

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 20 April 2017. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Dickson and Donnelly.

The agenda and reports associated with this minute can be found at:-
<HTTPS://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=5677&VER=4>

EXTENSION TO EXISTING BAR AND RESTAURANT TO FORM BOUTIQUE HOTEL ACCOMMODATION WITH ALL ASSOCIATED WORKS - 11 ALBYN PLACE ABERDEEN - 160891

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for the proposed extension to the existing bar and restaurant to form a boutique hotel accommodation with all associated works at 11 Albyn Place Aberdeen, 160891.

Councillor Milne as Chairperson gave a brief outline of the business to be undertaken. He indicated that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain as regards the procedure to be followed and also, thereafter, by Mr Paul Williamson who would be acting as the Planning Adviser to the Body in the case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

The Local Review Body was then addressed by Mrs McBain, Assistant Clerk in regards to the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to certain more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) a delegated report by Mr Andrew Miller, Senior Planner; (2) the decision notice dated 3 March 2017; (3) copies of the plans showing the proposal; (4) links to the planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

The LRB was then addressed by Mr Williamson who advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes.

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Mr Williamson advised that the application sought planning permission for the extension of the existing bar and restaurant to form a 41 bedroom boutique hotel and ancillary accommodation at 'The Albyn' at 11 Albyn Place, Aberdeen. To the west was the St Margarets School for girls, and to the east was the Royal Northern University Club. The existing property is a late Victorian detached granite villa, with a modern extension to the rear. The existing rear car park includes a total of 12 car parking spaces and the appeal site is also located within the Albyn Place/Rubislaw Conservation Area. Mr Williamson further explained that the proposal sought to obtain permission to provide a two storey extension above, and over-sailing the existing two storey extension to the rear. The ultimate extension would therefore be four storey in height that would occupy almost the entire length of the site. The proposal would also provide eight standard and two accessible car parking spaces.

In regards to consultees and objections, Mr Williamson advised that as part of the application assessment, no letters of representation were received. In respect of consultation responses, there were no objections, although it was outlined that some further information would be necessary in respect of drainage and flooding, as well as the preparation of a noise impact assessment, and information on the means of extraction and filtration of cooking fumes.

The Grounds of Appeal Statement which accompanied the Notice of Review advised that (a) The existing business was seeking to diversify its services to include hotel use, and provide 4 star plus accommodation which is not currently provided in the city centre, (b) the principle of the combined use had been accepted by the Council as outlined in the reason for refusal, (c) the Hotel Operators minimum standards and Disability Discrimination Act compliance requirements had set the scale of development required and the reduction in scale would therefore not be practicable or operationally viable, (d) the appellant indicated that the Council had no guidance on what constitutes a maximum built ratio for development of this kind, and design is subjective, (e) the building height is less than the historic granite property and generally would not be visible from Albyn Place, (f) the proposal, as with a number of extensions in the area, would not detract from the defined character of the conservation area, and would not affect the list of Items contained within the Conservation Area Appraisal document, (g) the design solution for the site is of an appropriate scale and quality for the level of development proposed, and would respect the streetscape of the rear lane, (h) Scottish Planning Policy advocates that the planning system should engage positive change, (i) rear extensions had been approved at a number of locations along the lane, and (j) the view of the site along the lane was severely limited.

The delegated report advised that the stated reason for refusal of planning permission was as follows:-

Whilst the proposed use of the premises as a hotel with bar and restaurant is considered acceptable in principle (complying with policy B3), the large scale and massing of the rear extension would overwhelm and dominate the rear of the traditional granite building, constituting overdevelopment and thus would be

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detrimental to the established character of the surrounding Albyn Place and Rubislaw Conservation Area.

In light of this it is considered the proposals are contrary to policies D1 (Quality Placemaking by Design) and D4 (Built Heritage) of the Aberdeen Local Development Plan 2017, as well as Scottish Planning Policy and Historic Environment Scotland Policy Statement and guidance contained in Managing Change in the Historic Environment.

The Local Review Body then asked a number of questions of Mr Williamson.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure. The members of the Local Review Body therefore agreed that a site visit, a hearing session nor further written representations were required, as members felt they had enough information before them.

Members agreed by majority to overturn the decision of the appointed officer to refuse the application and therefore approve the application conditionally.

In coming to their decision, the Local Review Body had regard to the provisions of the Development Plan as required by Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which required that where, in making any determination under the planning acts, regard was to be had to the provisions of the development plan and that determination should be made in accordance with the plan, so far as material to the application, unless material considerations indicated otherwise.

More specifically, the reasons in which the Local Review Body based this decision were as follows:-

they did not feel that the large scale and massing of the rear extension would overwhelm and dominate the rear of the traditional granite building and would not consistute overdevelopment.

The Local Review Body approved the application subject to the following conditions:-

- (1) That no development in connection with the permission hereby approved shall take place unless details of all the materials to be used in the external finish for the proposed development have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the approved details – In the interests of the appearance of the development and the visual amenities and character of the Albyn Place/Rubislaw Conservation Area.
- (2) that, the proposed development shall not be occupied, unless the car parking areas (including delineation) and associated drainage measures have been provided in complete accordance with the details shown on the approved plan

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10421_P(00) 006 or any other plan which may be subsequently submitted to and agreed in writing by the planning authority. Once provided, the turning and parking areas shall thereafter be permanently retained as such - in order to ensure the timely completion of the parking areas to an adequate standard and in the interests of road safety;

- (3) That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be brought into use unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme - To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.
- (4) That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of filtering, neutralising, extracting and dispersing of cooking fumes from the development have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the development shall not be brought into use unless the agreed measures have been provided in their entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved scheme - In the interests of minimising potential odour nuisance to adjoining properties.
- (5) No development shall commence until a noise assessment prepared by an independent qualified noise consultant has been submitted to and approved in writing by the planning authority. The assessment shall identify all sources of noise likely to adversely affect occupants of the development and all sources of noise arising from within the site likely to affect occupants of adjacent properties outwith the site. The assessment shall identify the detailed measures necessary to mitigate against the adverse impacts of any noise source identified as required by this condition. No part of any building shall be occupied unless the noise mitigation measures identified in the assessment as applicable to that phase have been implemented and are fully operational - to minimise noise disturbance to the occupiers of the site and adjoining properties.
- (6) That no works in connection with the permission hereby approved shall take place unless the trees marked for retention on the approved plans (which include those adjacent to the application site) have been protected by suitable fencing in accordance with the principles of BS5837 2012 (Trees in Relation to Construction). No works shall commence unless details of the protective fencing have been submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or

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construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks – In order to ensure adequate protection for the trees on the site during the construction of development, in the interests of the visual amenity of the wider Conservation Area.

Informative:

- a) 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
- b) During the accepted times the noise affecting residential premises is restricted in accordance with Annex E of BS5228 1:2009+A1:2014 Codes of practice for noise and vibration control on construction and open sites.

CONSTRUCTION OF DRIVEWAY TO FRONT OF FLATS - 146 BANKHEAD ROAD - 161199

2. The Local Review Body then considered the second request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for the construction of a driveway to the front of flats at 146 Bankhead Road Aberdeen, 161199.

The Chairperson advised that the LRB would now be addressed by Mr Gavin Clark and stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the Local Review Body had before it (1) a delegated report by Ms Charlotte Watson, Trainee Planner; (2) the decision notice dated 23 December 2016; (3) plans showing the proposal; (4) links to the planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

Mr Clark advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes.

Mr Clark provided a description of the application and advised that the appeal relates to the refusal of planning permission for the construction of a driveway to the front of a flatted property. The existing property is stone built and one-and-a-half storeys in height. The front of the property is bound by a low stone built wall with some planting.

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The adjacent property has a driveway fronting on to Bankhead Road. Mr Clark also explained that the proposal sought to obtain permission for the construction of a driveway along the length of the existing front garden to provide one-off street parking space. This would also include lowering the existing stone wall and kerb directly in front of the house.

In regards to consultees and objections, Mr Clark advised that one letter of objection had been received, however in respect of consultation responses no objections had been received, with Roads Development highlighting concerns about having no loose materials on the first two metres of the driveway and an excessive dropped kerb of 10m (the maximum permitted is 6m). Flood Prevention recommended the use of permeable block paving.

The Grounds of Appeal Statement which accompanied the Notice of Review advised that (a) within the application process it was agreed to remove the loose chippings and replace them with a hard surface; either slabs or mono block; the driveway would also be drained in such a way to ensure no water run-off onto the pavement. By removing the poorly built wall and increased landscaping, the proposal would result in an increased level of amenity and make a positive contribution to its setting; in accordance with both Policy D1 and H1, (b) the property cannot be accessed from the rear, as the main access is to the front, and the land to the rear is also in joint ownership with three other parties and is used as amenity space for the other three properties, (c) parking to the rear of the property would be neither safe nor practical as the track to the rear would be unsuitable for the use of a car and parking on this track would make it impassible for other users and (d) the statement concluded that the proposal would not set an undesirable precedent for future development of a similar nature.

The Local Review Body then asked a number of questions of Mr Clark.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure. The members of the Local Review Body therefore agreed that a site visit, a hearing session nor further written representations were required, as members felt they had enough information before them.

Members unanimously upheld the decision of the appointed officer to refuse the application.

In coming to their decision, the Local Review Body had regard to the provisions of the Development Plan as required by Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which required that where, in making any determination under the planning acts, regard was to be had to the provisions of the development plan and that determination should be made in accordance with the plan, so far as material to the application, unless material considerations indicated otherwise.

More specifically, the reasons in which the Local Review Body based this decision were as follows:-

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They felt that the proposed driveway was not acceptable, although there would be no detrimental impact on road safety in accordance to Policy D1 (Architecture and Placemaking) and H1 (Residential Amenity) of the Aberdeen Local Development Plan, the proposal conflicts with the Supplementary Guidance 'Transport and Accessibility' in that the use of loose material will result in the material being carried onto the footpath and/or roadway. They also felt that the proposal conflicted with the SG in that the property can be accessed from the rear, a more appropriate arrangement in the context of the visual amenity of the locality and established pattern of development, and therefore a driveway at the front cannot be accepted in this instance as the intention is to preserve front gardens where possible as they make a positive contribution to the streetscape through landscaping, colour and variety. As there is an option to provide parking to the rear, this is preferable and allows for the frontage to be preserved. Therefore the formation of a driveway in the front garden will have a negative impact on visual amenity and would not make a positive contribution to its setting as required by Policy D1 (Architecture and Placemaking) and H1 (Residential Amenity) of the Aberdeen Local Development Plan. Thus they felt the introduction of a front driveway would set an unwelcome precedent for going against the Supplementary Guidance relating to the implications of that on the character and amenity of the area.

REPLACEMENT WINDOWS - 37 BURNS ROAD ABERDEEN - 170030

3. The Local Review Body then considered the third request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission replacement windows at 37 Burns Road, Aberdeen, 170030.

The Chairperson advised that the LRB would now be addressed by Ms Lucy Greene and stated that although the Planning Adviser was employed by the planning authority she had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the Local Review Body had before it (1) a delegated report by Mr Roy Brown, Planner; (2) the decision notice dated 3 March 2017; (3) plans showing the proposal; (4) links to the planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

Ms Greene advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes.

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Ms Greene provided a description of the application and advised that the application site relates to a traditional semi-detached two-storey granite dwelling and the dwelling fronts Burns Road to the northeast and has white timber framed sash and case windows on the principal and northwest elevations. The site is located within the Great Western Road conservation area and is bounded by Burns Road to the northeast, which the dwelling fronts. Detailed planning permission was sought for the replacement of the existing white timber framed one-over-one sash and case windows on the principal and side elevations with white PVCu framed one over one sash and case windows.

In regards to consultees there were no objections to the application.

The Grounds of Appeal Statement which accompanied the Notice of Review advised that (a) the applicant hoped to replace seven existing timber sash and case windows with new white uPVC sash and case windows, (b) neighbouring properties had been granted permission for the installation of new uPVC windows, (c) the new windows would not drastically differ aesthetically from a timber framed window and (d) PVC units are beneficial for a number of reasons.

The Local Review Body then asked a number of questions of Ms Greene.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure. The members of the Local Review Body therefore agreed that a site visit, a hearing session nor further written representations were required, as members felt they had enough information before them.

Members unanimously upheld the decision of the appointed officer to refuse the application.

In coming to their decision, the Local Review Body had regard to the provisions of the Development Plan as required by Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which required that where, in making any determination under the planning acts, regard was to be had to the provisions of the development plan and that determination should be made in accordance with the plan, so far as material to the application, unless material considerations indicated otherwise.

More specifically, the reasons in which the Local Review Body based this decision were as follows:-

They felt that due to its location on a non-public secondary elevation, the white uPVC sash and case window on the northwest elevation would have a neutral impact on the character and appearance of the Great Western Road Area. However, the replacement of all of the traditional white timber framed sash and case windows on the principal elevation with white uPVC framed sash and case windows would fail to comply with the guidelines in the Interim Planning Advice: 'The Repair and Replacement of Windows and Doors' and Managing Change in the Historic Environment: Windows'. The proposal would subsequently be

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detrimental to the character and appearance of the Great Western Road Conservation Area and thus fail to comply with Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policy D4 – Historic Environment, Policy H1 – Residential Areas and Policy D1 – Quality Placemaking by Design of the adopted Aberdeen Local Development Plan.

- **Councillor Ramsay Milne, Chairperson**

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