPTION**

The building to which this application relates reveals 2 ½ storeys to the Adelphi frontage, but sees 4 storeys of accommodation in other parts. The ground and basement floors of the building were last used as the 'Aberdeen Trades Union Council and Social Club', and has lain vacant for approximately two years, since the club closed around 2013. The first and second floors of the property are already in use as 6 flatted properties, which are accessed from a doorway on Adelphi Lane.

The property is of traditional construction, and includes timber framed windows and granite sills/stringcourse. The external walls have a beige render. The roof has been altered at some point in the past, and is now in mansard form, with velux rooflights in the northern section and dormers in the southern part. To the west a large and unsympathetic flat roofed extension is formed towards the rear of the properties fronting Market Street. Adelphi Lane runs along the northern boundary, while a further servicing lane also forms the western boundary.

The site is located within the Union Street Conservation Area.

## **RELEVANT HISTORY**

A7/0552 – Proposed alterations to form 6 no.flats in the upper two floors of the building – Approved conditionally under delegated powers on 2 April 2007. This consent has been implemented.

A6/1620 – Alterations and extension to add additional floors to form 9 no. flats – Approved conditionally at Planning Committee on 26 October 2006. This was not implemented.

A0/0903 – 2 Storey toilet block and Store/Fire Escape Below Extension/Alteration/Refurbishment of Rear Flat Roof – Approved conditionally under delegated powers on 31 July 2000.

94/1406 – Cleaning Stonework and Painting of Render – Approved conditionally under delegated powers on 10 August 1994.

## **PROPOSAL**

Detailed Planning Permission is sought for the alteration, partial demolition and change of use of the former trades club, to form 5 flats (two 2 bedroom, and three 3 bedroom). All flats would be of maisonette style, with accommodation over two levels (ground and basement). All would be single aspect, two in the original part of the building towards the Adelphi, and three towards the lane to the rear.

As part of the proposals, the two storey flat roofed extension at the rear of the building would be remodelled and drawn back by 1.8 metres, from the 1.2 metre wide lane. This would therefore create a separation of 3 metres from the blank rear gable of the building onto Market Street beyond. It would also cater for the provision of a tapered strip of defensible space with low landscaped cover, ranging from 1.5 to 1.8 metres in width. No direct access would be available to this space from the flats.

It is also proposed to replace the existing windows to the front elevation with double glazed timber framed sash and case units painted white. One of the existing doorways to the Adelphi elevation would also be partially blocked, to form a window with solid panel below. On the side/north elevation, two blocked up windows would be re-opened, with timber framed windows reinstated. In the remodelled extension to the rear, new doubled glazed white upvc windows would be installed.

## Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=141482>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

Supporting Planning Statement;  
Design Statement; and  
Sunlight Analysis.

## CONSULTATIONS

**Roads Development Management** – No objection. Advise that whilst 8 car parking spaces would normally be required, the development is being promoted as 'car-free'. As such, residents shall not be eligible to apply for residential parking permits. Further details of potential cycle parking and refuse storage would need to be conditioned. Contributions would also be required towards sustainable transportation, in this case the city car club. Furthermore, a contribution would also be necessary towards the Strategic Transport Fund.

**Environmental Health** – No objection. Conditions should be attached requiring a detailed noise assessment together with any mitigation measures; and, the provision of suitable facilities for waste and recycling.

**Developer Contributions Team** – The applicant has been provided with a copy of the Developer Contributions report which outlines that contributions are required towards affordable housing only.

**Communities, Housing and Infrastructure (Flooding)** – No observations.

**Education, Culture & Sport (Archaeology)** – A condition should be attached requiring the implementation of a programme of archaeological work prior to commencement of development.

**Community Council** – No comments received.

**Education, Culture and Sport (Educational Provision)** – Pupils from this development would be zoned to Hanover Street Primary School, and St Machar Academy, where there is capacity. No contributions are required from this proposal.

## REPRESENTATIONS

11 letters of representation have been received. Five raise objections relating to the following matters:

- Additional flats in the centre of town shall put pressure on existing schools and roads;
- Further improvements could be made to the frontage of the building to modernise it;

- The rear roof could also be improved by altering its shape and appearance; and,
- Additional traffic utilising the narrow entrance would be a concern.

The remaining 6 letters of support highlighted the following aspects:

- The proposal would contribute to regeneration through bringing a disused building back into use;
- The proposal would help to deliver much needed homes for the City, and is an appropriate use for this building; and,
- The Aberdeen Civic Society consider that the proposal sensitively retains the historical façade of the building.

Matters raised which are not material planning considerations included:

- One less licensed premise is good for health and social issues;
- The proposal would result in the loss of another licensed premise in the city centre; and
- There is insufficient street lighting, which is unsafe, particularly at night.

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy (SPP) – This states that ‘proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area.’

Scottish Historic Environment Policy (SHEP) July 2009 - SHEP highlights that ‘it is character or historic interest of an area created by individual buildings and open spaces and their relationship one with the other which the legislation covering conservation areas seeks to preserve.’

### **Aberdeen Local Development Plan**

Policy C2 (City Centre Business Zone and Union Street) – This policy states that Proposals to use basement and upper floors for retail, residential and other appropriate purposes will be encouraged in principle.

Policy D1 (Architecture and Placemaking) - This policy outlines an expectation that all new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D2 (Design and Amenity) – In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing;
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court;

3. All residents shall have access to sitting out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council. ;
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views or sunlight.

Policy D4 (Aberdeen's Granite Heritage) – this policy encourages the retention of granite buildings throughout the City, with the conversion and adaptation of redundant granite buildings favoured.

Policy D5 (Built Heritage) - This policy states that proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy (SPP).

Policy I1 (Infrastructure Delivery and Developer Contributions) – this policy outlines that development must be accompanied by the infrastructure, services and facilities required to support the scale and type of developments proposed.

Policy H5 (Affordable Housing) – requires that housing developments of 5 or more units are required to contribute no less than 25% of the total number of units as affordable housing.

Policy R6 (Waste Management Requirements for New Development) – outlines that housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes.

### **Proposal Local Development Plan**

Policy NC2 (City Centre Retail Core)

Policy D1 (Quality Placemaking by Design)

Policy D4 (Historic Environment)

Policy D5 (Our Granite Heritage)

Policy I1 (Infrastructure Delivery and Planning Obligations)

Policy T3 (Sustainable and Active Travel)

Policy T5 (Noise)

Policy H5 (Affordable Housing)

Policy R6 (Waste Management Requirements for New Development)

### **Supplementary Guidance**

Aberdeen City Council's Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages' is of relevance to the development. Although specifically targeted at residential development on sites currently in residential use, some elements of this guidance are applicable to other types of development. This includes the sections on: amenity; daylight; and, sunlight.

The Union Street Conservation Area Appraisal is also a relevant material consideration.

## **EVALUATION**

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

### Principle

As a general starting point, the proposal must be considered against Policy C2 (City Centre Business Zone) generally relating to the City Centre and Union Street.

The last use of the premise was as a club, and as such the proposal would not lead to the loss of any retail premise within the core part of the city centre. As such, consideration and indeed support can be given to proposals which bring vacant properties back into beneficial use, so long as those new uses themselves do not impinge upon the ongoing operation and enjoyment of surrounding properties, and comply with the other relevant policies of the development plan. These issues are discussed below.

### Residential Amenity / Daylight

As outlined above, the proposal would see the creation of a total of five flats within the building, with accommodation for each flat spread between the ground and basement levels. It is considered appropriate that the accommodation should be considered in two parts, which are: the front (original section), and the rear (extension).

#### Original Section

In respect of the two flats which would have a single aspect towards the Adelphi, the basement level would in essence borrow light from either an existing pavement lightwell for Flat 1, or through the reconfigured doorway (new window, and associated lightwell) for Flat 2. In both instances, it is considered that the amenity of future occupants, particularly on the lower (basement level) would be particularly poor in the sense of natural daylight, to the extent that it would be unacceptable in terms of policy D2.

## Extension

In the case of the flats proposed within the existing extension, again these would be single aspect. While the proposal does result in a slight reduction of approximately 1.8 metres to the overall depth of the extension, the proposed windows which would serve those flats would only be 3 metres from the rear (blank) wall of "The Snuggery" public house, and adjacent 'Rox Hotel'. As that elevation faces in a south westerly direction, it is anticipated that these flats would again be very unlikely to receive sufficient day/sunlight for occupants to enjoy. As such, these properties would suffer from a deficiency in amenity as a result, and would in most part be very dark, and daunting. Thus again unacceptable in terms of policy D2.

Amended plans provided by the applicant did provide some additional light, via skylights, to properties on ground floor but the accommodation on the basement level (bedrooms) would not see any betterment. The Supporting Planning Statement claims that "all of the rooms at the rear of the building will have rooflights to provide additional natural light ... which will result in all of these rooms having a relatively open outlook and a satisfactory level of amenity overall". Such a statement is factually incorrect, as the rooms at basement level cannot have rooflights, due to the presence of the ground floor above. Furthermore, due to the positioning of the rear gable of the buildings on Market Street being 3 metres from the proposed windows, it is unrealistic to claim that this result in a "relatively open outlook", and in reality the outlook is completely constrained and restricted. The provision of the small area of defensible space with low level planting cannot be considered as a useable area for future occupants to use for amenity, given that it shall in most part be in shadow and enclosed in a canyon like form by, the narrow lane and high sided walls adjacent.

Furthermore, the applicant also submitted a sunlight study in support of the proposals. While this provided an indication that properties would be afforded some exposure to sunlight, it would at times be as low as 38.5% of the overall sunlight hours available. Furthermore, when considered against the Supplementary Guidance on the 'Sub-division and splitting of residential feus', and particularly the aspects covering daylight, it is considered that the proposals would fail to demonstrate that good interior daylighting can be achieved through the '25 degree method', which requires that no obstruction measured in a vertical section perpendicular to the main face, from a point 2 metres above ground level, subtends an angle more than 25 degrees to the horizontal. In simplistic terms, the proposal flats would not achieve sufficient separation from adjacent buildings to achieve this guidance. As such, it is considered that the proposal would fail to comply with the supplementary guidance, reinforcing the failing against policy D2.

In all instances, the flats would not benefit from any external amenity space, or means considered acceptable to the Council through Policy D2 Design and Amenity. Discussion was held with the applicant in order to find a mutually

agreeable solution, although the extent of alternations which may be necessary would likely include the demolition of a significant extent (if not all) of the rear extension. Such a solution was not forthcoming. As such, the proposals are considered to be contrary to the aforementioned policy, and cannot be supported.

### **Impact on the Character of the Conservation Area (Design and Scale of Development)**

As outlined above, the application site is located within the Union Street Conservation Area. Key characteristics for the immediate area, identified as 'The Green and South Side', are the Adelphi being on the site of St. Katherines Hill and among the most historic parts of the city.

It is clear that at some point in the distant past, this property has been extended in a manner (flat roofed form) which would not be acceptable by todays design standards for development in Conservation Areas. However, as part of the assessment of proposals which could affect the character of a Conservation Area, consideration must be given to opportunities to result in betterment, particularly where inappropriate development is present. In this instance, the applicant indicated their willingness to remove approximately 1.8 metres from the length of the current extension to create a slightly greater separation from the neighbouring buildings beyond. However this area is directly east of a large imposing blank wall to the rear of Market Street, and as such would be a poorly lit, and unappealing space for residents to enjoy to any great extent. Furthermore, the bland and uninspiring design of the remaining extension would not preserve or enhance the character of the Conservation Area to any significant extent, thus there is not considered to be any betterment proposed which would be considered as a material consideration worthy of outweighing other deficiencies.

From the perspective of the planning authority, the ideal solution for this building would see the complete demolition of the rear extension, which is a particularly poor example of design within the Union Street Conservation Area. There may however be scope to create a more sympathetic extension, which could possibly incorporate some of an alternative flatted development, albeit of a likely lower number of units and scale – and ensured that adequate amenity can be provided to future residents. However in this instance, the applicant wishes the application to be assessed in its current form and on its own merits.

While the removal of a very small part of the extension is proposed, the overall benefit to the character of the Conservation Area is negligible, given the site being surrounded by a tight-knit layout of other buildings.



## **Matters raised through Consultation Responses**

In general, there were no technical objections to the proposals from consultees. Many matters, such as a noise assessment, scheme of archaeology, window details, cycle parking, and refuse storage facilities, could have in theory be dealt with through the use of planning conditions - should the principle of the development have been established. Furthermore, the requirement for developer obligations in the form of contributions towards affordable housing, the Strategic Transport Fund, and the City Car Club, were agreed by the applicant, although would have required the preparation and registration of a formal s75 planning obligation, or other suitable measure.

## **Relevant Planning Matters Raised in Written Representations**

With regard to matters raised through representations that have not already been considered above:

- While concern was raised over the potential impact on facilities such as schools, consultation with the Developer Obligations Team did not highlight any inadequacies in or requirement for contributions towards education;
- The issue of design has been considered above in respect of the remodelled extension. However, Planning Authorities have a duty to determine the proposals that are submitted to them. While some improvements to the proposals were sought, these were more substantial than the applicant was willing to accept, and therefore the proposal has been assessed on its own merits;
- While concerns were raised over the use of the narrow entrance to the Adelphi, the development is being promoted as car-free, and it is not expected that any significant increase in usage would occur. Notwithstanding, no objections were received from the Roads Development Management Team.

## **Conclusion**

While the Local Development Plan is supportive of proposals which bring vacant properties in the City Centre back into beneficial use, in this instance it has not been possible to demonstrate that the future occupants of the flats proposed would benefit from sufficient daylight/sunlight, and therefore the enjoyment of their property, and the residential amenity achieved would not be to a sufficient standard. The proposal would have a fairly negligible impact on the character of the conservation area and would not result in any noticeable betterment to the area, such to outweigh these amenity issues. The proposal would therefore be contrary to Policy D2 (Design and Amenity) of the Aberdeen Local Development Plan. Approval of the application would undoubtedly set a precedent for other

similar proposals, which would not create a satisfactory standard of living accommodation.

### Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014 . It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies of the Proposed Local Development Plan largely reiterate those of the extant Local Development Plan, and therefore they are not considered to outweigh or alter the existing provisions.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

That the proposal, if approved, would result in the provision of a number of sub-standard properties which would have an insufficient level of residential amenity, by nature of their lack of sunlight/ daylight through convoluted and restricted apertures, and the close proximity to surrounding buildings. As such, the proposal would be contrary to Aberdeen Adopted Local Plan Policy D2 - Design and Amenity, and the associated Supplementary Guidance on the 'Sub-division and Redevelopment of Residential Curtilages'. Furthermore, the proposal, if approved, would set an undesirable precedent for similar developments which would have a significant adverse impact on the residential amenity experienced in such properties.