

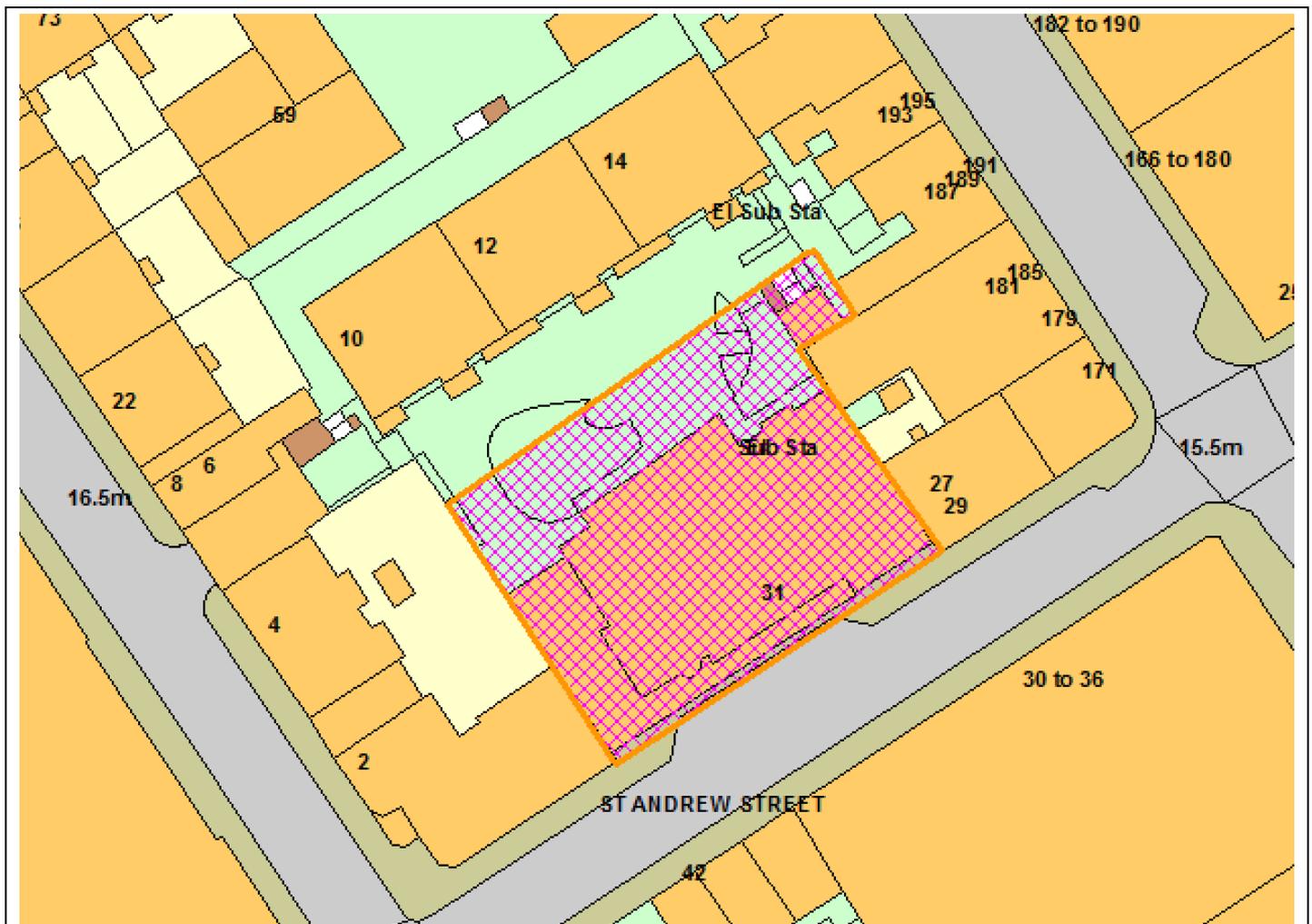


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 9 December 2021**

<b>Site Address:</b>	31 St Andrew Street, Aberdeen, AB25 1JA
<b>Application Description:</b>	Change of use from class 7 (hotels and hostels) to student accommodation (sui generis)
<b>Application Ref:</b>	211263/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	30 August 2021
<b>Applicant:</b>	Optimal Student (Aberdeen City) LLP
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	George Street
<b>Case Officer:</b>	Aoife Murphy



## **RECOMMENDATION**

Approve Conditionally with Legal Agreement.

## **APPLICATION BACKGROUND**

### **Site Description**

The site located on the northwest side of St Andrew Street, within the city centre boundary and currently comprises a 7 storey building currently falling within Class 7 – Hotels and Hostels of the Use Classes Order. The building previously operated as the Hilton Garden Inn hotel, which subsequently closed in March 2020 and the building now lies vacant. The building itself is of a modern design with a pend style entrance providing access to the courtyard to the rear. Underground parking (17 spaces of which are associated with the existing hotel) are available with access provided off Charlotte Street to the northwest.

The site is bound by residential properties to the north and southwest, while to the northeast and south, beyond the public road, lies a mix of uses including residential and Class 1 retail units. A Class 3 use can also be found on the corner on St. Andrew Street and George Street. St. Andrew Street is one way to car traffic, but does allow for two way traffic for buses and cyclists.

The Union Street Conservation Area lies approximately 25m to the west, but the site is not located within its boundary.

### **Relevant Planning History**

A6/0265 – Detailed Planning Permission to erect a residential and commercial development comprising 56 flatted units and 2 shop units, approved 23 June 2006.

A7/1026 – Detailed Planning Permission for a proposed 100 bedroom hotel with licensed bar and restaurant, approved 10 June 2008.

Other permissions have been granted but relate to the lighting and signage and not relevant to this application.

211130/DPP – Detailed Planning Permission for change of use from class 7 (hotels and hostels) to student accommodation (sui generis), withdrawn 25 August 2021.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning permission is sought for a change of use from a hotel to student accommodation (sui generis), which would provide a total of 105 rooms, 5 of which would be accommodated on the ground floor, 18 on the first, 20 on the second, third and fourth floors respectively, 16 on the fifth and finally 8 on the sixth floor. Study rooms have also been shown on the first, fifth and sixth floors. No details of the layout of the rooms have been provided, apart from the location of the ensuite, but the supporting planning statement advises that each room will have its own kitchenette.

Additional amenities/facilities are proposed on the basement and ground floors and include a 17 car parking spaces, bin stores, cycle stores (26 spaces), gym, cinema room, additional W/C's, laundry, linen store and games areas/chill out area, as well as a reception and office space.

No external alterations are proposed to the existing building.

## **Amendments**

None.

## **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=QYNLI1BZFW00>

- Aberdeen Student Market
- Economic Justification Statement
- Management Plan
- Revised Management Plan
- Supporting Planning Statement

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because there have been more than six timeous objections received and an outstanding objection from the community council.

## **CONSULTATIONS**

**ACC - Contaminated Land Team** – no comment/observations.

**ACC - Developer Obligations** – has advised that contributions towards healthcare facilities (£36,351) will be required.

**ACC - Environmental Health** – no comment/observations.

**ACC - Roads Development Management Team** – has no objections to the proposal, subject to conditions. The Service notes the provision of 17 car parking spaces and 36 cycle spaces and notes the location of the development within the city centre, while also accepting the location of the proposed bin stores.

**ACC - Waste and Recycling** – has advised that the proposed development will require the following:

- 9 x 1280L General Waste bin;
- 9 x 1280L Recycling waste bin; and
- 3 x Food waste containers.

All communal kitchens will also receive a kitchen caddy, biobags and associated information for their food waste. All bins will need to be presented either on Charlotte Street or St Andrew Street for collection.

**George Street Community Council** – has objected to the proposal and raise concerns regarding loss of amenity for surrounding residential properties due to anti-social behaviour and incompatible lifestyles between the existing and proposed uses, lack of amenities for future occupants, issues relating to parking, safety concerns. The community council also notes that the applicant made no attempt to liaise with its members regarding the proposal.

## **REPRESENTATIONS**

42 representations have been received all objections to the proposal. However, it is noted that 3 of these are duplicates resulting in a total of 39 representations. The matters raised can be summarised as follows –

- Impact on residential amenity
- Residential use not compatible with student accommodation
- Proposed use not compatible with other uses in the area
- Noise from the proposed use
- Impact on visual amenity
- Overlooking of courtyard
- Impact on health and wellbeing of residents of residential properties
- Inadequate parking facilities
- No details of what the remaining car parking will be used for if development is ‘no parking’
- Location and usability of cycle store
- Lack of and inadequate waste facilities - leading to litter and vermin issues
- Road safety concerns
- Existing congestion on Charlotte Street
- Impact on/blocking of existing emergency access
- Location is not sufficient for the students
- Location of development in respect to Robert Gordon’s University
- Sufficient level of student accommodation in the city
- Management plan is contradictory and inadequate

The following matters were raised that are not considered to be material planning considerations:

- Site plan not consistent with title deeds
- Anti-social behaviour within the communal courtyard
- Confusion regarding withdrawn application 211130/DPP
- Management of the combined complex (residential units and hotel) not addressed
- Comments regarding title deeds and its specific mention of “Hotel Property” and restrictions regarding use of communal courtyard
- Future market for hotels in the city
- Redevelopment of site into residential flats
- Value of residential properties affected & development would affect the leasing of neighbouring residential flats
- No property portfolio for company
- Costs of maintaining residential properties would increase
- Residents note that the only way the proposal would be acceptable is if the applicant purchased the entire complex
- Issues relating to smoking facilities resulting from lack of facilities
- Lack of kitchen facilities will result in an increase in the use of electrical goods and reliance in external food companies, i.e. takeaways
- Students would be on site longer than hotel guests c. 41 weeks of the year
- Impact on broadband speed

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

## **National Planning Policy and Guidance**

Scottish Planning Policy (SPP)

### **Aberdeen Local Development Plan 2017**

Policy NC1 - City Centre Development – Regional Centre

Policy H2 - Mixed Use Areas

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy NE4 - Open Space Provision in New Development

Policy R6 - Waste Management Requirements for New Development

Policy CI1 - Digital Infrastructure

### **Supplementary Guidance (SG) and Technical Advice Notes (TAN)**

Planning Obligations SG

Transport and Accessibility SG

Green Space Network and Open Space SG

Resources for New Development SG

Materials TAN

Student Accommodation TAN

### **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The site also falls within OP91 and the following policies are relevant to the this application:

Policy VC1 - Vibrant City

Policy H2 - Mixed Use Areas

Policy D1 - Quality Placemaking

Policy D2 - Amenity

Policy D6 - Historic Environment

Policy R5 - Waste Management Requirements from New Developments

Policy H7 - Student Accommodation Developments

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy T2 - Sustainable Transport

## Policy T3 - Parking

### **Other Material Considerations** City Centre Masterplan

## **EVALUATION**

### **Principle of Development**

Prior to assessment the principle of development, it is important to note that the re-use of a disused brownfield city centre site accords with the presumption in favour of development that contributes to sustainable development as expressed by SPP and correlates with the aim of the Aberdeen Local Development Plan. Furthermore, the Student Accommodation TAN states that the Council aims to take a positive and proactive approach to new student accommodation to ensure that they are in suitable locations in terms of accessibility and amenity impacts on the surrounding area.

Given the site's location within the city centre, Policy NC1 - City Centre Development – Regional Centre must be considered and advises that development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and Delivery Programme, but the site itself is not specifically designated for development within the City Centre Masterplan. However, it is noted that the masterplan seeks to accommodate a growing residential community, which will aid the vision of increasing the footfall of the wider area through the day and into the evening. Overall, it is considered that the proposal seeks to enhance the viability and vitality of the city centre through the provision of student accommodation. As such the proposal is considered consistent with Policy NC1 - City Centre Development – Regional Centre and the City Centre Masterplan.

In order to assess a development of this nature, the TAN highlights a number of requirements that should be considered, these are as follows:

- A. The development meets an identified need for the type of accommodation proposed;
- B. The development should be in a location that is easily accessible to the higher education campuses by sustainable transport modes;
- C. The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area;
- D. The layout, standards and facilities provided within the development are of high standards; and
- E. The development scheme has an appropriate Management Plan in place.

All criteria highlighted above will be considered in the evaluation below.

### **Identified Need and Principle of Development**

In terms of Criteria A of the TAN and the requirement for an identified need for such a development, the applicant has submitted a document regarding the need for such further student accommodation, this is in the form a report prepared by Knight Frank for Q4 of 2020, which provides information on all student accommodation in Aberdeen. The report outlines that there are 21,838 students in Aberdeen across the two universities, however it is noted that this number is based on data from 2018/2019. In terms of accommodation there are 19 University scheme's and 24 private schemes equating to a provision of 8,235 beds across the city. With 16% living at home, there appears to a significant percentage, approximately 62%, unable to access student accommodation. While it is noted that a recent scheme was approved on Langstane Place providing 44 beds and a further scheme currently being assessed by the Planning Service on Justice Mill Lane, but given the date of the report and data it is unlikely that these schemes would have been included. Nevertheless, a further 44 beds will not substantially reduce the percentage

of those unable to gain access student accommodation. In light of the information submitted, it is considered that there is an identified need for such a development within Aberdeen City.

Given that a need has been highlighted and while consideration has been given to the city centre under Policy NC1, the Planning Service must also assess the proposal against the site's land use policy, which in this case is Policy H2 - Mixed Use Areas. Policy H2 advises that where there are applications for a change of use within these areas, they must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where "housing" is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

The character of the surrounding area is dominated by a mix of uses including residential and commercial uses, reflecting its city centre location. It is therefore considered that given the existing range of uses in the area, the development would not detract from the existing character. Furthermore, it is considered that the proposed use is similar to a residential use given the length of time the occupants would be staying there.

With regards to amenity and the potential impact from the development on other uses, Environmental Health has considered this application and has highlighted no concerns or requested any further information.

In terms of the development being designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area as highlighted by the criteria C of the TAN, it is considered that the proposed accommodation would operate as a similar to that of residential accommodation, in that students would have leases lasting between 9 to 12 months, rather than being used for long term use. While the intensification of the site would increase as a result of this change of use, given its similarities to residential use, it is not anticipated that there would be sufficient noise emitted from the building to substantially impact on the levels of general amenity currently enjoyed by those living in the surrounding residential accommodation, noting that the location of this development is within the city centre rather than a purely residential area. In terms of the communal area, whilst it is appreciated that this could be utilised by the occupants, to what extent cannot be established, however, the submitted management plan aims to restrict its use to ensure that there is no impact on neighbouring properties.

A substantial number of the submitted representations relate to impact on amenity, these appear to be associated to anti-social behaviour, a factor which has the potential to impact amenity, however, it in itself is not a material planning consideration. Nevertheless, the applicant has submitted a management plan which highlights how anti-social behaviour will be dealt with should it be an issue. Additionally, it is noted in the submitted representations that conditions and duties of the title deeds are in place, which restrict the use of the communal area with respect to "ball games, private parties or any activity or event or use which might cause a nuisance to the occupiers or proprietors of the Hotel property or the Flat properties". Therefore, in terms of amenity, it is not anticipated that there would any undue impact as a result of this proposal that would cause the Planning Service to have any concerns and should such issues arise, it would be for the management team to address. Additionally, in light of the information above, there appears to be mechanisms in place that would deal with any 'anti-social' activities should they occur.

In terms of overlooking and impact on privacy on those surrounding the property, it is not considered that this would be an issue given the current arrangement on site. Those rooms that face south overlook the public road and in relation to those looking north, these look onto the existing communal courtyard, shared by this property and surrounding residential properties, with the properties to the north located some 17m away. So, while the rooms would be occupied for longer periods than if the hotel was still in use, it is not considered that the potential for overlooking

would increase substantially to cause concern. As such, it is considered that there would be a negligible impact on the current levels of amenity.

In light of this, it is considered that the proposed use would be an acceptable addition to this mixed use area and is in compliance with Policy H2 – Mixed Use Area.

While there is no specific policy within the current Local Development Plan regarding student accommodation, the Proposed Local Development Plan contains a new policy for such developments, Policy H7 - Student Accommodation Developments, which advises that proposals for new student accommodation development will be supported in principle where;

1. The location is accessible by means of walking, cycling, wheeling and public transport to the university or college facilities;
2. The proposals offer appropriate facilities; in particular providing an appropriate level of amenity space, refuse/ recycling storage space and secure bike storage facilities; and
3. There will be no significant adverse impact to the amenity of the surrounding area.

While points 1 and 2 will be considered elsewhere in this evaluation, it is considered that point 3 has been sufficiently addressed under this section of the report.

Taking into account criteria A and C of the Student Accommodation TAN, the current land use designation and point 3 of Policy H7 of the Proposed Local Development Plan, it appears that the proposal would be sited in a suitable location and would have no undue impact on the character and amenity of the surrounding area. As such and subject to the remaining criteria of the TAN and Policy H7 being met, it would appear that the principle of development can be supported by the Planning Service.

### **Design, Impact on the Historic Environment and Amenity of Future Residents**

The Aberdeen Local Development Plan and Policy D1 - Quality Placemaking by Design request that all development respect and consider the context of the surrounding area. In this case, an existing building will be re-used with no external alterations proposed. The re-use of the building also complies with a number of the essential qualities of a development, in that it is adaptable, accessible, safe and resource efficient. As such, the Planning Service is satisfied with the development from a design perspective and considers that there will be no impact on the surrounding visual character of the area.

While not located in a conservation area, the development is located close to the boundary of the Union Street Conservation Area, however, given the existing building will be re-used, it is considered that there would be no impact on the historic environment and therefore is considered compliant with Policy D4 - Historic Environment.

While the amenity of the surrounding area was considered above, the amenity of the future occupants also needs to be assessed. Given that the existing building was specifically built as a hotel, where occupants are there on a short term basis, the Planning Service need to consider whether the amenity for those potentially using the rooms will be sufficient. Policy D2 of the Proposed Aberdeen Local Development Plan looks specifically at this aspect of proposals and seeks to ensure that the principles relating to amenity are applied to all relevant developments. The Proposed plan outlines that poor amenity can have detrimental impacts on health and wellbeing and that buildings must be fit for purpose and meet the needs of users and occupiers.

In terms of daylight, it is recognised that all rooms are single aspect with a substantial number of rooms facing north. However, given the layout of the development and taking into account the distance of the site from the properties to the north, it is considered that the existing arrangements

would allow for sufficient daylight into the proposed rooms. Those rooms that face south do not raise any concerns.

Turning to outlook, it is considered that the south elevation has an appropriate and acceptable level, while it is recognised that these windows overlook the public road and buildings beyond, consideration must be given to the fact that this is a city centre location, in which a slightly reduced outlook is a typical consequence of developing brownfield sites owing to surrounding densities. The outlook to the north is also considered acceptable as it overlooks the communal courtyard with properties beyond some 17m away, raising no concerns.

Overall, it is considered that the amenity of future residents is acceptable and in compliance with Policy D2 of the Proposed Local Development Plan.

### **Accessibility and Parking**

In terms of accessibility, two aspects will be considered, the site's accessibility and whether the development should be in a location that is easily accessible to the higher education campuses by sustainable transport modes, the latter of the two being a requirement of the Student Accommodation TAN.

Overall, it is considered that the site is readily accessible by sustainable and active travel modes due to its location within the city centre and in close proximity to main arterial routes, i.e. George Street and Union Street, allowing access into and out of the city, as well as Aberdeen's bus and rail station at Union Square. In terms of access higher education campuses, it is considered that due to the site's location, both campuses are accessible via public transport, with bus routes running from the city centre to both Aberdeen and Robert Gordon Universities. Additionally, both campuses can be accessed via the city's cycle network.

Additionally, a travel plan has been submitted in support of the proposal, outlining details relating to the aforementioned aspects and providing specific details regarding bus routes and times. However, while details have been submitted a full travel pack/plan would be required if the application was to be approved and would identify measures to be implemented in relation to encouraging sustainable and active modes of transport.

The 17 parking spaces, including 1 disabled space, that currently exist, are being retained for the proposed change of use and are located at basement level. The Roads Service has advised that such a provision (including disabled parking) is in-line with the Transport and Accessibility SG, which requires 1 per resident staff member, plus 1 per 10 students for city centre developments. As this parking provision is already in place considered acceptable.

Several representations have highlighted concerns regarding the level of parking proposed, labelling it as inadequate, but that is not considered to be the case. The provision of 17 spaces exceeds the Council's standards by a few spaces, however given the spaces already exist, the provision can be accepted. Further representations state that no details of how the remaining car parking will be used should the development is deemed to have 'no parking'. While it has not been outlined how the parking will be utilised at this stage, there is no requirement for the applicant to do this and will be for the management team to control and enforce, but the Planning Service will be recommending a condition is attached to any approval so that the parking is only used in association with the proposed student accommodation

Further representations highlight concerns regarding road safety, the impact on existing congestion on Charlotte Street as a result of the development and potential impact on or blocking of existing emergency access. In terms of road safety, this has not been raised by the Roads team as an issue and given that the number of rooms are similar to that which were provided in

the hotel, it is not expected that there would be any additional impact on road safety. Further to this it is not expected that this development would give rise to further congestion on the surrounding streets. The submitted management plan does provide information regarding the period of time when students would be checking in/checking out, but outlines procedures the management team intends to put in place to reduce any potential impact. With regards to the potential blocking up of the emergency access, this would again be for the management team to control and ensure that there was no impact on the existing access should it be required for emergencies.

Cycle stores have also been shown on the submitted plans, these would be located on the ground floor and accessed via St. Andrew Street or from inside the building, making them clearly accessible to students residing here. Cycle store A has capacity for 28 bikes, while store B has capacity for 8 further bikes, totalling 36 spaces in total. This complies with the criteria outlined in the SG and is therefore acceptable. It is noted that a representation has highlighted concerns regarding the location and usability of the cycle stores given their locations, but it is considered normal that cycle stores would be located behind doors, this does not warrant this aspect of the proposal as unacceptable.

Overall, it is noted that subject to conditions the Roads Development Management Team has no objection. Having given full consideration to the above, it is considered that the proposal, subject to suitable conditions, is in compliance with Policy T2 - Managing the Transport Impact of Development, Policy T3 - Sustainable and Active Travel, Transport and Accessibility SG and Criteria B of Student Accommodation TAN.

### **Developer Obligations**

As per the requirements of Policy I1 - Infrastructure Delivery and Planning Obligations a Developer Obligations Assessment has been carried out which advises that, if the application is being approved, contributions would be sought towards healthcare facilities (£36,351).

### **Access to Amenities**

Criteria D of the TAN and Policy H7 requires the access to amenities to be considered, taking into account layout, standards and facilities provided within the development. While a number of elements will be considered below, such as open space, provision waste facilities, energy efficiency and flexibility, it is noted that some have already been addressed within this evaluation.

Facilities have been proposed within the basement and ground floor level of the building, additionally, the site is located in a city centre location with a multitude of amenities on its doorstep. As such, the proposal is considered acceptable in that the development would provide some communal amenities within the building, which would be complementary to the use of student accommodation and for the sole use of those residents, it would also be located within the city centre therefore providing excellent accessibility to other amenities outwith the site. As such the aspect of access to amenities is considered acceptable.

### *Open Space*

It is noted that students would have access to the communal area to the rear of the site, with some rooms on the ground floor having direct access via doors on the north elevation. Furthermore, the site would be located in close proximity to the Union Terrace Gardens, as well as other areas of open space within the city, it is therefore considered that residents will have adequate access to external amenity space. As such, the proposal is considered compliant with Policy NE4 - Open Space Provision in New Development, Policy NE1 Green Space Network and Open Space SG.

### *Waste*

With respect to Policy R6 - Waste Management Requirements for New Development, the proposed development has provided two bin storage areas on the basement and ground floor levels, with specific layouts provided. This has been reviewed by the Council's Waste and Recycling Service and is considered acceptable. All bins will need to be presented either on Charlotte Street for collection.

### *Energy Efficiency and Flexibility*

In respect of energy efficiency, given that the building is existing and will be re-used, there is no requirement for the development to submit an energy statement as per the requirements of Policy R7 - Low and Zero Carbon Buildings.

Turning to flexibility, the TAN states that "all applications for student accommodation will be conditioned to limit occupancy to students", as such, if the application was to be approved, a condition regarding this would be attached.

Overall, it is considered that these aspects highlighted above are acceptable an incompliance with the criteria D of the TAN and Policy H7.

### **Other Matters**

Owing to the nature of the site within the city centre, the Planning Service is satisfied that the proposal meets the requirements of Policy CI1 - Digital Infrastructure in that it would have access to modern, up-to-date high-speed communications infrastructure.

Finally, Criteria E of the TAN requires the development to have an appropriate management plan in place. A management plan has been submitted and provides information on the management of the development in terms of staffing, access, noise, anti-social behaviour, out of hours management, security as well as the moving in and moving out process. The details are considered to be acceptable and meet the aforementioned criteria.

### **Community Council and Representations Comments**

George Street Community Council has objected to the proposal and raise concerns regarding loss of amenity for surrounding residential properties due to anti-social behaviour and in-compatible lifestyles between the existing and proposed uses, lack of amenities for future occupants, issues relating to parking, safety concerns. The community council also notes that the applicant made no attempt to liaise with its members regarding the proposal. The initial comments raised by the community council have been addressed above. With regards to the comments regarding lack of communication, there is not legislative requirements for the applicant to liaise with the community or community council.

A number of concerns have been highlighted through the submitted representations, some of which have been addressed above, however, those that have not mentioned above will now be considered.

- Impact on residential amenity – *addressed above.*
- Residential use not compatible with student accommodation – *this is not considered to be the case, all over Aberdeen City student and residential accommodation are sited in close proximity to each other and co-exist without any impact.*
- Proposed use not compatible with other uses in the area – *addressed above.*
- Noise from the proposed use - existing disruptions from student accommodation at Woolmanhill – *addressed above.*

- Impact on visual amenity – *given that no changes are proposed to the building, it is not considered that there would be any impact on visual amenity.*
- Overlooking of courtyard – *addressed above.*
- Impact on health and wellbeing of residents of residential properties – *given that the proposed use is student accommodation, it is not considered that there would be any impact the health and wellbeing of existing residents.*
- Inadequate parking facilities – *addressed above.*
- No details of what the remaining car parking will be used for if development is ‘no parking’ – *addressed above.*
- Location and usability of cycle store – *addressed above.*
- Roads Safety concerns – *addressed above.*
- Existing congestion on Charlotte Street – *addressed above.*
- Impact on/blocking of existing emergency access – *addressed above.*
- Lack of and inadequate waste facilities – leading to litter and vermin issues – *adequate provision has been shown. Should there be litter or vermin issues then this would need to be addressed by the management team.*
- Location is not sufficient for the students – *addressed above.*
- Location of development in respect to Robert Gordon’s University (RGU) – *addresses above, RGU is considered assessable via public transport and other sustainable modes of transport.*
- Sufficient level of student accommodation in the city – *addressed above.*
- Management plan is contradictory and inadequate – *the plan is considered to be sufficient for the assessment of this application.*

The following matters were raised that are not considered to be material planning considerations, but the Planning Service can provide some information on each point.

- Site plan not consistent with title deeds - red site line looks to split communal area – *ownership is not a material planning consideration, but the red line does not physically split the communal area, but is required to take in all land relevant to the application.*
- Anti-social behaviour within the communal courtyard – *addressed within the management plan.*
- Confusion regarding withdrawn application 211130/DPP – *the previous application was withdrawn due to issues with the red line boundary, which could not be amended under that application owing to the extent of the changes.*
- Management of the combined complex (residential units and hotel) not addressed – *this is a civil matter.*
- Comments regarding title deeds and its specific mention of “Hotel Property” and restrictions regarding use of communal courtyard – *this is a civil matter.*
- Future market for hotels in the city – *the Planning Service does not have any remit to stop an applicant applying for a change of use, but must assess that application in respect of the relevant policies and guidance.*
- Redevelopment of site into residential flats – *that proposal is not before the Planning Service for assessment.*
- Value of residential properties affected & development would affect the leasing of neighbouring residential flats – *not a material planning considered so cannot be taken into account.*
- No property portfolio for company – *this is not a material planning consideration, but there is no requirement for the applicant to have a property portfolio.*
- Costs of maintaining residential properties would increase – *this is a civil matter.*
- Residents note that the only way the proposal would be acceptable is if the applicant purchased the entire complex – *this is not a material planning consideration.*
- Issues relating to smoking facilities resulting from lack of facilities – *this is not a material planning consideration, but it is noted that this aspect is covered in the management plan, stating that “smoking is not permitted anywhere within the building”.*

- Lack of kitchen facilities will result in an increase in the use of electrical goods and reliance in external food companies, i.e. takeaways – *Kitchens are provided within each room.*
- Students would be on site longer than hotel guests c. 41 weeks of the year – *noted and considered above.*
- Impact on broadband speed – *this would be a matter for Open Reach to ensure there is capacity and individual providers to ensure speeds.*

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the majority of the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan, apart from Policy H7 - Student Accommodation Developments and D2 - Amenity. However, it is considered that the elements and criteria of both have been considered suitably addressed and overall the development is considered to be acceptable.

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

The applicant has confirmed in writing that they are agreeable to the Heads of Terms outlined above and these contributions will be secured via a Legal Agreement.

### **Conclusion**

The proposal is considered to be a development which would see enhancements to the viability and vitality of the City Centre through the provision of student accommodation and it is not considered that there would be any undue impact on the character and amenity of the surrounding area. The existing building will remain unchanged and there would be no impact on the historic environment. Further to this there are no concerns regarding amenity for future residents. Given the above and the proposal's compliance with all relevant policies of the current and Proposed Local Development Plans and associated TAN and SG's, it is considered that the proposal is acceptable and is therefore recommended for approval subject to conditions and a legal agreement securing the aforementioned developer obligations.

### **RECOMMENDATION**

Approve Conditionally with Legal Agreement.

### **REASON FOR RECOMMENDATION**

The proposed change of use has been assessed against the relevant policies and guidance and in terms of the principle of development it is considered that there is an established need within Aberdeen for further student accommodation. Furthermore, it is considered that this development would improve the viability and vitality of the city centre, with no impact on the character or amenity of the surrounding area mixed used area. A sufficient level of parking, including car and cycle spaces, are being provided and the site is accessible by sustainable modes of transport to the city's main arterial routes and its established Universities. The site can also provide a sufficient provision of waste storage facilities. While the site can provide access to the communal area associated with the building, there is also access to public gardens and parks in and around the city. The site can also provide access to amenities both those proposed within the building and those located within the city.

Overall, it is considered that the proposal complies with Policy NC1 - City Centre Development – Regional Centre, Policy H2 - Mixed Use Areas, Policy D1 - Quality Placemaking by Design, Policy D4 - Historic Environment, Policy I1 - Infrastructure Delivery and Planning Obligations, Policy T2 - Managing the Transport Impact of Development, Policy T3 - Sustainable and Active Travel, Policy NE4 - Open Space Provision in New Development, Policy R6 - Waste Management Requirements

for New Development and Policy CI1 - Digital Infrastructure of the Aberdeen Local Development Plan 2017, the associated Technical Advice Note on Student Accommodation and Supplementary Guidance on Planning Obligations, Transport and Accessibility, Green Space Network and Open Space and Resources for New Development and the City Centre Masterplan.

The proposal is also considered consistent with the Proposed Aberdeen Local Development Plan 2020, specifically Policy H7 - Student Accommodation Developments and D2 - Amenity, with all other policies substantively reiterating those in the adopted Local Development Plan.

## **CONDITIONS**

### **1. Student Accommodation Restrictions/occupancy**

The student accommodation hereby granted planning permission shall not be occupied other than by students. In this case students are defined as those persons attending higher educational institutions within the City of Aberdeen.

Reason: The development is not suitable in planning terms for use as permanent residential accommodation due to the absence of provision of affordable housing, amenity areas, and car parking.

### **2. Management Plan**

The student accommodation hereby granted planning permission shall not be occupied unless it is being operated in full accordance with all measures identified within the Management Plan, hereby approved or any other draft submitted to and approved in writing by the planning authority.

Reason - In the interests of ensuring the provision of adequate amenity for occupants of the development and avoiding conflict with nearby uses.

### **3. Travel Plan**

The building shall not be occupied unless a Travel Plan for the use here by approved has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The building shall not be occupied unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

### **4. Car Parking**

That the 17 car parking spaces associated with the building shall only be used for purposes relating to the student accommodation hereby granted planning permission and should not be for any other purpose.

Reason: In order to ensure that the spaces are only used for the use hereby approved.

### **5. Cycle Parking**

The student accommodation hereby granted planning permission shall not be occupied unless the cycle storage provision, as shown on drawing 4035 101 B and subsequent details shows on drawing 4035 105 and 4035 106, has been implemented in full accordance with said

scheme, unless otherwise agreed in writing with the planning authority, and retained in perpetuity.

Reason: In the interests of encouraging more sustainable modes of travel.

## 6. Communal Facilities

The student accommodation hereby granted planning permission shall not be occupied unless the communal facilities (i.e. cinema, laundry, gym and games area etc.) as shown on the approved basement and ground floors, drawing references 4035 100 B and 4035 101 B or such other facilities as may be approved in writing by the planning authority have been implemented and are thereafter available for use.

Reason: In order to ensure provision of a live street frontage and ensure provision of adequate amenity for occupants

## 7. Waste

That the building shall not be brought into use unless the communal recycling/food waste/residual waste bin storage area shown on the following drawings, reference 4035 100 B, 4035 101 B, 4035 107 and 4035 108, hereby approved has been provided in accordance with the approved details. Once provided, the communal storage area shall thereafter be permanently retained.

Reason: To ensure that suitable provision is made for the storage of recycling, food waste and residual waste bins.

## **ADVISORY NOTES FOR APPLICANT**

### **Waste**

#### *Specific points*

- The bins in the basement bin store will need to be presented on Charlotte Street for collection.

#### *General points*

- No excess should be stored out with the containment provided. This is fly tipping.
- Large item collections can be arranged by visiting [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

#### *Specific development completion points*

- Developers must contact Aberdeen City Council [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk) a minimum of **ONE** month before properties will be occupied.
  - This is to ensure that the properties be registered on the CAG (Council Address Gazetteer). Without this registration, we cannot add to our in-cab waste vehicle systems for collections to be made.
  - This is to ensure that bins are ordered and delivered in time for residents moving in. Bins must be on site prior to residents moving into properties.
- A Purchase Order should be raised with Aberdeen City Council using the above pricing details and we will provide further guidance for purchasing the bins.
- Please submit a PO for the bins you require. No calls offs please.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.