

Planning Development Management Committee

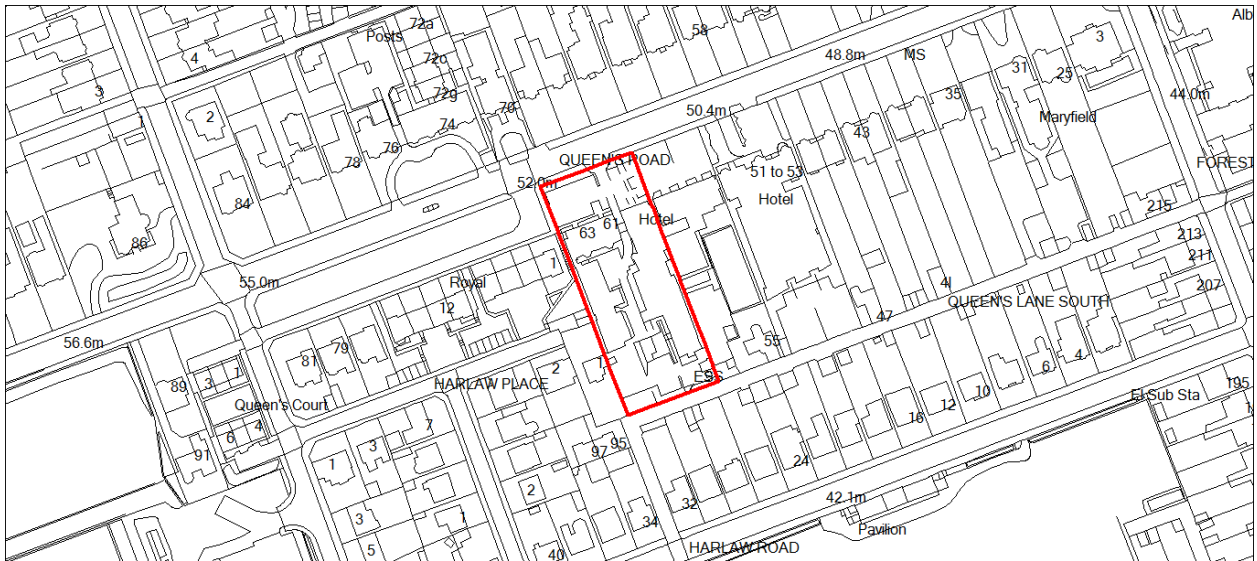
CHESTER HOTEL, 59-63 QUEEN'S ROAD,
ABERDEEN

ERECTION OF A GLASS BALUSTRADE AT
THE WEST SIDE ROOF, FIRST FLOOR, REAR
OF CHESTER HOTEL (RETROSPECTIVE).

For: The Chester Hotel Ltd

Application Type : Detailed Planning Permission
Application Ref. : P151773
Application Date: 10/11/2015
Officer: Hannah Readman
Ward : Hazlehead/Ashley/Queens Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 02/12/2015
Committee Date: 14/01/2016
Community Council : No response
received



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The site is at the 'Chester Hotel' (formerly 'Simpsons Hotel Bar and Restaurant') which is located on the south side of Queen's Road, between its junctions with Bayview Road and Queen's Gate.

It comprises three separate 19th century granite villas which date from 1896 and were designed by A. Marshall McKenzie. Due to the difference in levels on the site, these buildings are two storey on the Queen's Road elevation and three storeys to the rear. The front elevations are rough-faced coursed granite ashlar with finely finished dressings.

There are modern 20th century extensions to the rear which have recently been refurbished. A further extension has also recently been completed and the hotel now provides 54 bedrooms, a restaurant, private dining rooms, lounge bar and conference & function facilities for up to 300 guests.

59 Queen's Road is category C listed (1984) and 61 and 63 Queen's are category B listed (1992). The site is within Conservation Area 4 (Albyn Place/Rubislaw).

The surrounding area contains a mix of uses. To the immediate west are two storey residential properties at Royal Court, Queen's Road and the house at 1 Harlaw Place. To the north, across Queen's Road is 64 – 70 Queen's Road which are granite villas currently used as offices. To the south across Queen's Lane South are the rear of residential properties on Harlaw Road and to the immediate east is the now vacant former Hamilton School.

The specific area which this application relates to is the first floor flat roof at the west side of the restaurant and function suite block. Heavy planters and a 3.8m long glass balustrade currently separate the area subject of the application from the consented, smaller area which has permitted use as a roof terrace to the south east.

RELEVANT HISTORY

- Detailed planning permission (P121555) for a new block featuring 20 bedrooms and restaurant extension was approved by delegated powers in February 2013.
- Detailed planning permission (P130773) for the raising of the existing restaurant roof, external alterations and a new stairwell were approved in September 2013.
- A non-material variation was granted under section 64 of the 1997 act in March 2014. The variation allowed the infilling of the gap between the new block and original building and makes mention of the roof being surfaced with a material for an 'external balcony'.

- A retrospective application for detailed planning permission (P140990) was submitted in July 2014 for formation of an external terrace area. It was due to go to Planning Committee in March 2015 with a recommendation for refusal. However, the application was withdrawn prior to the committee meeting and therefore no decision was made.
- An application for certificate of lawfulness (P150763) was issued under delegated powers on 1st July 2015. The certificate confirms that the use of the external terrace to the south of the private dining room can be used as part of the ancillary use of the hotel. It should be noted that the certificate does not apply to the wider area of terrace on the west side of the first floor dining area, which remains unauthorised.
- Most recently, unconditional planning permission (P150765) was approved retrospectively at the Planning Development Management Committee on the 18th August 2015 for the retention of a glass balustrade around the area considered lawful under certificate of lawfulness P150763.

PROPOSAL

Detailed planning permission is sought retrospectively for a 1.1m high, fully glazed balustrade. The balustrade has been constructed around the perimeter of the west and south sides of the flat roof of the first floor extension to 59 Queen's Road (The Chester Hotel). The balustrades extend to approximately 39m around the perimeter with additional balustrades around the six rooflights.

For the avoidance of doubt, this application is for a glass balustrade only. It does not include any change in the use of the roof.

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?ref=151773>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

- Report on Design Safety 1.10.15
- Supporting Statement November 2015

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because 7 letters of objection have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations;

Environmental Health - No observations;

Flooding - No observations;

Community Council – No response received.

REPRESENTATIONS

Seven letters of objection have been received. The objections raised relate to the following matters:

1. The ultimate intention of the applicant is to use the roof as a terrace for hotel guests;
2. The balustrade is not essential, there is no need for it to be there;
3. If approved, a condition should be attached controlling the use of the roof;
4. There is a lot of noise and general disturbance from functions;
5. There would be a loss of privacy to neighbouring residential properties.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

States development should have a neutral effect on the character or appearance of a Conservation Area. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.

Scottish Historic Environment Policy (SHEP)

SHEP states that the planning authority must pay special attention to proposals involving listed buildings in order to ensure that its character is retained. Development should not adversely affect the special interest and character of Conservation Areas which are defined as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.

Aberdeen Local Development Plan

Policy D1 (Architecture and Place Making) – 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 D5 (Built Heritage) – Proposals affecting conservation areas or listed buildings will only be permitted if they comply with Scottish Planning Policy (SPP).

Policy BI3 (West End Office Area) – In this area (shown on the Proposals Map), applications for change of use for office purposes will be given favourable consideration. Applications for change of use of properties to residential use will also be encouraged, subject to a satisfactory residential environment being established and that the continued operation of existing uses is not prejudiced

Proposed Aberdeen Local Development Plan

Policy D1 (Quality Placemaking by Design) – All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Policy D4 (Historic Environment) – The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.

Policy B3 – West End Office Area – In the West End Office Area (as shown on the Proposals Map) proposals for change of use to office use or the expansion of existing office use will only be acceptable provided;

- a) the size, scale and design of development proposals respect the special historic and architectural character of the area and;
- b) the design meets all of the relevant criteria set out in the Historic Environment TAN, with regards to relationship to the existing building, context and modifications to existing extensions (see also the Design Policies).

New development proposals that do not protect existing residential amenity will be refused. Proposals for change of use to residential use, or any new residential development, will be considered on their merits.

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.

Principle of Development

A hotel has existed at 59 Queen's Road since at least the 1960's. In the 1990s the hotel expanded into 61 and 63 Queen's Road and it became 'Simpsons Hotel, Bar and Restaurant'. The site is located within the West End office area (Policy BI3 – West End Office Area) as zoned by the Aberdeen Local Development Plan, where offices and business uses are generally supported. Other commercial uses are not explicitly mentioned in Policy BI3 but given that the hotel use has been established at the site for many years and the original buildings have already been extensively extended, it is considered that small

scale development associated with improving or expanding facilities at the hotel is acceptable in principle.

The balustrade, being part of an otherwise approved modern extension, is deemed acceptable in principle as its physicality would not affect the use or development of the West End Office Area, in compliance with policy BI3 and providing it is of a suitable design.

Design

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.

The balustrade is fully glazed and of a modern and unobtrusive design. Its visual impact is minimal, with it being barely visible from outwith the site. Its siting, around the edge of a flat roof which forms part of a modern extension, does not obstruct any part of the listed structures on site or detract from their special historic interest. The character of the wider conservation area is maintained and is unaffected by the presence of the balustrade. Its height and length are appropriate and proportionate to the scale and massing of the building to which it relates. Overall, the design is considered to be of an acceptable quality which is fully complementary with the modern extension to which it is attached and makes a neutral contribution to its setting, in compliance with SPP, SHEP, policies D1 and D5.

Matters Raised in Representations

It should be noted that, of the seven letters received, three contained the same text. Points 1, 4 and 5 related to the use of the roof as a terrace and associated issues that could arise. This application is not for a change of use to the roof for use as a terrace and relates to the retention of the balustrade only. Therefore these points are not relevant to the consideration of this application

Turning to point 2 “the balustrade is not essential, there is no need for it to be there”. It should be noted in this regard that the applicant has submitted a detailed supporting statement explaining that the balustrade is required for the health and safety of maintenance staff which may need to access the roof. This is included in the agenda papers for information. Notwithstanding the foregoing, it should be emphasised that the reasons for requiring, or not requiring the balustrade are not material planning considerations that can be taken into account in assessing this application. The application has to be assessed purely in terms of the design of the balustrades and the visual impact that they have on the appearance of the extension to which they would be attached and the setting of the adjoining listed buildings.

In relation to point 3 “if approved, a condition should be attached controlling the use of the roof” – A condition cannot be attached controlling a matter that does not form part of the application. To reiterate – the application is for the erection of balustrades not for the use of the roof as a roof terrace. If the roof were to be

used as a roof terrace it is considered that this would constitute an unauthorised use and would be a breach of planning control. However, for clarity, it is proposed that an informative note be added to any consent making it clear that any consent for the erection of the balustrades does not grant or imply that a grant of planning permission would be forthcoming for any particular use of the area on the roof enclosed by the balustrades.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In relation to this particular application the proposed policies reiterate the current policies.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The glass balustrade has been designed with due consideration to its context and is complementary in design to the modern extension to which it would be attached. The simple, transparent design is appropriate for the sites setting within the conservation area and the grounds of three listed buildings; the character and special historic interest of which is unharmed by the presence of the balustrade, in compliance with Scottish Planning Policy, Scottish Historic Environment Policy, Adopted Local Development Plan Policies D1: Architecture and Placemaking, D5: Built Heritage and BI1: West End Office Areas and Proposed Local Development Plan Policies D1: Quality Placemaking by Design, D4: Historic Environment and B3: West End Office Areas.

INFORMATIVE

For the avoidance of doubt the planning consent hereby granted does not give or imply the granting of consent for any use of the area of the roof enclosed by the balustrades hereby approved for any purpose other than as a roof. It does not permit any form of use whatsoever of, or access to, the roof area by patrons of

the hotel. This includes but is not exclusive to; the use of the roof as a terrace for eating, drinking, smoking or any form of entertainment or other use by hotel patrons. Should the applicant wish any such alternative use to be considered, a separate application for change of use would require be submitted.