

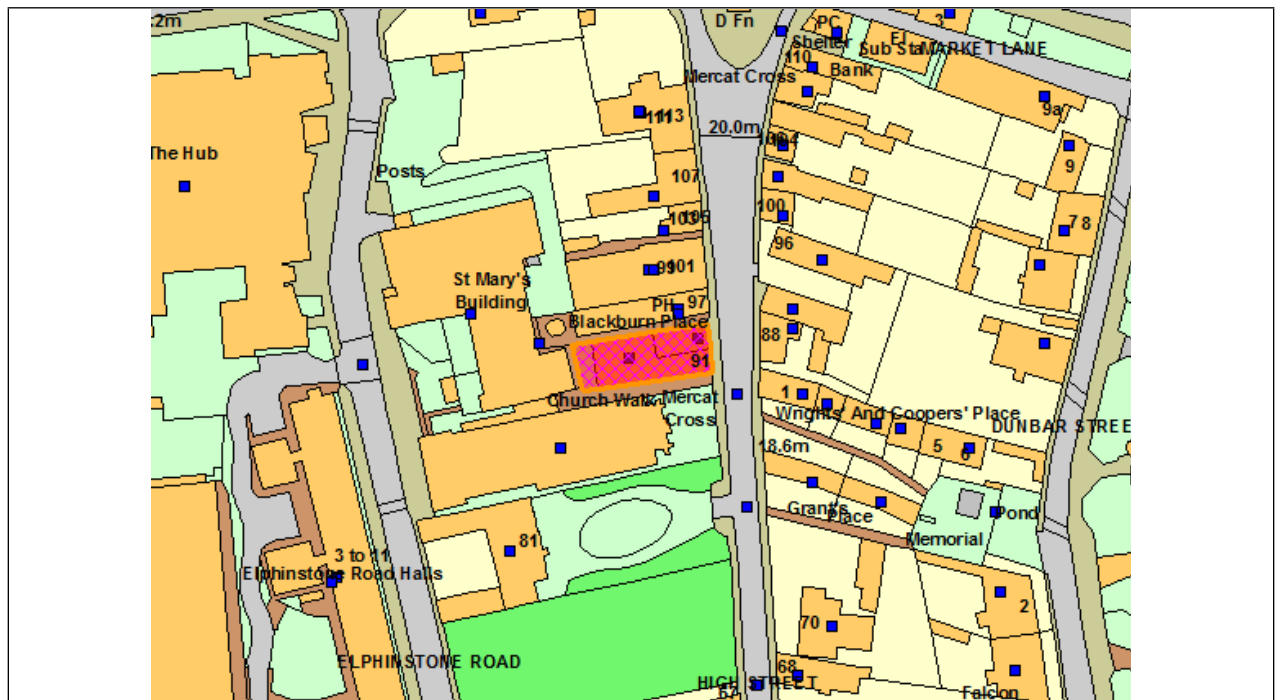


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 26<sup>th</sup> April 2018**

<b>Site Address:</b>	Bank Of Scotland, 91 High Street, Aberdeen, AB24 3EN
<b>Application Description:</b>	Change of use from class 2 (financial, professional and other services) to student accommodation (sui generis), including: formation of new window and rooflights; replacement of existing windows and door and removal of vents, and installation of covered bike store
<b>Application Reference:</b>	171445/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	8 December 2017
<b>Applicant:</b>	Stanthorne Ltd
<b>Ward:</b>	Tillydrone/Seaton/Old Aberdeen
<b>Community Council</b>	Old Aberdeen
<b>Case Officer:</b>	Jamie Leadbeater



## **RECOMMENDATION**

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Approve Conditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

The vacant ground floor space, formerly occupied by a bank (Class 2) until April 2016, of an extended a two and half storey category B-listed building on the western side of High Street in the Old Aberdeen.

The floor area comprises that of the main part of the building as well as the adjoining flats roof single store extension and converted pitched roof outbuilding, with a small enclosed yard to the rear (west) of it. Externally, the building is finished in traditional stone and terracotta profiled roof tiles with white timber sash & case windows, although non-original windows and doors are located on the exterior of the extension and converted outbuilding.

In terms of site designation and context, the site falls within an 'Existing Community Sites and Facilities' designation on the ALDP Proposals Map 2017 pertaining to the University of Aberdeen as a further education provider and is located within the Old Aberdeen Conservation Area. The University of Aberdeen's St. Mary's building is located immediately to the rear (west), which is accessed by pedestrian accesses (Church Walk and Blackburn Place) which run south and north of the application property respectively. A flat currently exists on the upper floors.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
171457/LBC	Formation of new openings and installation of window and rooflights; install replacement windows, with some modification to apertures in rear elevation; replace door with window and associated timber linings; removal of vents; install bicycle store; and installation of replacement external stairs, to allow formation of bin store.	Pending consideration – to be considered at PDMC (26/04/18)

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## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Change of use from Class 2 to a 6 bedroom student accommodation facility, creation of bike and bin stores in rear yard, and associated external alterations. Each bedroom would have en-suite bathroom facilities and there would be communal kitchen/dining

room and separate living room. The alterations to the building would include the following:

- Install 2no. rooflights in flat roof extension to serve kitchen/dinner;
- Replace door facing onto Blackburn Place with a sash & case window and low-rise walling to serve living room;
- Create new sash & case window in side elevation of converted outbuilding overlooking Church Walk to serve bedroom 5;
- Replace existing windows overlooking Church Walk with timber sash & case windows to serve bedroom 3 and 4; and,
- Modify existing window opening on west elevation of converted outbuilding and install replacement timber framed casement window to serve bedroom 6; and,
- Reduce window size in other window on west elevation of converted outbuilding and install new timber framed casement window to serve bedroom 1.

### **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=P0AKLOBZHLJ00> .

- Design and Heritage Statement.

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

The application has been referred to the Planning Development Management Committee because the local community council has objected and more than 5 objections have been received against the proposals.

### **CONSULTATIONS**

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**ACC - Waste Strategy Team** – No comments.

**ACC - Roads Development Management Team** – No objection. The proposed use would reduce the maximum permissible parking standard from 11 to 2 spaces. However, as the site is well-connected for pedestrians and cyclists and is located within 35m of a bus stop, which negates the need for dedicated parking. Bin store location is considered acceptable.

**Old Aberdeen Community Council** – Object, on the basis of the following:

- Proposed layout would not comply with the with Scottish Government guidance for HMOs;
- The premises has inadequate sound attenuation and further sound installation should be installed to minimise disturbance to the flat above.
- Inadequate bin storage;
- Removal of door on Blackburn Place and replacement with an opaque glazed screen is considered unacceptable

## **REPRESENTATIONS**

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18 objections have been received, raising the following material planning considerations:

- Increased parking pressures;
- Adverse impact on amenity of the flat above, primarily from noise;
- Adverse impact on the residential character of High Street;
- Alterations would harm the character and appearance of the conservation area;
- Old Aberdeen CACA (Conservation Area Character Appraisal) identifies an increase in HMOs on High Street as a 'threat';
- Insufficient room for waste bins;
- Lack of acoustic insulation within building;
- Former bank operated 9am to 5pm, whereas student accommodation would be in 24hour use.

Issues raised in representations which are not material planning considerations:

- The premises would be better used for permanent residents;
- It is highly desirable to maintain a healthy balance between 'town and gown';
- Lack of housing provision for families within Old Aberdeen;
- Impact on Aberdeen University's ability to let rooms in their own halls of residence, due to overprovision of student accommodation in Old Aberdeen;
- A Category B listed building is unsuitable for HMO accommodation;
- Adverse impact on local community, as students are not permanent residents;
- Proposed use would detract from tourist experience of Old Aberdeen.

## **PLANNING POLICY FRAMEWORK**

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### **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)
- Historic Environment Scotland – *Managing Change in the Historic Environment: Guidance Notes*.
- Scottish Government Circular 2/2012 - *Houses in Multiple Occupation: Guidance on Planning Control and Licensing*

### **Aberdeen Local Development Plan (2017)**

- Policy CF1: Existing Community Sites and Facilities
- Policy D1: Quality Placemaking by Design
- Policy D4: Historic Environment
- Policy R6: Waste Management Requirements for New Development
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel

### **Supplementary Guidance and Technical Advice Notes**

- Householder Development Guide (Supplementary Guidance)
- Replacement of Windows and Doors (Supplementary Guidance)
- Resources for New Development (Supplementary Guidance)
- Student Accommodation (Technical Advice Note)
- Transport and Accessibility (Supplementary Guidance)

### **Other Material Considerations**

- Old Aberdeen Conservation Area Character Appraisal (CACA)

## **EVALUATION**

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### **Main Issues**

The main issues in this matter are: firstly, whether the proposed development is acceptable in principle; and, secondly, whether the proposal in its detailed form is compatible with the character of the area having regard to the provisions of the Development Plan and other material considerations. Land-use designation Policy CF1 in the ALDP covers these main considerations.

### **Principle of the Development**

The site has laid vacant for approximately 2 years, following closure of the bank, and despite marketing no demand for continued Class 2 use has emerged. As such, it is reasonable to consider an alternative use for the building.

The proposed use is pseudo-residential and therefore considered reasonable in this mixed use location. Given its nature it is also considered to be harmonious with the residential flat above and those neighbouring the site, as well as being complementary to the University of Aberdeen as the local designated 'existing community facility' which potential occupiers may be associated.

### **Compatibility with Character of the Area**

High Street and adjoining streets are characterised by a congruous mix of uses, including: mainstream residential, student accommodation and commercial uses. The proposed use would align with this established character.

Taking into account the points above, it is considered the proposal would be in accordance of Policy CF1 in the ALDP, therefore rendering the proposed change of use as acceptable. It should also be further noted that the site's easy access to the

University of Aberdeen confirms its alignment with the relevant requirements of the Council's Student Accommodation Technical Advice Note (TAN).

## **Amenity**

### Prospective Occupants

It is considered occupants would be afforded a reasonable level of general amenity, by virtue of the proposed internal layout. Rooms would be well served by windows allowing the permeation natural light and air - albeit there would be variances of this from window to window, such that some would gain more than others. As some windows are close to the street there would be privacy impacts, however this is to be expected in such a historic environment. Furthermore, communal bike and bin storage facilities within the rear yard would enhance the general amenities afforded to prospective occupiers, again in-keeping with the expectations for student accommodation set out within the TAN.

### Neighbours

It is not considered the proposed use would be unduly adverse to neighbours residential amenity, especially in relation to noise and privacy, by virtue of the proposed window relationship with surrounding buildings. The change in use will also see improved noise attenuation between the ground floor and flat above – through the building warrant process. It is also noted that there is already noise from pedestrians and vehicles passing along High Street (which is cobbled) 24 hours day. It is noted that specific concerns have been raised about this issue from the residents in the above flat, but in discussion with Environmental Health it is not considered that a Noise Impact Assessment was required, given the standard of noise mitigation between the two properties required to be achieved through the building warrant process.

Overall, it is considered the proposals would achieve satisfactory amenity to occupants without unduly compromising the general residential amenity afforded to existing adjoining and neighbouring residential properties.

## **Impact on listed building and conservation area (historic assets)**

Policy D4 in the ALDP states there will be a presumption in favour of the re-use of listed buildings whilst new developments should seek to respect the character, appearance and setting of these buildings, as well as protecting their special architectural or historic interest. This policy is underpinned by SPP and HES guidance.

### Re-use of building

As stated above, the Council's supports the re-use of listed buildings – which is underpinned by relevant national policy and guidance – given this contributes largely towards the long-term conservation of important historic assets. This proposal would deliver on this on this.

### Rooflights

The proposed rooflights would be located atop the relatively recent flat roofed link extension not readily visible from surrounding public thoroughfares and therefore should

not adversely affect elements of historic or architectural significance but it would be prudent to obtain details of these in advance to afford maximum protection, which can be controlled by condition. Furthermore, by virtue of their siting and scale they would not be readily visible from public vistas such as Blackburn Place, Church Walk and High Street, and therefore would not adversely affect the character and amenity of the conservation area.

#### Replacement Windows

The quality of the existing windows fronting onto Church Walk are considered to be poor and their replacement with timber sash & case windows would greatly enhance the character and appearance of the listed building and conservation area.

#### New Window

This has been justified to provide natural light and ultimately enhance the amenity of potential occupants of the related room, which is considered necessary given the proposed use as pseudo residential accommodation. It would not adversely impact on the fabric of the main part of the listed building, being in the gable of the 'outbuilding' element, and the sash & case window proposed would be coherent with the other windows within the building. Whilst the proposed granite cills and lintols appear acceptable in principle, it is considered necessary to control the detail of these through an appropriately worded condition to the benefit of the visual amenity of the conservation area.

#### Replace Door with Window

This would ensure an original aperture is retained, whilst enabling the proposed use, whilst not overtly visible from High Street. The detail of the sash & case window and associated timber linings beneath would be coherent with the established character of windows and complementary to the built fabric of the building, as well as being reversible at a later date. It is therefore considered an acceptable impact on the exterior of the building which would not be adverse to the visual amenity of the conservation area. This solution supersedes the original opaque screen originally proposed, which the objection raised concern about.

#### Replacement Staircase

The proposed railings would be an improvement on those present, even when reconfigured, and would be contained within the rear yard area, thus not having any prominent bearing on the setting of the listed building or character of the conservation area. Likewise, the proposed additional raised concrete area – forming the bin store – would have no greater impact given it would be contained largely behind the existing boundary wall.

#### Bike Store

This structure would abut the wall and therefore not affect its original character or appearance. Given it would be sited in an enclosed yard; it would not unduly impact on the listed building's setting and character and appearance of the conservation area.

Overall, it is considered the proposed physical external changes to the listed building would not unduly jeopardise its original character and appearance, or that of the wider Old Aberdeen Conservation Area.

### **Access, Parking and Waste Storage**

The Council's Roads and Waste services have been consulted on the proposals but raised no concerns, on the basis the proposals would reduce the parking requirement for the premises and waste would be stored in an appropriate location. In addition, the close proximity of the site to Aberdeen University and inclusion of cycle should seek to mitigate the dependence on the private car as best as reasonably possible. This should allay objectors concerns regarding impact on road safety and waste storage. Subsequently, it is considered the proposal complies with policies R6, T2 and T3 in the ALDP and their respective relevant supplement guidance documents.

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Issues raised in representation, not yet addressed**

- *Proposal is contrary to the Council's TAN on student accommodation* – It is considered the proposal would comply with the relevant requirements of this document, although it should be noted that it has limited materiality in reaching a determination and is for general guidance purposes.

### **Conclusion**

The proposed use is considered to be compatible with adjoining and neighbouring uses, including the designated community use (University of Aberdeen) which the site has been designated as within on the ALDP Proposals Map. The physical alterations to the building would be adequately sympathetic to the character and appearance of the listed building, and Old Aberdeen Conservation Area. Finally, it has been demonstrated the proposed development could be appropriately serviced. Taking the aforementioned points into account, the proposal would comply with the relevant requirements of all relevant policies in the ALDP 2017 and their associated supplementary guidance. In the absence of any other overriding material considerations, the application is recommended for approval.

### **RECOMMENDATION**

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The proposed use would be complementary to the University of Aberdeen, as the nearest 'existing community facility' and would be in-keeping with the character of congruous uses spanning along High Street and adjoining streets. In addition, the proposed physical changes to the application property are considered be appropriately sympathetic to the character and appearance of the category 'B' listed building and wider Old Aberdeen Conservation Area. Finally, the proposed use would be sustainably accessible to the university and wider amenities within the surrounding area and city centre. To this end, the proposal is considered compliant with the following policies in the Aberdeen Local Development Plan 2017: CF1– Existing Community Sites and Facilities; Policy D1- Quality Placemaking by Design; Policy D4– Historic Environment; R6: Waste Management Requirements for New Development; T2 – Managing the Transport Impact of development; and, T3: Sustainable and Active Travel. In the absence of any other overriding material considerations, the proposal is considered acceptable.

## **REASON FOR RECOMMENDATION**

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Approve Unconditionally

## **CONDITIONS**

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- 1) No development shall occur until full details of: the cill and lintols pertaining to the windows within the converted outbuilding; and, rooflights, have been submitted to the Planning Authority and agreed in writing. Thereafter, the proposed development shall be carried out in complete accordance with such approved details.

Reason: In the interest of the character and appearance of the category B-listed building.

- 2) For the avoidance of doubt, all: frames associated to replacement and new windows within the building; and the 'timber linings' used to partially block-up the existing doorway fronting onto Blackburn Place, shall be constructed from wood.

Reason: To ensure the changes are sympathetic to the special architectural interest of the listed building.

## **ADVISORY NOTES FOR APPLICANT**

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- 1) The applicant will need to obtain an HMO (House in Multiple Occupation) license from the Council in order to legally operate the development.