



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17 June 2021

Site Address:	Great Western Hotel, 239 Great Western Road, Aberdeen, AB10 6PS
Application Description:	Construction of permanent external seating area in rear car park
Application Ref:	210417/DPP
Application Type	Detailed Planning Permission
Application Date:	25 March 2021
Applicant:	The Great Western Hotel
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ashley And Broomhill
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises an established hotel with associated bar / restaurant on the ground floor and associated surface car parking, garden ground and external space. The 11-space car park is accessed from the rear lane, but the main entrance to and frontage of the building is to the north

fronting Great Western Road. Secondary pedestrian access is available from the pavement on Pitstruan Place, to the west, with the main entrance to the hotel reception being from this street. Part of the front garden of the site adjacent to the building, is used as outdoor seating for around 16 patrons. A small external seating / smoking area exists within the site to the west of the building, adjacent to the reception entrance. This has an associated retractable canopy fixed to the building. A large marquee has recently been erected in the car park, such that no car parking is currently available on site. It is intended to be used in association with the licensed premises. There are residential premises in the surrounding area. The site is located within the Great Western Road Conservation Area.

Relevant Planning History

Application Number	Proposal	Decision Date
210163/DPP	Erection of covered external seating areas to front of hotel bar with associated works	Status: Pending
191507/DPP	Partial change of use from class 7 (hotels and hostels) to form 6 residential flats (sui generis) and associated external alterations (including formation of balconies and alteration to west boundary wall / elevation)	19.02.2021 Status: Withdrawn
140846	Dormer Extension to North Elevation + Link to Rear Bedrooms at Second Floor Level + Entrance Canopy with Balcony above to West Elevation	28.01.2015 Status: Approved
080488	Alteration / extension to hotel	Status: Approved 2008

A condition imposed on the 2008 approval at the site requires that four parking spaces to the rear of No 235 Great Western Road (i.e. the adjacent site to the east) are reserved for the parking of cars belonging to hotel guests at "The Clubhouse Hotel" only.

An enforcement enquiry case (ref. ENF 20056) was opened in April 2021 in relation to the erection of a marquee in the car park of the premises. The owner has since advised that this was erected on 14/4/21 and is used on an ancillary basis to the bar / restaurant during the current COVID restrictions.

APPLICATION DESCRIPTION

Description of Proposal

Formation of a permanent outdoor dining area within the rear car park. This would be used in association with the existing bar / restaurant and would replace the recently erected marquee. It would accommodate seating for 34 patrons at 10 tables and would have a floor area of around 60 square metres. No alteration to the existing boundary walls is proposed. New walls / slatted timber fencing is proposed at the boundaries of the proposed seating area. A retractable canopy and associated supporting timber structure would provide shelter / cover. The existing bin store and 6 car parking spaces within the rear area would be retained.

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=QQJ5OTBZI0500>

Parking survey (undertaken 2008)

Updated Parking Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 5 objections have been received.

Pre-Application Consultation

No statutory pre-application consultation was required.

CONSULTATIONS

ACC - Environmental Health – No objection. Request that a condition be imposed to restrict the hours of operation and potential noisy activities related to use of the external area.

ACC - Roads Development Management Team – No objection or road safety concerns. Note that the site has good access by sustainable transport modes and that a reduction in on site car parking is proposed. Note that an updated car parking survey has been provided. Do not have concerns regarding potential overspill car parking pressure or require any off-site traffic management measures.

ACC - Waste and Recycling – No objection. Provide general advice regarding use of need for segregated waste / recycling bin provision.

Ashley And Broomhill Community Council – No response received.

REPRESENTATIONS

12 objections have been received from local residents. The matters raised can be summarised as follows –

- Noise generation / disturbance of neighbours including due to use of a TV;
- Adverse anti-social behaviour security concerns in the rear lane;
- Waste management / litter concerns;
- Traffic generation / parking / road safety concerns;
- The invalidity of the original parking study undertaken in 2008;
- Alleged inadequate notification of neighbours;
- Lack of notification of the existing outdoor seating area;
- Validity of application / Inadequate pre-application consultation with residents
- Erection of a temporary marquee at the site;
- Fire risk;
- Adverse impact on property values;
- Implications for licensing

One supporting representation has been received from a local resident which expresses support for the hotel business due to the Covid pandemic. It notes that on street parking in the area is used by commuters accessing the city centre and suggests that signage is installed to deter this.

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. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

National Planning Policy and Guidance

Scottish Planning Policy (SPP) was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

The SDP was approved by Scottish Ministers on 13/08/20. For proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with SPP. The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered.

Aberdeen Local Development Plan 2017 (ALDP)

H1: Residential Areas

D1: Quality Placemaking by Design

D2: Landscape

D4: Historic Environment

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

T5: Noise

R6: Waste Management Requirements for New Development

ALDP Supplementary Guidance (SG)

Transport SG

Noise SG

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP was approved at the Council meeting of 2 March 2020. It 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 ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. In this case the policies in the PALDP substantively reiterate those in the ALDP.

Other Material Considerations

- ACC Great Western Road Conservation Area Character Appraisal
- ACC Conservation Areas Management Plan
- Historic Environment Scotland (HES) Managing Change guidance notes:
 - Setting

EVALUATION

Principle of Development

The proposed external area is directly associated with the existing authorised use of the site as licensed premises, which provides a valuable supporting service for the wider residential area. It therefore accords with the objective of sustainable development as expressed in Scottish Planning Policy. The works are incidental to the existing authorised use of the site and involve no material change of use, such that the development does not conflict with the objectives of ALDP policy H1. Impact on residential amenity and other detailed policy considerations are addressed below. The proposal does not raise matters of strategic or cross boundary significance such that the SDP is of limited relevance in this case.

Design

The siting of the proposed structures is considered acceptable as they would be well screened from the adjacent public roads due to the existing building and boundary walls. Only a small section of the structure would be visible above the existing side boundary wall. The works are of modest scale and the proposed design and materials of the structures are of appropriate quality. No loss of existing green space or trees is proposed. The works are therefore considered to accord with the expectations of ALDP policy D1 and D2.

Impact on Conservation Area Character

It is noted that the amenity value of the rear garden has been lost due to erection of extensions at the rear of the historic building and its conversion to a hard surface / car parking. The proposal results in no material change of use or loss of existing open space or garden ground. Conversion of the car park to a usable external area is welcome in terms of the objectives of management of the conservation area. The works would be of modest scale and well screened from the adjacent public roads due to the existing building and boundary walls. Although the structure would be visible from the service lane to the rear of the site, due to the historic opening to the rear boundary, this is not a significant elevation and the lane is not a through route. The view into the rear of the site from the lane is already dominated by the modern hotel extensions. Set against this backdrop, there would be no adverse impact on visual or residential amenity. There would be no loss of features of historic interest and no adverse impact on views or the setting of features of heritage interest. Given this context, the addition of the proposed built structures would have a neutral impact on the character and appearance of the conservation area. The proposal therefore complies with ALDP policy D4.

Transport

Given the built-up nature of the surroundings, the proximity of residential premises and proximity to bus routes, there is good potential for access to the site by sustainable transport modes in accordance with the objectives of ALDP policies T2 and T3. As such the proposal accords with the SPP presumption in favour of sustainable development. Given the limited scale of the proposed works, there is no requirement for submission of a transport statement or transport assessment.

Notwithstanding objectors' concerns regarding overspill parking, Roads Development Management have reviewed the proposal and supporting parking surveys and have no objection to the proposal or road safety concerns. As regards the originally submitted car parking survey, which was undertaken in 2008, a new survey has been undertaken due to the length of time since 2008. Whilst a condition was imposed on the 2008 approval for extension of the hotel at the site requiring that four parking spaces located on adjacent land to the rear of No 235 Great Western Road are reserved for the parking of cars belonging to hotel guests at the application site, the applicant has advised that he does not now control such land. It is noted that there is no planning requirement for the existing ancillary car park at the rear of the site to be retained for such purposes. It could therefore be used for other ancillary purposes related to the hotel / bar (e.g. external seating / dining / drinking) without the requirement for planning permission. It is noted that there appears to be some capacity to accommodate car parking on adjacent streets. Six car parking spaces, which are currently unavailable for use due to the marquee being erected, would be retained on the site for the use of patrons. Subject to provision of cycle parking on site, the proposal would accord with relevant SG regarding transport as no increase in car parking is proposed and maximum car parking standards apply.

It is noted that many representations make comments regarding the adequacy of on-street car parking availability in the area as currently exists. It is not the purpose of the land-use planning system to resolve existing traffic concerns. As an existing issue, the management of on-street car parking in the surrounding residential area, and potential for imposition of controls and associated signage (e.g. parking control zone / yellow lines) are matters for the Council to address as Roads Authority, irrespective of this proposal. However, it is noted that, the current situation on site and recent parking survey does demonstrate that even with no on-site parking, there is still parking available on-street in the surrounding area.

Impact on Residential Amenity

The proposal results in no material change of use or loss of existing open space or garden ground that may have otherwise caused adverse impacts. There would be no potential impact on adjacent residential amenity resulting from the scale, height and form of the proposed structures (e.g. potential overshadowing or overlooking of adjacent residential premises) such that it does not represent overdevelopment of the site.

It is noted that ACC Environmental Health Officer has no objection on grounds of noise impact on residents due to the distance to sensitive receptors and the likely acoustic barrier effects afforded by walls and buildings between the seating area and sensitive receptors. The potential for increased conflict with residential premises (e.g. due to late night use of the external area) can be addressed by use of a condition restricting the hours of operation and precluding use of amplified music / noise. Given the existing long-standing authorised use of the site as licensed premises and subject to imposition of such conditions, no significant increased noise exposure is likely to arise. The proposal is therefore considered to accord with policy T5 and related SG regarding noise. Given the above considerations, it is not considered reasonable to require a noise impact assessment or refuse the development on the grounds of noise impact.

It is considered that there would be no significant increased crime / security risks resulting from the works. As the existing use of the site as licensed premises is authorised, it is not appropriate to address concerns regarding alleged existing anti-social behaviour resulting from such use via this proposal. It is noted that users of the external area would have access to existing ancillary facilities within the licensed premises (e.g. toilets). Requirements in relation to provision of sanitary facilities are governed by other legislation / consent process. Similarly, certain aspects of crime / anti-social behaviour (e.g. urination in public / late night noise disturbance / noise nuisance) are regulated by other control bodies / regulators (e.g. police / licensing board / environmental health). It would not be appropriate to attempt to duplicate such controls by imposition of planning conditions.

Waste Management

It is noted that bin storage is provided on site within the car park area. The submitted layout plan indicates that the existing bin store area would be retained at the rear of the site in its pre-existing location. ACC Waste Management have expressed no concerns regarding the existing or proposed arrangements, although note that uplift is undertaken by third parties (e.g. private contractors). As there would be no significant change in the waste generation on site resulting for the proposal, given the existing authorised use of the site, it is considered that the proposed waste storage arrangements currently satisfy the requirements of policy R6 and can be required by condition. Subject to appropriate management and user behaviour there would be no significant increase in / risk of litter generation. Concerns regarding alleged inappropriate waste management on site are an existing matter. Other than ensuring that there is adequate space for bin storage on site, which has been demonstrated, it is beyond the scope of this application to seek to resolve such concerns.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is acceptable in terms of both Plans for the reasons previously given.

Other Matters Raised in Representation

Planning records show that the required neighbour notification has been generated in accordance with normal processes / procedures. It should be noted that physical service of the required notification is undertaken by a third party (Royal Mail) and is not undertaken or recorded by Council officers. Given the limited scale of the proposal there is no requirement for pre-application consultation or engagement with residents or interested parties in this case. Given the above factors, the application has been validly made. Noise and anti-social behaviour and traffic concerns are addressed above. It is noted that the original parking survey undertaken in 2008 has been superceded by a new survey. As regards noise from the TV on site, or other amplified sources within the external area, this is addressed by condition 2.

Whilst some objectors refer to the erection of a temporary marquee at the site, this is a separate matter which is outwith the scope of the current planning application. Impact on property values, fire risk and the potential decisions of other control bodies (e.g. licensing) are not material planning considerations. No notification of neighbours was undertaken in relation to the existing outdoor seating area as no planning permission is required or sought for that use and it is not the subject of the current planning application.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed external area is directly associated with the existing authorised use of the site as licensed premises, which provides a supporting service for the wider residential area and therefore accords with the objective of sustainable development as expressed in Scottish Planning Policy. Given the built-up nature of the surroundings, the proximity of residential premises and proximity to bus routes, there is good potential for access to the site by sustainable transport modes in accordance with the objectives of Scottish Planning Policy and policies T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel within the Aberdeen Local Development Plan (ALDP). The siting and design of the proposed structures is considered acceptable as they would be well screened from the adjacent public roads due to the existing boundary walls and are of appropriate quality. The proposal results in no material change of use or loss of existing open space / garden ground and is suitably designed such that there would be a

neutral impact on the character and appearance of the conservation area. The potential for increased conflict with residential premises can be addressed by use of conditions restricting the hours of operation, precluding use of amplified music and requiring cycle parking. Conditions can be imposed in order to address the detailed expectations of ALDP policies H1: Residential Areas ; D1: Quality Placemaking by Design; D2: Landscape; D4: Historic Environment; T2: Managing the Transport Impact of Development; T3: Sustainable and Active Travel; T5: Noise and R6: Waste Management Requirements for New Development.

CONDITIONS

1. Construction Details

No development shall take place pursuant to this permission unless details of the proposed wall construction / material and the proposed canopy housing have been submitted to and approved in writing by the planning authority. The external area shall not be used unless the development has been constructed in accordance with the details as may be so approved. Reason – In order to preserve the amenity and character of the conservation area.

2. Restriction of hours / noise generation

The external seating area hereby approved shall not be used outwith the hours from 10am until 10pm on any day. No amplified music or live events shall be played / performed within the structure hereby approved. Reason – In order to protect the amenity of nearby residential premises due to potential noise disturbance.

3. Cycle Parking

The external seating area hereby approved shall not be used unless provision has been made within the site for secure visitor cycle parking in accordance with details which shall have been submitted to and approved in writing by the planning authority. Reason – In the interest of sustainable travel and discouragement of car parking.

4. Waste Storage

The external seating area hereby approved shall not be used unless provision has been made within the site for bin storage on site in accordance with drawing no.100 hereby approved, or such other drawing as may be approved by the planning authority. Reason – In order to protect the amenity of nearby residential premises due to potential waste generation.