

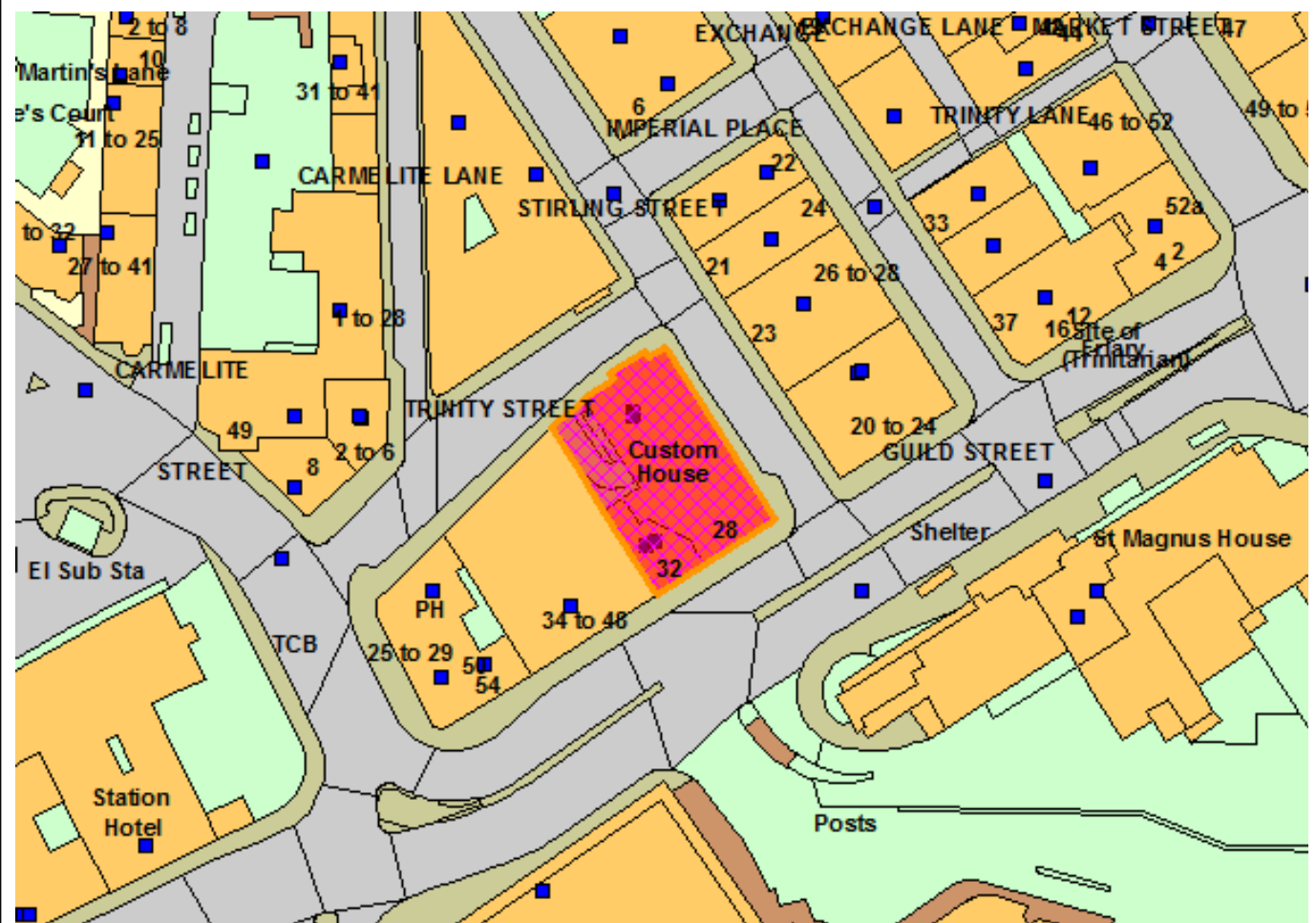


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 6 December 2018

<b>Site Address:</b>	Custom House, 28 Guild Street, Aberdeen, AB25 1NB
<b>Application Description:</b>	Change of use from class 4 (offices) to class 7 (hotel) comprising 106-beds and external works to reconfigure and install to 2 windows to front roof, add mirrored panels and reconfigure existing access
<b>Application Ref:</b>	181532/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	30 August 2018
<b>Applicant:</b>	Mandale Construction North
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	Castlehill And Pittodrie
<b>Case Officer:</b>	Matthew Easton



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## RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

Custom House is a six-storey building located on the corner of Guild Street and Stirling Street.

Vacant office space is set over much of the six floors, with a plant room on the roof. Part of the ground floor is in retail use and occupied by newsagent 'RS McColls'. A basement car park contains twelve spaces associated with the office element, access is via a ramp from Trinity Street.

Although the elements not fronting Guild Street are of little architectural merit, the front elevation thereto is impressive, being constructed from granite and featuring projecting bay windows and a number of decorative stonework elements, including a distinctive wall-head pediment.

The surrounding area has a mix of uses, including the adjoining 'A' listed Tivoli Theatre, restaurants, bars and hotels, Union Square shopping centre, bus and railway stations.

The application site is located within Conservation Area 2 (Union Street) but is not listed.

### **Relevant Planning History**

A detailed planning application (181273/DPP) for conversion of the building to 49 flats was received in July 2018 from the same applicant. The application is currently under consideration and is undetermined.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Detailed planning permission is sought for the change of use of the building to a 106-bedroom hotel.

The ground floor would feature a reception area, bar & dining room, three bedrooms and back-of-house space. The upper floors would contain the remainder of the bedrooms, which would be a variety of sizes and including suites on within what roof plant room is currently.

The separate retail unit at ground floor would be retained. The basement would see 10 parking spaces retained and further back-of-house accommodation and a bin store.

Two new windows would be installed within the mansard roof on the front elevation and alterations would be made to the entrance to the building on Guild Street to allow wheelchair access.

### **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=PE6151BZGWP00>.

- Planning Statement

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Castlehill and Pittodrie Community Council have objected to the proposals.

## CONSULTATIONS

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**ACC - Roads Development Management Team** – No objection. The following comment is provided.

- Note the excellent walking and cycling links; access to various bus services, and bus station opposite; that Aberdeen Rail Station is in close proximity, with frequent services across the country.
- The established office use allows for maximum of 56 off-street parking spaces, whereas the proposed hotel use sees a maximum of 64. The 12 existing spaces would be reduced to 10. Therefore there would be an increased shortfall in parking, in order to justify this certain mitigatory measures such as: cycle provision, contributions to 'car club' etc. are often required. However, the city centre location and the extensive public transport links, to an extent, justifying the reduced provision. The applicant however is required to revise the proposal to provide disabled parking.
- Secure and sheltered cycle parking provision for staff and customers/guests is required, as per ACC guidance.
- A bin store would be provided in the basement; however, the applicant requires to evidence how refuse vehicles would access and service this.
- A travel plan should be submitted, to encourage staff and guests to use sustainable means of transport.

**ACC - Environmental Health** – No objection. The following advice is provided.

Environmental Odour and Noise Control – In relation to the risk of malodour from cooking activities impacting on the amenity on neighbouring residential property, the following is recommended –

- With the exception of re-heating and hot holding precooked soups, any other hot food cooking and reheating activities to be undertaken, will require a Local Extract Ventilation (LEV) system to be installed prior to commencement of those activities. Where commercial LEV equipment is to be installed a suitable extract ventilation assessment must be carried out prior to its installation to fully demonstrate any necessary mitigation measures and their effectiveness to.
- The installation of a LEV system presents a risk of noise disturbance. A Noise Impact Assessment must therefore be carried out to ascertain the predicted impacts of noise on existing residential property and demonstrate the effectiveness of any noise controls. The addition of any other fixed plant or equipment must also be considered.

Air Quality Impact of Proposal (Advisory Information) – The site lies within an Air Quality Management Area (AQMA). However, vehicle parking provision is not to increase and therefore traffic originating from the proposed development is not considered to significantly increase concentrations of Particulate Matter 10 (PM10) and Nitrogen Dioxide (NO<sub>2</sub>) on the local network to such an extent that the relevant objectives for the said pollutants would be exceeded or suggest an

increase that would require an Air Quality Assessment. There is therefore no objection to the proposal on this basis.

Local Air Quality Impact on Receptors (Advisory Information) – In relation to the impact of local air quality on patrons of the premises, as they would be using the room for a matter of days at a time, the short-term air quality objectives are applied to assess the suitability of the proposal. Namely for NO<sub>2</sub> a 1-Hour mean concentrations limit (200 µg/m<sup>3</sup> not to be exceeded more than 18 times/year) and for PM<sub>10</sub> a 24-Hour mean concentration limit (50 µg/m<sup>3</sup> not to be exceeded more than 7 times/year).

The closest Continuous Monitoring station (CM3) on Market Street shows no exceedances of the short-term air quality objective limits for NO<sub>2</sub> for the years 2013 to 2017 and no exceedances of the short-term air quality objective limits for PM<sub>10</sub> for the years 2016 to 2017. There is therefore no objection to the proposal on this basis.

Noise from Construction Works (Advisory Information) – To protect the amenity of the occupants of the neighbouring residences from noise produced as a result of construction works, it is recommended that operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

**Developer Obligations Team** – As there is no net increase in floor space, thus no contributions (core paths or open space) are required.

**Castlehill and Pittodrie Community Council** – Does not support the application and highlight the following matters.

Suitability of Use – Concern is raised with the existing concentration of hotels, particularly in this area of the city and city centre. It is important that there is a variety and mix of uses and healthy balance of amenities and activities available throughout the city and around the city centre. The Community Council recommend that this space can and should be made available for other uses, in particular housing which is both an identified need, as well as supported through an earlier application by the same applicant. It is the Community Council's view that this application would create a surplus of hotel supply, rather than supporting a greater diversity of developments in and around the city.

Affordable Housing – There is a preference that the building be redeveloped for affordable housing. Such a use would be of more benefit to those who are looking to move to or continue to live within Aberdeen over the longer term. The approval of hotel use would exclude this potential affordable housing from coming forward. The need for affordable housing in and around the city centre is supported by the City Centre Masterplan and subsequent City Centre Living Study. The Community Council believe that the initial application (181273/DPP) to convert the building to residential use would bring greater benefit and longer-term success than the hotel space proposed in this application.

Built Environment Heritage – The applicant's commitment to preserving and incorporating the heritage of the building such as original stonework and masonry, with planned refurbishment to windows, roofing and exterior facade and surfacing where required is strongly supported and welcomed.

Local Business and Economic Strategy – The Community Council recognises that 'Food & Drink' and 'Tourism / Leisure Industry' is an identified theme for development as part of Aberdeen City Council's Economic Strategy and the Regional Economic Strategy. However, there is a strong and serious concern that continues to come forward from many in the community over how this is being managed and conducted – and where provision is being made available. Whilst the applicant's wish

to invest in the long term and future success of Aberdeen is welcomed, these strategies must be developed in sustainable ways which bring both the city centre and the city together as a cohesive whole, where the benefits of this focus can be shared and support the city's residents and communities.

## **REPRESENTATIONS**

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None

## **MATERIAL CONSIDERATIONS**

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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.

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 of conservation areas

### **Strategic Development Plan (2014)**

- Aberdeen City Centre is a regeneration priority area

### **Proposed Strategic Development Plan (2018)**

- A City Centre Transformation Zone is identified by the proposed SDP to build on existing work undertaken by the City Centre Masterplan and Delivery Programme and the Business Improvement District.

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

- Policy NC1: City Centre Dev - Regional Centre
- Policy D1: Quality Placemaking by Design
- Policy D4: Historic Environment
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy T4: Air Quality
- Policy T5: Noise
- Policy R6: Waste Management Requirements for New Development

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

- Air Quality
- Noise
- Transport and Accessibility
- Resources for New Development

### **Other Material Considerations**

- City Centre Masterplan

## EVALUATION

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### Principle of Development

The site lies within the designated city centre, where Policy NC1 (City Centre Development - Regional Centre) applies.

- The first part of Policy NC1 indicates that the city centre is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development, serving a city-wide or regional market.

In assessing the proposal against this, hotel use is specifically mentioned and is generally regarded as serving a citywide or regional market, as it would not be unusual for guests to stay at a city centre hotel whilst visiting the wider city or region as a tourist or whilst on business. Therefore, a city centre location is one which when considered against Policy NC1, is a preferred location for hotels.

- Policy NC1 goes onto require development to 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 (CCMP). This is also supported at a more strategic level by the Proposed Strategic Development Plan.

The CCMP identifies that there is a need to increase hotel choice in the city. Whilst business tourism is already an important economic sector and reflected by the strength of this sector of the hotel market, this has prevented the city from realising its potential as a leisure break destination. Project EC08 (New hotel development) of the CCMP indicates that Aberdeen's appeal as a leisure visitor destination requires a wider choice of accommodation in the city centre to meet broader needs and budgets. Particular need has been identified for more leisure-based hotels; independent boutique hotels; urban hostels catering for the international backpacker market and apart hotels for project workers.

Taking the above into account is clear that the city centre is seen as an appropriate place for new hotel development. Although the planning authority do not have control over the type of hotel or operator, it is understood from the applicant that the hotel would be aimed at the premium budget/limited-service part of the market, thereby increasing choice in that area.

In terms of the specifics of this site, it is near the train and bus stations, ferry port and numerous cultural, retail and business destinations within the city centre. It is therefore considered that the location is acceptable and appropriate for hotel use.

- Custom House has been vacant for several years and with a large amount of new and grade A office floor space now available within the city centre, it is unlikely that the poorer quality space which the building offers is going to be attractive to potential occupiers. Therefore, the re-use of the building for a suitable alternative use is welcomed.
- The retention of the existing retail unit would continue to provide an active use to Guild Street and enhance the area's vitality and viability as a commercial area ensuring a mix of uses.

## **Accessibility and Transport**

Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) require new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

As already discussed, the hotel is in a highly accessible location, close to points where hotel guests are likely to originate, such as the bus and train stations and ferry port. It is also within close proximity to several bus routes. A condition has been attached requiring cycle storage to be provided within the basement, to encourage cycling – primarily by staff. Parking provision would be limited to ten parking spaces for the hotel. Although zero parking would be acceptable, as the parking area already exists and could not readily be used for other purposes, this is considered acceptable. The proposal would meet the requirements of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel).

## **Amenity**

The hotel would feature a kitchen and the Council's Environmental Health service have noted that there is therefore the risk of malodour from cooking activities impacting on the amenity on neighbouring residential properties. A condition has been attached restricting cooking operations until a scheme of Local Extract Ventilation (LEV) has been approved and installed. Policy T5 (Noise) requires that in cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application. Therefore, the LEV scheme would need to be accompanied by a noise assessment to ensure any mechanical plant which part of the scheme is does not create a noise nuisance. Subject to satisfactory details being submitted, the provisions of Policy T5 (Noise) would be met.

Policy R6 (Waste Management Requirements for New Development) requires that all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. In this instance a waste store would be provided in the basement sufficient for the purposes.

## **Air Quality**

Development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are agreed as set out in Policy T4 (Air Quality).

The site lies within the Virginia Street/Trinity Quay/Guild Street Air Quality Management Area (AQMA). The Environmental Health service have considered the proposals and determined that traffic originating from the proposed development would not significantly worsen air quality.

In relation to the impact of local air quality on hotel guests, the short-term nature of stays would not result in adverse impact and EH colleagues do not object on this basis.

## **Layout and Design**

The building is within Conservation Area 2 (Union Street) and therefore there is a requirement to ensure that the character of the conservation area is either preserve or enhanced, as expressed through Policy D4 (Historic Environment). Two new windows would be installed on within the mansard roof on the front elevation and alterations would be made to the entrance to the building on Guild Street to allow wheelchair access. The windows would be a minor intervention in a non-original part of the building which would be insignificant in the context of the overall building. Further details of the entrance alterations have been required by condition however in principle the change

to a ramp would be acceptable. These external works are considered to preserve the character of the conservation area in accordance with Policy D4 (Historic Environment). The internal work to the building does not require planning permission.

### **Matters Raised by the Community Council**

- In relation to the concerns raised by Castlehill and Pittodrie Community Council about the appropriateness of hotel use, it is clear from earlier in the evaluation that national and local planning policy regards the city centre as a suitable location for such a use. Hotels frequently choose locations close to key transport nodes, resulting in a concentration of the use, so a higher number of hotels within part of a city centre where there is a choice of transport options is not unusual. There is already a wide range of activities in this part of the city centre and the introduction of a hotel would not adversely affect that balance or mix.

In terms of overprovision specifically, there is no requirement for a hotel operator to demonstrate that there is requirement for their business; the market will dictate the number of hotel rooms that the city can sustain. Unless it can be demonstrated that a concentration of hotel uses would cause an adverse impact in some way, which is not the case here, it is not for the planning authority to intervene by preventing new operators from entering the market or existing operators from expanding.

- Whilst there is a separate planning application (181273/DPP) from the same applicant to convert the building to residential use, the planning authority is required to consider the application before it, rather than potential alternatives that may or may not happen. Therefore, even if residential use was seen as a preference, this application for hotel use must be considered on its own individual merits.
- The concerns relating to the local tourist and economic strategies do not appear to have any direct relevance to the determination of this application.

### **RECOMMENDATION**

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Approve Conditionally

### **REASON FOR RECOMMENDATION**

The city centre when considered against Policy NC1, is a preferred location for hotel use. The proposed use is also supported by the City Centre Masterplan where Project EC08 (New hotel development) indicates that Aberdeen's appeal as a leisure visitor destination requires a wider choice of accommodation in the city centre to meet broader needs and budgets.

Custom House has been vacant for several years and with a large amount of new and grade A office floor space now available within the city centre, it is unlikely that the poorer quality space which the building offers is going to be attractive to potential occupiers. The reuse of a vacant building is therefore welcomed.

The site is in a highly accessible location, close to points where hotel guests are likely to originate, such as the bus and train stations and ferry port. It is also within close proximity to several bus routes. It is therefore considered that the specific location is acceptable and appropriate for hotel use.



The development would have no impact on air quality and conditions have been attached requiring details of a cooking odour extract system, control of noise from mechanical plant, car and cycle parking and submission of a travel plan, in accordance with Policy T2 (Managing the Transport Impact of Development), Policy T3 (Sustainable and Active Travel), Policy T5 (Noise) and Policy R6 (Waste Management Requirements for New Development).

The external alterations to the building are minor and would maintain the character of the conservation area accordance with Policy D4 (Historic Environment).

## **CONDITIONS**

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### **(1) BUILDING ACCESS**

The building shall not be occupied unless a detailed scheme showing the altered main entrance arrangement has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be occupied unless the spaces have been provided and are available for use.

Reason – to ensure that there is adequate parking provision of disabled staff and customers.

### **(2) LOCAL EXTRACT VENTILATION (LEV) SCHEME**

No hot food cooking and reheating activities shall be undertaken (including but not limited to; oven cooking, boiling, stewing grilling/broiling, deep fat frying or shallow frying – except for re-heating and hot-holding of pre-cooked soups) unless a scheme of Local Extract Ventilation (LEV) (including a suitable extract ventilation assessment by a competent person) has been submitted to and approved in writing by the planning authority.

Thereafter no cooking or reheating activities shall take place unless the LEV system has been installed and is available for use.

Reason – to ensure that food odours and fumes do not adversely affect the amenity of the surrounding area.

### **(3) NOISE IMPACT ASSESSMENT**

No development shall take place unless a detailed assessment of the likely sources and levels of noise arising from any mechanical plant, and those audible out-with the premises has been submitted to and approved in writing by the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area shall be installed prior to commencement of the use hereby approved, unless the planning authority has given prior written approval for a variation

Reason – to ensure that existing uses in the surrounding area are protected from any noise arising from the development.

### **(4) ACCESSIBLE PARKING**

The building shall not be occupied unless a scheme showing at least three accessible spaces within the basement car park has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be occupied unless the spaces have been provided and are available for use.

Reason – to ensure that there is adequate parking provision of disabled staff and customers.

(5) TRAVEL PLAN

The building shall not be occupied unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

Reason – to encourage staff and customers to access the development by means other than the private car.

(6) CYCLE PARKING

The building shall not be occupied unless a scheme showing at least thirteen secure and covered bicycle spaces has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be occupied unless the spaces have been provided and are available for use.

Reason – to encourage staff and customers to access the development by means other than the private car.

**ADVISORY NOTES FOR APPLICANT**

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(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service ([poll@aberdeencity.gov.uk](mailto:poll@aberdeencity.gov.uk) / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.