

9-11 BELMONT STREET, ABERDEEN

PROPOSED EXTENSION TO TERRACE AT
REAR OF BUILDING

For: C.E.I. Harding

Application Type : Detailed Planning Permission
Application Ref. : P130227
Application Date: 21/02/2013
Officer: Gavin Clark
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on: 17/04/2013
Committee Date: 16 May 2013
Community Council : No response received



RECOMMENDATION: Approve Unconditionally

DESCRIPTION

The property is located on Belmont Street and is presently used as a public house. The unit has a frontage onto Belmont Street, although the works are to the rear, and will be visible from Denburn Road.

The site lies within Conservation Area 2 (Union Street).

The application site is wholly within the control of the applicant and is used as a public house and a hotel.

RELEVANT HISTORY

- 081208 – Planning permission was approved for the formation of a glazed canopy over the existing terrace in August 2008.
- 072046 – Planning permission was approved for a change of use and alterations to the nightclub to form a hotel, alterations to the bar and an extension to form a terrace in February 2008.
- 070735 – Planning permission was approved for a change of use of bar and nightclub to form a bar and restaurant in May 2007.
- 040802 – Planning permission was approved for an extension to form a terrace in November 2004.

Various other applications have been submitted for advertisement consents, change of use, the installation of replacement shopfront and other various alterations.

PROPOSAL

Planning permission is sought for the erection of a terrace to the rear of the building. This will form an extension to the existing balconies to the rear and will be constructed using galvanised steel supports and beams, which are to be bolted to the existing granite wall. The handrail and balustrade will also be constructed of galvanised steel. Timber boarding will form the terraced deck.

The terrace will be 2700mm wide, with a handrail 1250mm high.

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?130227>

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 the application has been advertised as a project of public concern. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – response received. No objection.

Environmental Health – response received. No objection.

Enterprise, Planning & Infrastructure (Flooding) – response received. No objection.

Community Council – no response received.

REPRESENTATIONS

1 letter of representation has been received. The objections raised relate to the following matters –

- existing concerns in relation to use of fire exit by customers, which would be exacerbated by an extension to balcony; and
- concerns in relation to smell from balcony areas;
- concerns in relation to an increase in the amount of cigarette smoke from customers in the outdoor seating area.

PLANNING POLICY

National Policy and Guidance

Scottish Historic Environment Policy (SHEP): this document provides guidance on alterations and extensions to listed buildings, and to developments within conservation areas.

Aberdeen Local Development Plan

Policy D1: Architecture and Placemaking: states that to ensure a high quality of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportion of building elements, together with the space around buildings, including street squares, open space, landscaping, and boundary treatments, will be considered in assessing that contribution.

Policy D5: Built Heritage: states that proposals affecting Listed Buildings and Conservation Areas will only be permitted where they comply with Scottish Planning Policy.

Policy C2: City Centre Business Zone and Union Street: relates mostly to the control of change of use.

EVALUATION

Analysis:

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.

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 or appearance of conservation areas

As the proposal does not involve a change of use, there is no conflict with policy C2. The principal issues are the effect on the character and appearance of the conservation area and the acceptability of the works in terms of design.

The proposal raises no major issues in terms of planning policy and will have a neutral impact on the character and appearance of the conservation area by provision of an extension to the existing terrace, which will be located to the rear of the property. The proposal therefore accords with the principles of SHEP. The extension will be visible from Denburn Road, but will only be partially be visible from Union Terrace, and will not be visible from Union Street. It is therefore considered that policies D1 and D5 are satisfied.

In terms of the letter of representation, a number of the issues raised are not relevant in the determination of this application. This is particularly in relation to odour smells, and the issues in relation to windows/ extractor fans, which are part of the existing site. Issues in relation to access are an issue between the management of both premises.

The proposal is for a small extension to the balcony associated with the bar/ restaurant, which is considered to be acceptable, and will not negatively impact on neighbouring amenity to an unacceptable degree.

Legal Challenge to the Aberdeen Local Development Plan

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.

RECOMMENDATION: Approved Unconditionally

REASONS FOR RECOMMENDATION

The proposal is considered to accord with planning policy, as the development is relatively minor in nature and the proposal would preserve the character of the Conservation Area. In terms of amenity, the proposal would not result in additional impact on the occupiers or users of neighbouring properties. The proposal is therefore seen to accord with Scottish Historic Environment Policy (SHEP) and Policies C2 (City Centre Business Zone and Union Street), D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan.

Dr Margaret Bochel

Head of Planning and Sustainable Development.