

7 HOWBURN PLACE, ABERDEEN

PROPOSED PART DEMOLITION OF PUBLIC
HOUSE AND ERECTION OF NEW PART
PUBLIC HOUSE AND 6 NO.SERVICED
APARTMENTS

For: Mr Ian Lakin

Application Type : Detailed Planning Permission
Application Ref. : P130190
Application Date: 14/02/2013
Officer: Sally Wood
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Advert : Can't notify neighbour(s)
Advertised on: 06/03/2013
Committee Date: 16 May 2013
Community Council : No response received



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site currently consists of a single storey flat roof extension to the adjacent public house, The Adam Lounge. To the west is the public house at ground floor level, with four upper floors above (fourth floor is attic level) in use as serviced apartments. This building is of granite with slate roof.

To the east is a row of terraced dwellings two storeys in height and attic, with granite walls and slate roof. To the rear of the application site (north) are private gardens and outdoor space which serve the houses beyond.

RELEVANT HISTORY

None.

PROPOSAL

The existing single storey extension would be demolished, and a new building put in its place. The new building would be three storeys high with an attic level. At ground floor level there would be a new replacement extension to the public house. At first and second floors there would be two serviced apartments on each level, with two serviced apartments within the attic; a total of six apartments.

The proposed building would be approximately 11 metres high to eaves level, with a ridge height of 12.8 metres. It would be one floor higher than the existing residential premises to the east, but one floor level lower in height than the existing building containing the main public house and existing serviced apartments to the west.

No car parking would be provided as part of this development, and there is no outdoor space. The footprint of the building would occupy the whole of the site. The building is effectively an extension to the existing building to the west, as the new serviced apartments would share the stairwell of the existing serviced apartments.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130190>. On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because there are more than five letters of representation which have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – As the development provides no car parking spaces, seeks 6 long term cycle parking spaces be provided for use by guests.

Requests that the applicant establishes procedures for taking out membership of the Car Club that will be available for guests of the serviced apartments for the duration of their stay.

Seeks clarification on servicing matters for residents within the apartments (such as mail, disposal of waste) and for cleaning/maintenance of each apartment.

Environmental Health – concerns expressed with regards to potential noise impact from the pub (Hawthorn Bar) and traffic noise. Therefore, in order to ascertain the impact of noise from these sources and whether effective mitigation measures can be employed, a noise assessment is requested to be carried out by a suitably qualified noise consultant prior to determination.

Environmental Health also seek a condition in relation to the hours of construction works being undertaken, and another condition to ensure adequate bin storage areas and bins in order to prevent litter problems and any obstructions to pedestrians.

Enterprise, Planning & Infrastructure (Flooding) - comments, no observations.

REPRESENTATIONS

6 number of letters of representation have been received. The objections raised relate to the following matters –

1. noise
2. odour
3. overlooking/loss of privacy
4. loss of light to the shared communal garden and to dwellings (sun and day light)
5. impact on access
6. lack of parking, which will cause others to park inconsiderately, thus potential for road safety issues.
7. increase in amount of rubbish, bins are already overflowing
8. security- fully opening windows on rear elevation will enable people to gain access into the rear of properties.

PLANNING POLICY

Scottish Planning Policy (SPP): The policy seeks to promote appropriate development, particularly within existing settlements. It seeks high quality development that is sympathetic to its setting and takes into consideration amenity.

Aberdeen City and Shire Structure Plan

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible.

Aberdeen Local Development Plan

Policy D1 Architecture and Placemaking – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D3 Sustainable Active Travel – new development shall be designed to minimise private car travel. Promote healthy modes of travel. Ensure permeability and connection to existing development and environment.

Policy H1 Residential Areas – within existing residential areas, proposals for new residential and non-residential development must consider residential amenity, comply with supplementary guidance, and not cause nuisance to existing dwellings.

Policy T2 Managing the Transport Impact of Development – new development will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Supplementary Guidance

- Harmony of Uses – residential and other developments within the city (compatibility of residential and non-residential use mix).
- Waste Management
- Transport and Accessibility

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

Statement regards to the Adopted Local Development Plan (2012)

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

Principle of the development.

The building is located within a primarily residential area. The ground floor element of the proposal is effectively a replacement extension for the adjacent public house, as it will replace the existing.

Six serviced apartments over three levels are proposed above the extension to the public house. As the site is located within a residential area, in principle it is considered acceptable. However, careful consideration needs to be given to the impact that the public house and the residential properties may have on each other in terms of compatibility of use, which is discussed under residential amenity. In accordance with Planning Policy H1 for non-residential uses within existing residential areas, the proposal is acceptable in principle, but this is subject to detailed considerations of compatibility of the public house and serviced apartments with each other, and the adjacent residential premises. The acceptability of the proposal is also subject to detailed assessment of the impact of the proposal in terms of design, road safety and residential amenity, including loss of privacy, loss of light, and security.

Design

The proposed design in terms of visual impact is considered acceptable. The building would be elevated in granite with a slate roof. It would sit between existing buildings, and is considered to be of an appropriate height, acting as a step between the two buildings, being lower than the building to the west on the corner of the street but higher than the dwelling to the east.

Two dormer windows are proposed within the attic space, and a number of openings at first and second floor levels. The design and rhythm of the windows, and the horizontal banding included, are all judged acceptable in detailing, and are considered to take into account their setting. The ground floor extension to the public house has a large glazed window, and the area for fascia signage ties into the adjacent public house. It is considered acceptable.

In terms of design the proposal is considered acceptable. Issues arising as a result of the proposal on residential amenity concerns are discussed below under the heading 'Residential Amenity'.

Road Safety

The Roads Project Team have not objected to the proposal. It has requested secure cycle parking provision. The plans were updated to show cycle parking

within the ground floor of the building, however the proposed use of wall brackets is not considered acceptable. It is recommended that a condition is imposed to ensure that the details of the cycle storage area are submitted to and agreed in writing by the Planning Authority, and implemented prior to first use of the serviced apartments.

As the proposal does not provide any car parking, and to provide an alternative to the private car, it is required that the developer enters into an agreement with a Car Club to provide membership to the club for occupants of the apartments for the duration of their stay.

The Roads Project Team is now satisfied with the servicing details, which includes cleaning, delivery of parcels and handling of waste. It is understood that vehicles will use on street car parking to service the building.

This responds to the objection raised in relation to lack of parking, which will cause others to park inconsiderately, thus cause potential for road safety issues, as the Roads Project Team has not objected. The site is within the city centre accessible by a range of modes of transport for occupants to travel to the apartments. Similarly there should be no net change in patronage in relation to the public house as the extension replaces a similar sized extension.

Residential Amenity

There are a number of matters which relate to the consideration of residential amenity surrounding this proposal.

There is the consideration of the relationship of the two uses proposed within the same building; the compatibility of a public house at ground floor level with serviced apartments above. There is the relationship of the proposed use of this building and its impact on the residential premises to the east and north, and its impact on the existing public house and serviced apartments to the west and vice versa. Furthermore, there is the impact of the physical building in relation to consideration of loss of light, loss of privacy, noise, and security.

Environmental Health was consulted on the application. It is noted that it did not object to the proposal. They did seek a noise assessment to be carried out prior to a recommendation on the application. The noise assessment is to assess the impact of road noise and noise arising from the public house. On the basis that it is the impact that would arise on the proposal from existing noise sources, it is considered that in response to Environmental Health comments that a condition seeking a noise assessment and mitigation to be carried out as necessary is acceptable. There are solutions that can be carried out which overcome concerns relating to noise. With the necessary mitigation that may be required which would be informed by a detailed noise assessment carried out at the applicants expense but by a suitably qualified noise consultant, it is judged that the proposal can be located without having an adverse impact in terms of compatibility of uses. The proposal therefore should not have an adverse impact on neighbouring properties arising from noise. It should be noted that there is

already an extension to the public house at ground floor level. Serviced apartments have similarities with residential premises, and can be accommodated without causing a noise nuisance.

Environmental Health seek a condition relating to the hours of construction works being undertaken. This is not considered reasonable or enforceable, and therefore it is recommended that such a condition is not imposed. Environmental Health has its own powers to investigate such noisy operations that may arise. It is therefore considered unjustifiable to impose such a condition.

With regards to odour arising from the proposal, the extension at ground floor level replaces an existing extension for similar use, and it is noted that no kitchen facilities are proposed or other development which would generate an odour nuisance. The serviced apartments are similar in terms of occupancy to dwellings, and therefore there should be no adverse issues arising from odour as a result of the proposed apartments.

The openings on the rear elevation would consist of glazed blocks, which are obscure in nature. This would protect loss of privacy and overlooking to the rear gardens and premises. However, it is noted that the extension projects beyond the existing serviced apartments. It projects some 3.1 metres, within which would be windows placed within the western elevation, looking towards the existing service apartments. The distance between the window and the rear elevation of the apartments which front Holburn Street is 9.7 metres. To the rear of the flats which are adjacent to the service apartments which front Holburn Street (137-141 odd numbers) the separation distance is some 10.5 metres. The Councils supplementary guidance on assessing privacy notes that a minimum of 18 metres when openings are opposite existing windows. The distance of 9.7 metres between serviced apartments is considered acceptable. The existing and proposed service apartments are in the same ownership. Given that the windows are off-set with those within the block of flats to the north of the existing serviced apartments fronting Holburn Street, it is considered that 10.5 metres is a reasonable separation distance. The main outlook would be over the serviced apartments, which would not expect the same level of degree of privacy as a residential property (flat or house).

There would be a degree of loss of daylight and sunlight arising as a result of this development. However, the gardens and houses are already affected by the neighbouring premises in relation to impact on day and sunlight. The building would be not significantly higher than those adjacent, being of a commensurate height. The site measures approximately 8.5 metres in width. It is not considered that the height of the building with a limited footprint would have an adverse impact on the level of day and sun light already experienced by residents.

Other

Environmental Health seek a condition which ensures adequate bin storage areas and bins in order to prevent litter problems and any obstructions to pedestrians. The agent for the applicant has advised that it is his understanding

that existing bins on street are for communal use for residents of adjacent blocks, and that therefore there is suitable adequate provision for waste which they can use. However, it is considered necessary to apply a condition to ensure that there are adequate waste and recycling facilities. This also serves to address the objection raised in relation to waste.

One letter of representation raised concerns with regards to security in that fully opening windows on the rear elevation would enable people to gain access into the rear of other properties. This is not a valid planning reason to refuse an application. Many openings in other developments open out into rear courtyards and gardens. Furthermore, it is expected that a number of the openings would have to act as an escape in the event of a fire. It is not considered appropriate to apply such a condition that prevents the opening of windows, or limits the extent that they open.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed building, to accommodate an extension to the public house and additional serviced apartments, is considered acceptable. There would be no detrimental impact in design terms or residential amenity, therefore the proposal accords with Scottish Planning Policy, and Policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan. Given the city centre location it is judged that the application complies with planning policy D3 (Sustainable Active Travel). The provision of cycle storage and membership of car club secured by conditions ensures that the proposal complies with Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan. Finally it is considered that the impact of the proposal on residential amenity, including the imposition of conditions to secure details of glass blocks and noise attenuation measures, ensures that the proposal complies with Policy H1 (Residential Areas).

It is recommended that approval is granted subject to the following conditions.

(1.) Prior to the commencement of development a noise assessment shall be undertaken, carried out by a suitably qualified noise consultant, and be submitted to and approved in writing by the Planning Authority. The noise assessment shall address the potential for noise disturbance arising from the extension of the public house and the serviced apartments to adjacent residents; noise arising from the public house extension and its impact on the serviced apartments, and the impact of noise arising from the road. The noise assessment shall include measures to prevent such noise disturbance arising.

The noise assessment shall:

- i). Be in accordance with Planning Advice Note 1/2011 Planning & Noise and its accompanying Technical Advice Note.

- ii). Identify the likely sources of noise; and
- iii). Indicate the measures to reasonably protect the amenity of nearby residents of the development from all such sources of noise that have been identified.

Thereafter, the approved mitigation measures shall be implemented in full prior to the development being first brought into use. – In the interests of residential amenity.

(2.) Notwithstanding the details submitted, prior to the commencement of development details of a secure long stay cycle storage space to accommodate six bicycles (3 Sheffield Type Stands) within the building shall be submitted to and approved in writing by the Planning Authority. Thereafter the cycle storage space shall be provided in full in accordance with the approved details prior to first occupation of any one of the serviced apartments hereby approved and retained for such use at all times. – To promote alternative modes of travel.

(3.) Prior to the first occupation of any one of the serviced apartments hereby approved details of the membership to a Car Club scheme for the eligibility of the occupants of the serviced apartments shall be first submitted to and approved in writing by the Planning Authority. Thereafter the serviced apartments shall continue to operate with membership to a Car Club for the occupants of the serviced apartments. – To promote alternative modes of travel other than the private car, in the interests of sustainable travel. The development does not include any car parking provision, therefore car club membership would act to discourage occupants of the apartments from using their private car(s).

(4.) Notwithstanding the details submitted, prior to the commencement of development details of the provision of waste facilities shall be submitted to and approved in writing by the Planning Authority. The detailed waste facilities shall be provided in full in accordance with the approved details prior to first occupation of any part of the development hereby approved. – To ensure that there is appropriate and sufficient waste disposal facilities in the interest of residential amenity.

(5.) Prior to the commencement of development samples of the proposed glass blocks in the rear elevation shall be submitted to the Planning Authority for consideration and approval in writing. The development thereafter shall be completed in accordance with the approved details. – In the interests of residential amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.