

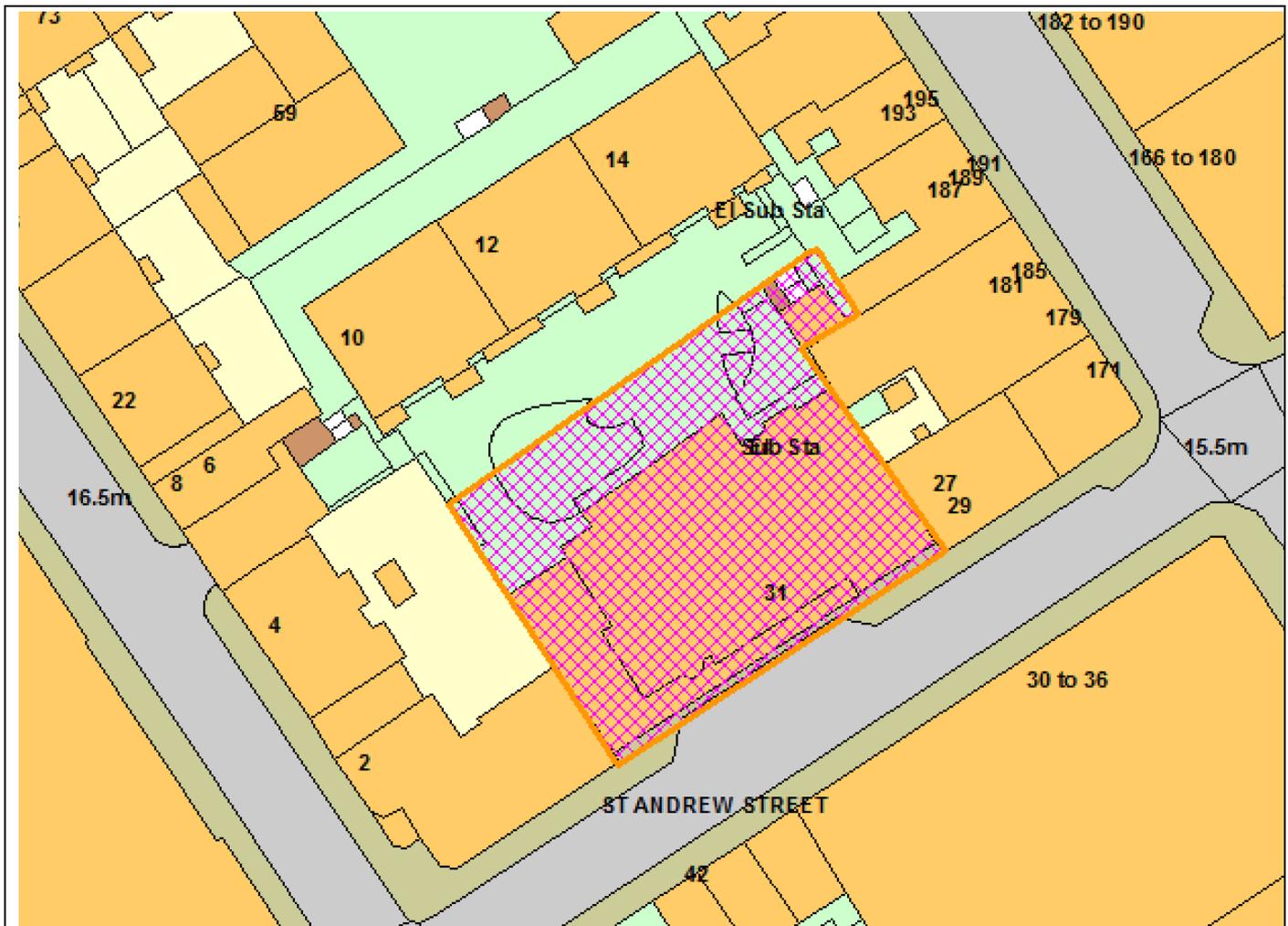


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 18 April 2024

Site Address:	31 St Andrew Street, Aberdeen, AB25 1JA
Application Description:	Installation of window and door to north elevation (amendment to previous approval ref. 211263/DPP) (retrospective)
Application Ref:	240097/DPP
Application Type	Detailed Planning Permission
Application Date:	31 January 2024
Applicant:	Optimal Student (Aberdeen City) LLP
Ward:	George Street/Harbour
Community Council:	George Street



RECOMMENDATION

Approve Unconditionally

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 operating as student accommodation falling within a Sui Generis use of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended). Permission for this use was granted on appeal in June 2022 by Scottish Ministers and the building opened as student accommodation in January 2024. The building itself is of a modern design with a pend style entrance providing access to the courtyard to the rear.

The site is bounded 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 1A retail units. A Class 3 use can also be found on the corner on St. Andrew Street and George Street.

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Planning Permission for change of use from class 7 (hotels and hostels) to student accommodation (sui generis), withdrawn 25 August 2021.

211263/DPP – Detailed Planning Permission for change of use from class 7 (hotels and hostels) to student accommodation (sui generis). This application was refused by Planning Development Management Committee on 13 December 2021, but subsequently approved on appeal by Scottish Ministers on 07 June 2022.

APPLICATION DESCRIPTION

Description of Proposal

Retrospective permission is sought for the installation of a window and door opening on the north elevation of the building as an amendment to previous approval, planning reference 211263/DPP. These works were carried out in late 2023.

Although internal changes may have been carried out within the building, these works are not deemed to be development and therefore do not require planning permission, as such no consideration will be given to them within this report.

Amendments

None.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S8109TBZJL300>

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.

CONSULTATIONS

George Street Community Council – no comments received.

REPRESENTATIONS

Seven representations have been received, all objecting to the proposal. The matters raised can be summarised as follows –

- Developer has not met/consulted with the Residents Group nor shown them the Management Plan.
- Conditions associated with original approval has not been met.
- Application description incorrect and should include two further bedrooms, increasing from 105 to 107 with a removal of a study area.
- Window was installed without planning permission, despite advising no external changes were to be made during the initial application.
- Window and door were not shown on any plans considered previously.
- Door leads directly to a shared area – although it was said to be a fire escape door the application does not say this.
- If required for safety reasons it should have been included in the initial application.
- Internal alterations not reviewed by Environmental Health or Waste Services.
- New extraction system installed.
- Planning authority already rejected these proposals.
- The internal modifications change of the nature of the accommodation and they could be occupied on a full time basis and would hinder any conversion back to hotel accommodation.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaption)
- Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

EVALUATION

The works consist of the formation of a new window and door opening on the rear elevation of the existing building. As such, what needs to be considered is whether they contribute to or impact on the character and amenity of the building or surrounding area. To do this the relevant policies of both the Aberdeen Local Development Plan 2023 (ALDP) and National Planning Framework 4 (NPF4), specifically Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4. The new window opening is to provide an opening into a bedroom on the ground floor, while the door has been provided for fire escape purposes.

In terms of the character and design of the building, although the window does not align with windows on the upper elevations, it does avoid the existing door opening on the north east elevation, therefore causing no conflict with it. Furthermore, the materials of the window match that of the existing building. Overall there is no significant concerns with the new window in respect to any impact on the character and design of the building. The door opening that has been installed replaces existing glazing and the materials that have been used also match the existing, so there is no significant change to what previously existed in respect of the visual appearance of the building. Therefore, the proposed door raised no concerns in that regard.

With respect to the overlooking and impact on amenity, the ALDP advised that *'amenity has an influence on the quality of life of individuals and communities'*. In respect to these works, the window would be no closer to properties located on the opposite side of the courtyard than the existing glazing and raises no concerns that privacy would be impacted upon or that overlooking would be significantly increased, thus the existing amenity situation is not altered. Turning to the door, the applicant has advised that this is a fire escape door, while comments raised with regards to the fact the door should be alarmed, this is not a material planning consideration, but should the applicant wish to do that then that is within their remit. In general, there are no significant concerns with this door given that it is located within an existing bedroom, reducing its use to the occupant of that bedroom, apart from in emergency situations. Overall, the door does not significantly alter the existing situation in terms of overlooking as there was glazing in that location previously. While it does provide additional access to the courtyard, there is existing access to the courtyard from ground floor, as such, the door does not alter the existing situation to any significant degree.

In light of the above, the proposal complies with Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4, in that there is no impact on the character of the building or that of the surrounding area nor is there an impact on the existing level of residential amenity.

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Owing to the nature of the works, there is no impact on global climate and nature crises.

Representations

The submitted representations raise a number of concerns with regards to this application, such matters will be addressed below.

- Developer has not met/consulted with the Residents Group nor shown them the Management Plan – *This is a matter for the applicant to undertake, the planning authority cannot require consultation to be carried out as it is outwith the remit of planning legislation.*
- Conditions associated with original approval has not been met – *This is not material to this planning application and is a separate matter for the planning authority to investigate.*

- Application description incorrect and should include two further bedrooms, increasing from 105 to 107 with a removal of a study area – *While two rooms have been added, these works are internal to the building and there was no restriction on the number of rooms under the original application. Therefore the works are not development and thus do not require planning permission.*
- Window was installed without planning permission, despite advising no external changes were to be made during the initial application – *The applicant has applied to rectify this breach of planning control.*
- Window and door were not shown on any plans considered previously – *These works are currently unauthorised, but as above the applicant has applied to rectify this breach of planning control.*
- Door leads directly to a shared area – although it was said to be a fire escape door the application does not say this and it should be alarmed – *This matter is addressed in the above evaluation.*
- If required for safety reasons it should have been included in the initial application – *This is noted, but as mentioned above, the applicant has applied to rectify this breach of planning control, that is the matter now being considered.*
- Internal alterations not reviewed by Environmental Health or Waste Services – *As the internal works do not require planning permission, there is no requirement to consult with consultees on these matters.*
- New extraction system installed – *The applicant has advised that existing ventilation and flues on the roof have been utilised. If new internal plant has been installed this would not require planning permission.*
- Planning authority already rejected these proposals – *When these matters were raised towards the end of 2023, the applicant was advised that planning permission would be required if the works were to remain. The new window and door were never assessed by the planning authority prior to this application being submitted.*
- The internal modifications change the nature of the accommodation and they could be occupied on a full time basis and would hinder any conversion back to hotel accommodation – *This is not material to this application.*

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The proposal has been considered against the relevant policies of the Aberdeen Local Development Plan 2023 (ALDP) and the National Planning Framework 4 (NPF4) and is acceptable. The new window and door would have no impact on the character of the existing building or the surrounding area, in compliance with Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4. Furthermore, there would be no change or impact on the current levels of residential amenity of the neighbouring properties, in accordance with Policy D2 (Amenity) of the ALDP.