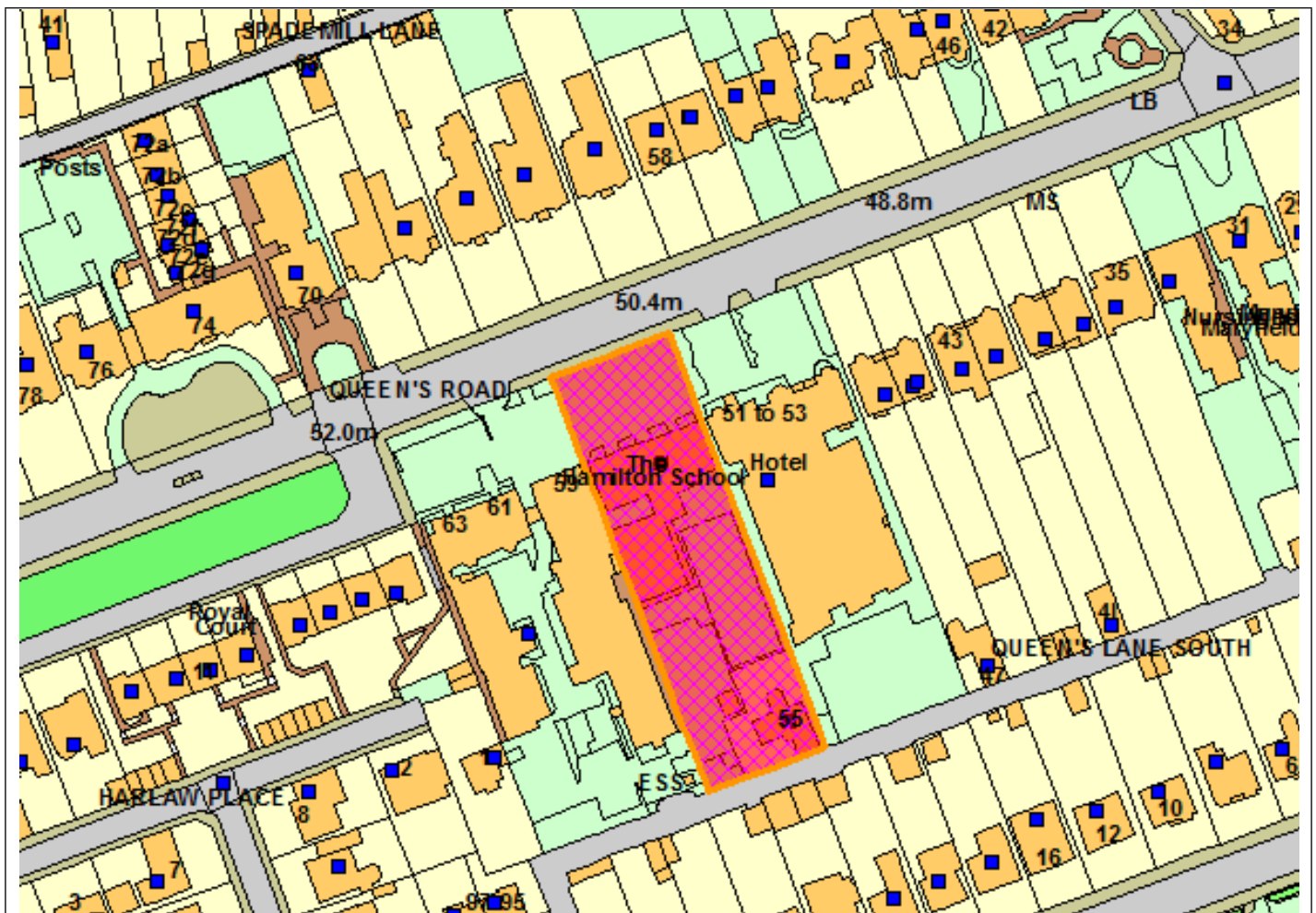


| | |
|---------------------------------|---|
| Site Address: | The Hamilton School, 55-57 Queen's Road, Aberdeen, AB15 4YP |
| Application Description: | Formation of new hotel, bar and restaurant including change of use of former school, demolition of existing school extension and dwellinghouse (55 Queen's Lane South), and associated infrastructure and landscaping works |
| Application Reference: | 161022/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 4 July 2016 |
| Applicant: | Status Properties Ltd |
| Ward: | Hazlehead/Ashley/Queens Cross |
| Community Council | Queen's Cross And Harlaw |
| Case Officer: | Gavin Evans |



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site is located on the south side of Queens Road, to the west of its junction with Forest Road and Forest Avenue, and lies within the Albyn Place / Rubislaw Conservation Area. Two traditional detached buildings have been conjoined by way of a glazed lobby to the front, with a number of further extensions to the rear. The site was until 2014 the home of the independent, fee-paying Hamilton School. The building (as 55-57 Queens Road) is category B listed. There is car parking to the front and former play area within what would have originally been the rear garden. A number of trees are present on the inside of the front boundary wall, onto Queen's Road, and are covered by a Tree Preservation Order. A detached former dwellinghouse, latterly used as part of the school accommodation, is located to the southern end of the site, fronting onto Queens Lane South.

Relevant Planning History

| Application Number | Proposal | Decision Date |
|--------------------|---|--|
| 160294 | (Proposal of Application Notice) Major development - Hotel(6000 sqm or more), demolition and redevelopment of existing extension and change of use of existing listed buildings and all associated works. | 30.03.2016 Status: Determined – Further Consultation Required |
| 161020/LBC | Formation of new hotel, bar and restaurant including demolition of existing school extension and dwellinghouse (55 Queen's Lane South), and all associated infrastructure and landscaping works | Status: Pending |
| 161021/CAC | Substantial demolition of a dwelling house | Status: Pending |

APPLICATION DESCRIPTION

Description of Proposal

This proposal constitutes a 'major' application for the redevelopment of the former Hamilton School at 55-57 Queens Road.

This application seeks detailed planning permission for the development of a new hotel, with associated reception, bar and restaurant areas, car parking and landscaping. This would involve both a change of use to allow for hotel use, the demolition of both an existing rear extension and freestanding dwellinghouse, and the construction of a new rear extension.

Demolition of the existing dwelling on Queen's Lane South is the subject of a separate application for Conservation Area Consent. Similarly, works to the fabric of the Listed Buildings will be considered via assessment of a separate application for Listed Building Consent. This application

focuses on the change of use and construction of an extension to the rear, along with associated lesser works.

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=OAX703BZG0A00>.

The following documents have been submitted in support of the application –

- Conservation Statement
- Daylight analysis statement and drawings
- Swept Path analysis
- Drainage Statement
- Planning Statement
- Transport Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 letters of objection have been received, and also because of an objection from the local Queen's Cross/Harlaw Community Council.

CONSULTATIONS

| Consultee | Date | Comments Made |
|---------------------------------------|------------|---|
| Developer Obligations | | No obligations payable. |
| ACC Environmental Health | 13.10.2016 | No objection. Recommend use of an informative note relating to any contamination. |
| ACC Environmental Health | 18.10.16 | No objection, but recommend the use of conditions and advisory notes as follows: Conditions <ol style="list-style-type: none"> 1. Noise From Fixed Plant and Equipment (condition) 2. Odour Control (condition) 3. Noise from Site/Ground Preparation and Construction Works Advisories <ol style="list-style-type: none"> 1) Air Quality (not required) 2) Noise from deliveries and refuse disposal (advisory note) 3) Waste Storage and Disposal Arrangements (condition) |
| ACC Roads Development Management Team | 31.10.16 | No objection , subject to conditions as follows: Notes high standard of existing pedestrian infrastructure and accessibility of the site by bicycle via nearby recommended cycle routes. |

Site is close to both eastbound and westbound bus services, with good frequency of service. Though the site is remote from the train station and airport, these bus services provide adequate connections.

Notes that site is within a controlled parking zone (CPZ). Note that there is a shortfall in car parking, however the applicants have provided a detailed justification for this level of car parking being adequate in the context of the site. This justification is accepted and the level of parking is satisfactory.

Drawings have been provided to demonstrate adequate cycle and motorcycle parking within the site.

The use of Queen's Lane South for service/delivery vehicle access, which is consistent with the adjacent Malmaison Hotel, is considered to be acceptable. Swept path diagrams demonstrate that provision has been made for vehicles to turn within the site, avoiding any requirement for reversing manoeuvres on the rear lane.

The submitted Transport Statement concludes that the level of traffic generated by the former school use in the weekday AM peak would be comparable to (or greater than) that of the proposed use. The TA does not mention how weekday PM peaks, or weekend AM or PM peaks, would compare to the proposed use.

DIA demonstrates sufficient drainage measures.

Any potential mitigation required in relation to impact on the local road network would be based on the difference between the former use and that now proposed. It is accepted that the analysis required to establish the requirement for, and nature of, any mitigation may be undertaken prior to commencement of any works, in connection with a suspensive condition.

Scottish Environment 26.10.16
Protection Agency

No objection. Recommend that a condition requiring submission and agreement of a Construction Environment Management Plan (CEMP) be attached to any consent.

Scottish Water

No response

ACC - Waste Strategy 11.10.16
Team

No objection.
Note requirement for commercial uses to provide suitable bin stores within the site.

REPRESENTATIONS

6 letters of representation were received in relation to the proposed development. These raise the following issues:

- Conflict with the relevant policies pertaining to the West End Office Area, in relation both to the principle of the use and to impact on amenity.
- Noise: both from activity within the hotel and grounds and from HVAC and plant. Note scope for external dining.
- Loss of Privacy
- Traffic – additional vehicles onto rear lane (which is designated as a cycle route) would exacerbate congestion and road safety issues. Notes different pattern of traffic in rear lane from the previous school use. Access into Queen’s Lane South is hazardous and additional use should not be encouraged due to the absence of a pedestrian footway
- Approval would encourage further applications from Chester Hotel
- Over-supply of licensed premises and associated conflict with ACC Policy
- Reference amenity issues arising from Chester and Malmaison hotels
- Visual impact from south, both in isolation and in conjunction with the adjacent hotels and their respective extensions.
- Loss of light as a result of the proposed extension.
- Loss of view.
- Copper coloured cladding is not in keeping with the surrounding buildings.
- Impact on character of Listed Buildings and Conservation Area
- Overdevelopment of site and excessive scale of extension
- Important that there are no outdoor areas or raised terraces
- Lack of demand for this use
- Use should be directed to City Centre per Sequential approach outlined in ALDP
- Unacceptable precedent
- Conflict with ‘historic environment’ objectives of the SDP
- Conflict with policy H1 (Residential Areas)
- No provision for coach parking
- Highlights restrictions on access to rear of Chester Hotel

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 59 of the LB&CA Act requires the planning authority, in determining applications for planning permission affecting the setting of a Listed Building, to *‘have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses’*.

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.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)
Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan (2017)

Policy I1 – Infrastructure Delivery and Planning Obligations
Policy T2 – Managing the Transport Impact of Development
Policy T3 – Sustainable and Active Travel
Policy T5 - Noise
Policy D1 – Quality Placemaking by Design
Policy D2 – Landscape
Policy D4 – Historic Environment
Policy D5 – Our Granite Heritage
Policy B3 – West End Office Area
Policy NE6 – Flooding, Drainage and Water Quality
Policy R6 – Waste Management Requirements for New Development
Policy CI1 – Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

Drainage Impact Assessments
Infrastructure and Developer Contributions Manual
Transport and Accessibility
Waste Management
Harmony of Uses
Noise
Planning Obligations
Resources for New Development

Other Material Considerations

Local Transport Strategy
Managing Change in the Historic Environment: Setting; Extensions; Boundaries; Interiors;
Windows
ACC Albyn Place/Rubislaw Conservation Area Character Appraisal
ACC Conservation Areas Management Plan

EVALUATION

Principle of Development

The site is located within the identified West End Office Area, where policy B3 is applicable. This generally encourages office uses, setting out criteria for such proposals, but also states that ‘any new development proposal that do not protect existing residential amenity will be refused’. On that basis, the test for non-office uses would be whether there would be any resultant adverse impact on residential amenity. In terms of access arrangements, B3 states that, where there is scope to do so, taking access to properties from rear lanes will only be acceptable if satisfactory access arrangements are in place, or can be provided by the developer – this point will be considered further in the ‘Accessibility’ section of this report. B3 further states that the Council will support the principle of reinstating and restoring front gardens and cast iron railings where these areas have previously been given over to extensive areas of hardstanding. In this case, it is recognised that existing hotel uses sit to either side of the application site on Queen’s Road, at 51-53 and 59-63 respectively, and that the nearest residential properties are those on Harlaw Road, to the southern side of Queen’s Lane South. (circa 50-55m away).

Accessibility

The Council's Roads Development Management Team notes in its response that the site is accessible via cycling and walking, with a number of recommended cycle routes in the surrounding area. There are existing bus services available on both sides of Queen's Road, allowing for connection to the City Centre, airport and train station.

The site lies within the 'outer' parking zone in the Council's Transport and Accessibility Supplementary Guidance, where higher ratios of car parking are applicable. In this instance, the proposal would provide 33 off-street car parking spaces. It is recognised however that the site lies just outside the 'inner city' zone, and that the maximum levels that might apply to a peripheral site far removed from the City Centre may not be appropriate to a site such as this, which it is recognised can be reached by other means and is within the urban area of the city. An existing Controlled Parking Zone (CPZ) applies in this location, meaning that any unauthorised parking during its hours of operation could be effectively managed. In support of the proposal, the applicants have provided a statement of justification for parking provision, which has been accepted by officers as demonstrating that the rate of parking provided is adequate in this instance.

In order to establish the extent of any mitigation measures required in relation to the local road network, it will be necessary for the applicants to provide further information detailing a comparison of traffic generation between the former school use and the proposed hotel use. The Roads DM Team is satisfied that mitigation is feasible and can be agreed and enforced by way of a condition of any planning consent, with any necessary mitigation being required prior to commencement of the new use. A Travel Plan Framework has been included within the submitted Transport Statement, and is acceptable in principle, however a full travel plan will be required 3 months after first occupation, when patterns can be assessed in detail – this can be secured via condition.

Swept-path analysis for larger vehicles has been provided, demonstrating that the site is adequately accessible to the rear, allowing delivery and service vehicles to turn within the confines of the site. Earlier concerns relating to aisle width between parking bays have been addressed. Locations for cycle and motorcycle parking have been shown in the current plans, and are sufficient to demonstrate that these can be accommodated, however a condition is recommended to ensure refinement of those facilities, with occupation contingent on their provision. Taking account of the above, it is considered that the proposal demonstrates accordance with policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel).

Architecture and Design

The proposal has obvious benefits in safeguarding the continued use of these B-listed buildings in a Brownfield location and the enhancement of the street frontage to Queen's Road through the partial reinstatement of soft landscaping to soften what is presently a large area of hardstanding. The proposed extension is clearly of a significant scale relative to the original listed buildings, however it is crucial to consider this in relation to its immediate context, where the existing extension to the rear of the Hamilton School and the extensions to the neighbouring hotels serve to screen much of the rear elevation to 55 and 57 Queen's Road. Whilst an extension of this scale is unlikely to be appropriate in a different context elsewhere in the West End Office Area, it is clear that the setting of these listed buildings has been significantly altered through these earlier additions.

The proposal has been revised since its original submission, with a significant reduction to its height in order that the extension would not be clearly visible from the Queen's Road frontage and the public face of the listed buildings would be maintained. The extension spans four above-ground floors, with a lower ground floor and basement beneath. Its rear elevation would be on an angle, projecting down the plots to broadly match the adjacent Malmaison and Chester hotels respectively. Rooms are arranged down the eastern and western sides of the building, with a

central full-height atrium/void space. The extension consists of three main parts – two main ‘blocks’ positioned along the east and west boundaries, with a glazed rear face and glazed penthouse floor allowing light to penetrate into the central atrium space. The use of copper cladding on the building offers something different and provides a clear contrast between the traditional granite buildings and the modern extension, without adversely affecting the principal setting of these buildings, which is in views from Queen’s Road. These copper clad sections are of similar height and general form to the protruding areas of darker granite on the adjacent Malmaison extension, with the result that the two sit quite comfortably together in elevation view. The use of this more contemporary design and materials to the rear is considered to be appropriate in the immediate context, which includes the smooth granite face of the Malmaison extension, which itself is an unashamedly modern extension to a traditional building.

As noted previously, the presence of the Malmaison extension in particular serves to screen much of the side elevation to the proposed extension on approach along Queen’s Lane South, such that its visual impact is much reduced. It is recognised that the cumulative massing of these three significant extensions is significant, however the impact of that combined appearance is mitigated by their location to a secondary elevation, where there are limited opportunities for them to be viewed together outwith the immediate confines of Queen’s Lane South.

The relationship with the existing extensions to the Malmaison and Chester hotels is challenging, as both of these include windows that overlook the rear of the Hamilton School site, and in effect ‘borrow amenity’ from this site and are benefit from its openness at present. In order to avoid any conflict between habitable rooms within the proposed hotel and those of its neighbours, the proposed extension has been designed around a concept of a central atrium, with bedrooms looking out into this central space and benefitting from the natural light that floods the full height atrium, by virtue of the building’s glazed southern face and atrium rooflights.

This unconventional arrangement, whilst borne out of circumstance, results in a distinctive form which makes use of and extends existing built assets and, whilst retaining a scale and exterior form which is comparable to its immediate neighbours, would differ from the norm internally and provide an attractive and somewhat unique space. It would be resource efficient in utilising existing buildings in a Brownfield location, which is readily accessible by public transport and non-motorised means. It would make provision for the separation, storage and collection of recycling and waste and promotes a higher density form of development within existing urban areas which allows for sharing of infrastructure and services, and represents a sustainable form of development.

The main hotel entrance, which makes use of the existing glazed link between the two listed buildings, would draw visitors through into the heart of the hotel, where they would be greeted by a feature stair, beyond which lies the full-height atrium and glazed face to the rear elevation. This represents a well-defined entrance to the development, which would be easy to find your way around and allows for the main entrance to the hotel to be accessible to wheelchair users. As noted previously, the extension would not be readily visible from Queen’s Road, ensuring that the traditional street frontage that contributes significantly to the character of the Albyn Place/Rubislaw Conservation Area remains active and attractive.

Taking these matters into account, it is considered that the proposal, whilst of a significant scale and utilising contemporary materials, is able to demonstrate due regard for its particular context by ensuring that the principal setting of the listed buildings is preserved, and indeed the visual impact of the rear extension is quite localised to an area where that setting has been previously altered by large extensions to a number of adjoining buildings. In that sense this extension would not appear out of place, and is consistent with the local context, where traditional buildings have been significantly extended to the rear whilst preserving their primary frontage onto Queen’s Road. The

proposal is considered to satisfactorily accord with the provisions of policies D1 (Quality Placemaking by Design) and D2 (Landscape) of the ALDP.

Setting of Listed Buildings

As noted in the earlier 'Design' section of this report, the setting of 55 & 57 Queen's Road has been significantly altered through the addition of its own earlier extension and those of neighbouring buildings. These do not unduly affect the principal elevations of these buildings nor their importance in the Queen's Road streetscape. On that basis, the principle of a significant extension to the rear of listed buildings has been, at least to some extent, established. In preserving the Queen's Road frontage and enhancing it to some extent through the introduction of some soft landscaping in this frontage area. Even within the context of the wider West End Office Area, it is noted that this particular site has its own very localised context due to the particularly large extensions that sit to either side. These, in conjunction with the timber extension to the former Hamilton School itself, serve to screen much of the rear elevation of the original listed buildings from view. In that context, it is clear that the introduction of a new extension would not obscure a prominent view that presently exists. On this basis, it is accepted that the visual impact of the proposal would be largely restricted to a lesser elevation, and would not adversely affect the setting of the original listed buildings, and by retaining and securing appropriate re-use of these Listed Buildings, the proposal is consistent with policy D5 (Our Granite Heritage) of the ALDP.

Character and appearance of Conservation Area

The application site lies within the Albyn Place/Rubislaw Conservation Area. The associated Conservation Area Appraisal identifies several smaller character areas, with the site located in area B: Queen's Road and the south side of Albyn Place. This area is characterised as wide, tree lined streets running east to west with large detached buildings set back from the road, noting also that most of the buildings on Queen's Road are listed, with many substantial detached houses standing close together and separated from the main thoroughfare by low granite boundary walls, iron railings and hedges. The appraisal recognises that commercial uses have brought additions, including rear extensions, rear car parking, signage and front car parking, whilst buildings along Queen's Road are substantial and display bay windows, dormer windows and a number of more ornate features, such as motifs in the stone. The proportions of the buildings are grand and many feature large front doors with fanlights and sidelights that are accessed by steps or flyovers. The appraisal recognises that there is a high-time economy in this section of the Conservation Area by virtue of the presence of hotels, hostel, restaurants and bars in the area. The reinstatement of some soft landscaping at the fore of the premises would address a weakness identifies in the Conservation Area Character Appraisal. Prominent viewpoints would be unaffected by the proposed new extension.

Built Heritage

In summary, the proposal retains the existing Listed Buildings with minimal intervention and involves conversion and redevelopment. The detail of the works to the LBs will be assessed via the determination of the associated LBC application, however in general terms the setting of the LBs would not be fundamentally harmed. The proposal therefore preserves the historic environment by retaining and reusing the existing listed buildings, as required by policy D4 (Historic Environment) of the ALDP and the relevant national guidance contained in Scottish Planning Policy (SPP) and Historic Environment Scotland's Policy Statement. Works to the historic fabric have been drastically reduced from earlier iterations of the proposal, and the retention and repair of railings and reintroduction of soft landscaping to the frontage of the site will enhance public face and make a positive contribution to the building's setting and the wider character and appearance of the Conservation Area. Subject to detailed assessment via the LBC application, this authority is satisfied that the works are able to demonstrate compliance with the relevant tests from HESPS and its associated 'Managing Change in the Historic Environment' guidance note, and by extension policy D5 (Granite Heritage) of the ALDP.

Amenity

Policy B3 requires that uses other than office and residential are assessed primarily against their compatibility with existing residential amenity. It is recognised that the site is within an area where there exists a mix of commercial and residential uses, so there is acceptance in principle that non-residential uses may be accommodated subject to that amenity test. As noted previously the nearest residential uses to the site are the properties fronting Harlaw Road, on the opposite site of Queen's Lane South. There are residential properties on Queen's Road, however those immediately opposite the site are generally in commercial use, and the degree of separation to residential properties is considered sufficient to avoid any undue impact on amenity.

The addition of a large extension to the rear of the application site has resulted in some concerns from local residents regarding loss of privacy and noise arising from the use of outdoor spaces to the rear of the hotel. Noise concerns are addressed in a later section of this report. It is noted also that the applicants have been at pains to point out that the design of the proposal evolved with an awareness of local concerns that arose from statutory pre-application consultation. As a result, the rear of the proposed hotel, though incorporating an extensively glazed atrium space, does not in fact feature bedroom windows in its rear elevation. The submitted elevations and floorplans demonstrate that stairwells are positioned at the very rear of the extension, with horizontal strip windows incorporated at high level to allow light in without creating any overlooking of neighbouring land. It is notable also that there is approximately 30-35m separating any glazed sections in rear face of the extension from the closest part of rear gardens on Harlaw Road, with approximately 50m to the rear face of the nearest dwelling. A combination of the internal arrangement of the hotel and the distance between the proposed extension and the nearest gardens and dwellings is ample to ensure that there would be no loss of amenity as a result of overlooking from the interior of the proposed hotel.

Similarly, the planted terraces which are shown in the rear elevation have been raised as a potential source of both overlooking and noise. These spaces are intended to soften the appearance of the building's rear elevation and introduce a degree of landscaping, rather than to function as an outdoor amenity space for dining or bar-related use. The applicants have confirmed that there would be no access to these spaces for hotel guests, and access would be for maintenance of landscaping only. It is recommended that this is further ensured by attaching a suitably worded condition to any planning consent.

The distances separating the hotel from dwellings on Harlaw Road is sufficient to ensure that there would be no adverse impact as a result of loss of daylight. Similarly, the potential for overshadowing is mitigated by the orientation of the hotel to the north of these closest residential properties. Taking these matters into account, it is considered that the proposed hotel use is compatible with the zoning of the site, and would not result in any material loss of residential amenity. The proposal would therefore accord with the provisions of policy B3 (West End Office Area) of the ALDP.

Whilst the development plan does not set out any specific standards of amenity for hotel uses, it is nevertheless reasonable to consider the extent to which the proposed hotel would be compatible with the adjoining hotels. The use is clearly acceptable in principle, however the significant scale of the extension and its position close to the site boundaries to either site, in conjunction with the similar siting of the Chester and Malmaison extensions on their respective sites, warrants consideration of potential amenity issues in those neighbouring hotel bedrooms, as well as consideration of the level of amenity to be afforded to residents within the proposed hotel itself. To this end, the applicants have provided a daylight study in relation to the rooms within the adjoining hotels. In an associated statement, the applicants highlight that hotel rooms are generally occupied in the mornings and evenings, with low occupancy during the daytime. Whilst their assessment indicated that there would be a degree of impact on windows within the neighbouring hotels, they contend that there is no evidence that the resultant light levels are below those of any

other hotels in and around the city centre. The small number of east-facing rooms within the Chester Hotel appear to be afforded very limited levels of light at present, and that would not markedly change as a result of the proposed extension. The Malmaison Hotel features many more rooms facing the application site, however it is recognised that in planning terms it is generally not acceptable for one site to 'borrow amenity' to a significant degree by positioning windows which face directly over a boundary onto adjoining land. In this context, it is considered that the degree of impact on rooms within the adjoining Malmaison Hotel is acceptable, and would not result in undue harm to this existing use. On that basis, the proposal is considered to accord with this part of policy B3 relating to compatibility with existing uses.

Levels of amenity within the new hotel were previously a matter of some concern due to the central atrium space not being sufficiently open to allow light to penetrate from the glazed southern elevation, however recent revisions to the proposal have resulted in the removal of rooms enclosing the southern side of that atrium space, thereby presenting a largely open outlook from the central portion of the extension and providing a bright and airy central atrium onto which bedrooms would face. In this regard, officers are satisfied that amenity levels within the new hotel would be entirely adequate.

Developer Obligations

The proposal's impacts have been assessed by the shared City/Shire Developer Obligations team, as noted in the 'consultees' section of this report. That assessment has identified no requirements for financial contributions in relation to impacts associated with the development. Due assessment, however, ensures accordance with the Council's Developer Obligations SG and policy I1 (Infrastructure Delivery) of the ALDP.

Flooding and Drainage

NE6: Flooding and Drainage requires the submission of a Drainage Impact Assessment in support of any application proposing 100sqm or more of floorspace, with a view to demonstrating that proposals would not be exposed to flood risk and would not materially increase the risk of flooding elsewhere. A DIA has been provided, which concludes that there would be no increase in net foul drainage or surface water run-off as a result of the proposed conversion scheme, and no comment to the contrary has been received from the Council's Roads DM or Flooding Teams. Taking these matters into account, the proposal is considered to accord with the provisions of policy NE6 (Flooding and Drainage) and the relevant 'Drainage Impact Assessments' SG.

Waste and Recycling Provision

Though commercial in nature, it is necessary for the proposal to demonstrate satisfactory provision for refuse storage within the site. Details of the proposed arrangements can be secured through use of an appropriate condition. Access arrangements are provided for refuse and delivery vehicles and, subject to agreement on the location and specification of bins storage prior to occupation, the proposal is considered to accord with the provisions of Policy R6 (Waste Management Requirements for New Development) of the ALDP.

Noise

Environmental Health colleagues are satisfied in principle that noise levels can be adequately mitigated to protect existing levels of residential amenity and allow hotel use. A Noise Impact Assessment related to plant equipment will be required to assess noise sources and provide appropriate mitigation, and any identified mitigation measures must be implemented prior to occupation. Subject to appropriate mitigation being implemented as agreed, the proposal will demonstrate compliance with policy T5 (Noise) of the ALDP and its associated SG.

Contamination

The potential for historic site contamination has been considered by the Council's Environmental Health officers, and it has been concluded that the potential for risk is no sufficient to warrant the

use of a planning condition, however it is recommended that an advisory note be attached to any consent, advising the applicant to notify the planning authority in the event that contamination of the ground is discovered, in order that it may be investigated and mitigation agreed and implemented. In this regard, it is considered that the proposal accords with policy R2 (Degraded and Contaminated Land) of the ALDP, and that an informative note represents best practice in the event that any unforeseen issues should arise during works

Other material considerations

The proposed development is considered to accord with SPP's high-level policy principle to 'support sustainable economic growth and regeneration, and the creation of well-designed, sustainable places' by retaining and restoring these existing Listed Buildings and promoting the redevelopment of a Brownfield site in an accessible location. As discussed in the 'Amenity' section of this report, the proposal demonstrates due regard for the sensitive residential uses in the surrounding area, and would not adversely affect local amenity, as highlighted in para 108 of SPP. In relation to the historic environment, SPP states that the planning system should enable positive change, with change being '*sensitively managed to avoid or minimise adverse impacts on the fabric or setting of the asset*'. It is considered that the foregoing assessment demonstrates due consideration for the preservation of the buildings' setting. The proposal is considered to accord with the high-level principles set out in Scottish Planning Policy (SPP).

The 'Design', 'Listed Building', 'Conservation Area' and 'Built Heritage' sections of this report address matters relating to the historic environment and demonstrate that the proposal accords with the relevant provisions of the Development Plan and satisfy the legislative requirements relating to the preservation of setting and the desirability of preserving or enhancing the character and appearance of Conservation Areas. In this regard, the proposal is also considered to accord with the provisions of Historic Environment Scotland's Policy Statement and the associated guidance note.

Representations and Community Council comments

Matters relating to compliance with Development Plan policies have been addressed in the respective sections of this report. It should be recognised that whilst the West End Office Area zoning under policy B3 explicitly encourages offices uses, it does not preclude any other uses within the areas so zoned, and it is for the planning authority to consider the merits of such uses.

Pre-existing issues relating to the operation of the Chester and Malmaison Hotels are of limited relevance in assessing this proposal, as the planning authority is considering the compatibility of a hotel use. It should be recognised that separate statutory controls exist in relation to the management of noise nuisance, and noise disturbance can arise from residential properties within residentially zoned areas. Noise from ventilation/plant equipment has been considered by ACC Environmental Health colleagues and it has been accepted that noise levels can be mitigated adequately to protect residential amenity.

The possibility of further applications from the adjacent Hotels relating to their own sites is not material to determination of this application, and any such applications would be determined on their individual merits. It should be noted that the proposal makes no reference to external dining, and terraces shown to the rear of the building are for landscaping only, and are inaccessible to for outdoor dining use or related use.

Design and scale issues, materials, visual impact and relationship to the Listed Buildings and wider Conservation Area have been addressed earlier in this report, along with transportation, parking and accessibility. Loss of a specific view is not a material planning consideration, nor is consideration of demand for the use – this will be determined by the market. As the site is zoned as part of the West End Office Area, that is the zoning policy against which it will be assessed. Policy H1 (Residential Areas) is not relevant to this assessment.

Comments relating to disappointment with earlier planning decisions are noted, however are not material to determination of this application on its merits. The planning authority recognises the relevance of the West End Office Area policy B3, and earlier sections of this report set out officers' assessment of the proposal against that policy.

Comments relating to the provision of licensed premises are noted, however this proposal is for a hotel use, with any restaurant and bar uses an ancillary part of that overriding use. This forms the basis for planning assessment, and there is a separate licensing process which applies in relation to the sale of alcohol. As far as the Development Plan is concerned, the only reference to over-provision or over-concentration of licensed premises is contained in the 'Harmony of Uses' SG, which explicitly states that it does not apply to hotels and restaurants.

Precedent is of limited materiality, as planning decisions are ultimately taken on their individual merits. It is recognised, however, that earlier planning decisions can be a material consideration in decision-making, however this report sets out that the proposal is consistent with the provisions of the Development Plan with regard to the zoning of the site within the West End Office Area, as it would not adversely affect existing residential uses. On that basis, it is not considered that any undesirable precedent would be set by granting permission for this proposal.

Based on the foregoing assessment against the Development Plan and relevant material considerations, it is therefore recommended that this application be approved subject to the following conditions. A summary of the reasons for this decision is set out below.

Heads of Terms of any Legal Agreement

Not applicable – no legal agreement required.

Time Limit Direction

None – standard consent period will apply.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed development is compatible with the zoning of the site within the West End Office Area in the Aberdeen Local Development Plan as it would not result in adverse impact on existing residential uses in the surrounding area. The internal arrangement of the proposed extension and its relationship with existing residential uses is such that it is considered to protect the amenity afforded to those existing residential uses and is therefore considered to accord with policy B3 of the ALDP.

The site is adequately served by on-site car parking, and is in a suitably accessible location which makes use of a Brownfield site and retains and restores two existing category B-listed buildings in a prominent location with the Albyn Place/Rubislaw Conservation Area. The extension to the rear of these listed buildings is considered to be acceptable and appropriate in the localised context of this particular site, where the immediate setting has been significantly altered by earlier extensions to the adjoining hotels, with the result that the rear elevation of these buildings is largely screened from view. The principal elevation to Queen's Road would be preserved and enhanced through the reintroduction of soft landscaping, consistent with the Council's Transport and Accessibility SG. There would therefore be no adverse impact on the setting of these listed buildings, nor would the

development adversely affect the character or appearance of the Albyn Place/Rubislaw Conservation Area, based on due consideration of the associated Conservation Area Appraisal.

The proposed extension is of an acceptable scale and form in relation to this localised context, and represents a contemporary contrast to the existing listed buildings without compromising their principal setting onto Queen's Road, and is considered to accord with the provisions of policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and D5 (Our Granite Heritage).

Adequate provision has been made for drainage, and details of noise assessment and mitigation can be secured via condition. No material considerations have been identified that would warrant refusal of the application.

CONDITIONS

1. STONE CLEANING METHODOLOGY

No stone cleaning works shall be carried out unless a report by an appropriately qualified consultant has first been submitted to and agreed in writing by the planning authority. This report shall be undertaken in accordance with Aberdeen City Council's relevant Stone Cleaning Supplementary Guidance and the methodology set out in Historic Environment Scotland's Technical Advice Note 9: Stonecleaning of Granite Buildings.

Thereafter, stone cleaning works shall be undertaken only in full accordance with the recommendations contained within the agreed report - in the interest of preserving the historic fabric of a listed building.

2. REFUSE & RECYCLING

No development pursuant to the consent hereby granted shall be undertaken unless a scheme detailing the following has been submitted to and approved in writing by the planning authority:

- a. An area of hard standing at storage and collections point(s)
- b. Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

Thereafter, the development shall not be occupied unless these measures have been provided in full – in order to ensure that the site has sufficient space for the storage and disposal of waste and recycling materials.

3. CYCLE AND MOTORCYCLE PARKING

That the development hereby granted planning permission shall be occupied unless a scheme detailing the location and design of cycle and motorcycle parking facilities has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

4. TRAVEL PLAN

That within 6 months of first occupation, and no earlier than 3 months from that date, a full travel plan, which expands on the methodology set out in the Travel Plan Framework submitted as part of the application, must be submitted to and agreed in writing by the planning authority - in order to encourage sustainable travel.

5. TREE PROTECTION

that no development shall take place unless a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

6. TREES – MANAGEMENT SCHEME

that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

7. FURTHER TREE WORK

that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

8. TREES – STORAGE OF MATERIALS

that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a 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 site during the construction of the development.

9. CAR PARKING

that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing Nos. 10271-PL(--)-10-Rev C and 10271-PL(--)-09-Rev C of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

10. DRAINAGE WORKS

that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Ramsay & Chalmers Plan No 102-Rev A or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

11. LANDSCAPING SCHEME

that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include proposed areas of tree/shrub planting including details of numbers, densities,

locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

12. NOISE ASSESSMENT

that no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

13. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall commence on site until a construction environmental management plan has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved plan unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of construction and demolition works on the environment.

14. NOISE FROM FIXED PLANT AND EQUIPMENT

No development related to the implementation of this consent shall be undertaken unless a noise assessment by a suitably qualified noise consultant, assessing the potential for adverse impact on the amenity of occupants of neighbouring residential properties from noise sources associated with the proposed development, has been submitted to and agreed in writing by the planning authority.

Thereafter, the use hereby approved shall not be commenced unless any identified mitigation measures have been identified in full.

This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
 - b) Include assessments; BS4142:2014, BS8233, WHO, NR25 (night time) and NR35 (day time) internally within the nearest residential properties.
 - c) Identify the likely sources of noise associated with the proposed development with potential to impact on neighbouring properties.
 - d) Identify the existing sources of noise potentially impacting on the proposed development.
 - e) Detail the noise mitigation measures to reduce noise from the existing and likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed and existing neighbouring residences respectively.
 - f) The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment
- In order to ensure that appropriate mitigation measures are implemented to prevent undue impact on residential amenity as a result of excessive noise.

15. ODOUR CONTROL

The use hereby approved shall not be commenced unless suitable and adequate means of filtering, neutralising, extracting and dispersing of cooking fumes has been installed within

the premises, in accordance with a detailed scheme which has first been submitted to and approved in writing by the planning authority.

Reason – in order to prevent any adverse impact on residential amenity as a result of odour.

16. NOISE FROM GROUND PREPARATION AND CONSTRUCTION WORKS

No development pursuant to implementation of this consent shall be undertaken unless a scheme for the provision of suitable solid hoarding (of minimum 2m height) with acoustic properties to be erected around the development site boundary during site/ground preparation works and construction has been submitted to and agreed in writing by the planning authority.

Thereafter, development shall be undertaken in accordance with any scheme so agreed - In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works.

17. TRANSPORT ANALYSIS AND MITIGATION

That no development pursuant to the implementation of this consent shall be undertaken unless a scheme for the assessment of this development's impact on the local transport network (including comparison of trip generation data relating to the proposed development and the former use of the site as a school and identification of necessary mitigation measures) has been submitted to and approved in writing by the planning authority. Thereafter the use hereby approved shall not be commenced unless either the identified mitigation measures have been implemented in full, or a financial contribution equivalent to those works has been made per a written agreement with the planning authority - in the interests of mitigating the impact of the proposed development on the local transport network.

18. RESTRICTION ON PUBLIC ACCESS TO LANDSCAPED REAR TERRACE

That there shall be no public access to the landscaped terrace areas to the rear of the approved extension. Access shall be taken for landscaping and maintenance purposes only – in the interests of protecting residential amenity.

ADVISORY NOTES FOR APPLICANT

1) NOISE FROM DELIVERIES AND REFUSE DISPOSAL

In order to protect amenity of the occupants of the neighbouring residences and prevent any potential noise nuisance caused by deliveries or refuse disposal, it is recommended that such operations should not occur:

- a) outwith the hours of 0700 1900 Hours, Monday to Saturdays inclusive, and
- b) outwith the hours of 1000 1600 Hours on Sundays

2) CONTAMINATION - should any contamination of the ground be discovered during development the Planning Authority should be notified immediately. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority. - reason: to ensure that the site is suitable for use and fit for human occupation

