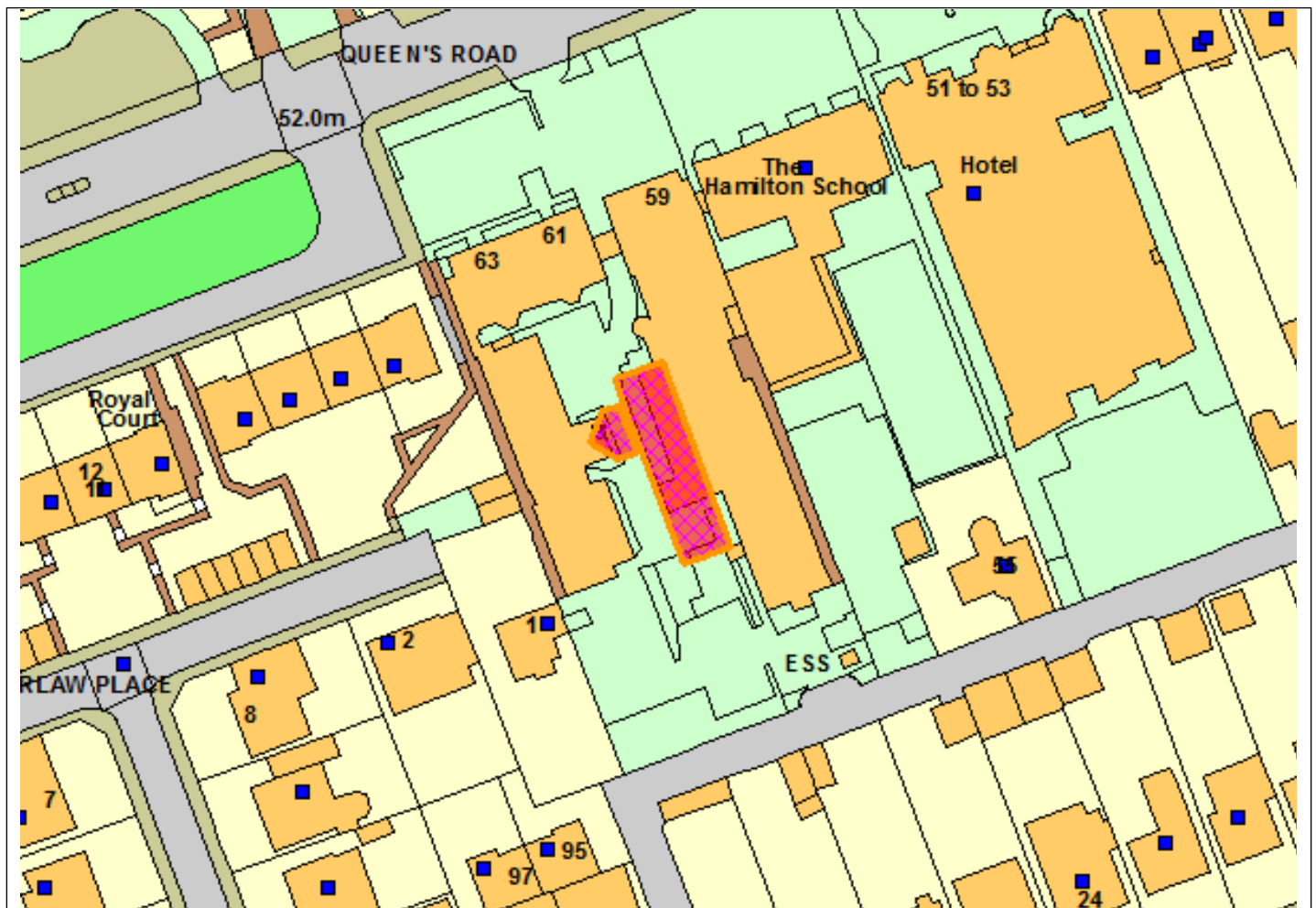


Site Address:	The Chester Hotel, 59-63 Queen's Road, Aberdeen, AB15 4YP
Application Description:	Partial demolition of single storey function suite and replacement with larger single storey suite, external stair and associated works. Demolition of spa wing, formation of new gable and hipped-roof including one new guest bedroom
Application Reference:	171347/DPP
Application Type	Detailed Planning Permission
Application Date:	16 November 2017
Applicant:	The Chester Hotel
Ward:	Hazlehead/Ashley/Queens Cross
Community Council	Queen's Cross and Harlaw
Case Officer:	Matthew Easton



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The 'Chester Hotel' is located on the south side of Queen's Road, between its junctions with Bayview Road and Queen's Gate. The hotel provides 54 bedrooms, a restaurant, private dining rooms, lounge bar and meeting & function suite for up to 350 guests.

The hotel buildings comprise three 19th century granite villas which date from 1896 with extensions to the rear which were refurbished or constructed since 2012. Two of the villas are B listed and one C listed. The hotel is within Conservation Area 4 (Albyn Place/Rubislaw).

The specific area to which this application relates is the existing meeting and function room and external area around it.

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 dwellinghouse at 1 Harlaw Place. To the north is 64 – 70 Queen's Road which are granite villas currently occupied by offices. To the south across Queen's Lane South is the rear of residential properties on Harlaw Road and to the immediate east is the now vacant former Hamilton School.

Relevant Planning 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 was approved in September 2013.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the partial demolition of the single storey meeting and function suite and its extension to create a larger single storey suite, providing an additional 162m² of floor space, increasing the size of the suite from 375m² to 537m².

Similar to the existing arrangement, there would be a set of doors providing external access on the south elevation, via a set of steps, to the car park and the hotel grounds. A further small set of doors would be provided on the north elevation.

The extension would be constructed over the existing vehicular access through the site. In order to maintain access, the small ground floor spa section in the opposite wing of the hotel would be removed along with a bedroom at first floor level, with the access being realigned. The removed section of the wing would be made good with the construction of a new gable wall.

Four parking spaces would be removed in order to accommodate the extension, reducing the number of spaces at the hotel from 47 to 43.

Supporting Documents

The following documents have been submitted in support of the application and can be viewed on the Council's website at –

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZ24KFBZGZL00>

- Parking survey
- Tree report

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because Queen's Cross and Harlaw Community Council have objected to the application.

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

- The site is located in Controlled Parking Zone X and in the outer city area in terms of parking standards, but is very close to the inner city. The site is highly accessible by pedestrians and cyclists and those using public transport, with bus stops almost immediately outside the hotel on Queen's Road.
- The proposal would reduce the number of parking spaces from 47 to 43, as well as introducing a 162m² conference suite, requiring one space per 18m², resulting in the requirement of nine additional spaces. There is a net loss of parking of thirteen spaces.
- The applicant's car parking survey shows that there is plenty of spare capacity, except on Saturday evenings, where there are only around eight (15%) spaces free. However, as four spaces would be removed, this means only four spaces (9%) would be free on Saturday evenings for the current situation.
- The increase in floor space, would result in the requirement for nine more spaces, meaning that it is likely that on Saturday evenings (and possibly Fridays) there would not be sufficient parking. However, given that the site is so accessible by foot / taxi / bus and (to a lesser extent) train, and given that the site is within a controlled parking zone, the marginal shortfall can be accepted.

ACC – Environmental Health – No objection. Taking into account the mixed use nature of the area, some impact in terms of noise within the gardens of neighbouring gardens may be expected. Protecting residents within their homes at night (the most likely times for venue uses) would be the priority. It is considered reasonable that in the nearest residential properties that any noise from the hotel function room is inaudible given the distance between the function room and residential properties

Queen's Cross and Harlaw Community Council – Object to the application.

1. The Chester Hotel submitted the application at Christmas and the Council advised that no extension for the submission of representations would be granted. The Community Council were relieved to be given an extension of time in order to respond to additional information on parking.
2. The families of what once was a quiet residential area have been demoralised by the continual battle to constrain the Chester Hotel in their quest to drive commercial gain from noisy functions. Residents have in the past had to inform Police and make complaints about noise to the Environmental Department. This appears to be why even very active residents in the area are too weary to mount yet another protest against the Chester.

A larger function area with external staircase would increase problems with noise and make the situation even worse for families and local residents in the area. Previous applications and the comments stated above show the problems local people have had to appreciate. The hotel are unlikely to be able to constrain even more clients to make less noise when they have failed to do so in the past.

3. In the past the Planning Committee sent the hotel a letter about their conduct with regard to unauthorised development.
4. The proposed development fails to demonstrate due regard to its context, and would not make a positive contribution to its setting, contrary to Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan (ALDP).
5. The proposed development would, by virtue of its over-development of the site and detrimental impact on both the surrounding townscape generally, result in an adverse impact on the character and appearance of the area, contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 (Built Heritage) of the ALDP.
6. It is considered that controlling overspill parking to protect residential amenity is relevant. The revised West End Office Area Policy should reinforce the protection of residential amenity.

Parking and increased traffic and car noise would be a problem. As far back as February 2014 the Community Council protested about the overspill parking which will take place in Queens Lane South and elsewhere. The Roads Development Management Team consultation response concedes that that at certain times because spaces will be lost when the new function venue area is built then "it is likely that on Saturday evening (and possibly Fridays) they will not have sufficient parking". Queens Cross Community Council have previously protested at the method Chester has of counting "free" spaces available but one only needs to look at Chester Hotels own photos with planning application 160341 for Saturday 5th December 2015 and Sunday 6th December to see how the Chester car park is short of spaces, and hence must get even worse with fewer spaces.

7. It is difficult to understand how the Care Home at the other end of Queens Lane South was refused planning permission while the Chester Hotel is given planning permission when presumably the same policy rules apply. Those close to the Chester Hotel fear what will happen when the Chester begins to further develop the former Hamilton School which was thought to be planned as a boutique hotel but turns out will be operated by the Chester.

REPRESENTATIONS

One letter of representation has been received from a local resident who objects to the application. The following matters are raised –

- A. the purpose is to host larger events with a greater number of guests – this will lead to much increased noise and disturbance to the neighbouring family residences. The use as both wedding and conference functions, plus other events, allows this to be a daily occurrence. I particularly object to any use of the modified areas; buildings, roofs, terraces or grounds for outside entertainment purposes – on the basis of increased noise and disturbance, given the increased guest capacity. The applicant has not stated how they intend to mitigate these effects from either inside or outside areas (e.g. with open doors or windows).
- B. Tree 798 is rather large and dominates the neighbouring area. Is it not possible to modify the tree to be more sympathetic to the surrounding area?

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character of conservation areas.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)

Aberdeen Local Development Plan (2017)

- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)
- Policy B3 (West End Office Area)
- Policy NE5 (Trees and Woodland)

Supplementary Guidance and Technical Advice Notes

- Trees and Woodlands
- Transport and Accessibility

EVALUATION

Principle of Development

The Chester Hotel is located within the West End Office Area (Policy B3) where offices and business uses are generally supported. Other commercial uses are not explicitly mentioned in the policy, however the hotel use has been established at the site for many years and the original buildings have already been extensively extended. Therefore, to determine whether this specific proposal is acceptable, the matters to be assessed are the size, scale and design of the extension and any impact it may have on the amenity of the surrounding area.

Size, Scale, Layout and Design and Impact upon the Conservation Area and Listed Buildings

The extension would project out from the side of the existing wing by 7.3m and be 24.1m long (3.1m longer than the existing). It would have a flat roof at the same level as the existing wing, which would remain subservient in height to all the other wings and the listed elements of the hotel.

The location of the extension, within the centre of the site and with taller elements of the hotel on either side, would result in it being visually contained within the hotel site. The dominant built form along the western end of Queen's Lane South is that of considerably sized buildings on the north side of the lane, including the Chester Hotel itself, the neighbouring Hamilton School (which has consent for a larger extension than at present), Malmaison Hotel and Albyn School. The proposed extension is smaller than all of these structures and would not alter the established character of this part of Queen's Lane South. The character of this part of the Albyn Place/Rubislaw Conservation Area would be maintained.

The proposed extension would increase the width of the wing attached to no. 59. This would obstruct views of the rear of the listed building from within the car park and Queen's Lane South, although these are somewhat compromised already by the existing wings and trees. The impact upon the setting of the listed building would therefore be insignificant. In term of close up views however as there would be a gap of some 15m from the rear of the listed building at no. 61, there would be no direct impact upon the listed building itself.

The extension would be finished in stone veneer panels in a dark polished granite colour which is the same finish as the existing wing which is considered acceptable. The area around the extension and vehicular route through the site would be finished in high quality materials and provides a suitable setting for the hotel buildings.

Taking into account the foregoing, the proposal would preserve the character of the conservation area and the setting of the listed buildings in accordance with the legislative requirement, SPP and Policy D5 of the ADLP (*Community Council issues 4 and 5*).

Amenity

The extension would increase the existing conference and function suite floor space from 375m² to 537m². The hotel advises that the maximum number of persons which the hotel caters for in the suite is 350, when the room is setup for a reception, which would not increase. For a dinner dance the maximum number which could be catered for is 200, which would increase to 280.

Concern has been raised by the Community Council and a neighbour that the expanded function room would increase levels of disturbance from the hotel and it is acknowledged that there has

been a tension between the hotel and neighbouring residents. Investigations by Environmental Health officers have not resulted in it being established that a statutory nuisance was occurring. The nature of the area around this section of Queen's Road is that there is a mix of uses, which inevitably results in a level of amenity that at times may not be as high in a solely residential area.

Although the number of people attending a dinner dance could increase from 200 to 280, the maximum number of people which could be accommodated overall would not increase. The function suite doors on the southern elevation, (facing Queen's Lane South) would continue to feature a vestibule with a set of internal doors to help contain internal noise. After 10pm the doors are manned by staff to prevent guests from using them – those wishing to smoke or exit are directed to the doors on the north elevation, near the bend from the Queen's Road side of the hotel and some 90m from the rear of houses on Harlaw Road where complaints tend to originate. Residential properties are located closer (around 30m away at Royal Court); however the other two intervening hotel wings would help contain and buffer any noise. Hotel staff also carry out patrols of the rear car park every 30 minutes and all bands and music cease at 1am.

On the basis that the hotel function room already exists and the maximum number of people would not be increasing, it is considered that the likelihood of an increase in disturbance as a result of the expanded function suite would be negligible. Taking into account the advice from Environmental Health, to ensure that noise is contained within the building as far as possible a condition has been attached requiring details of the wall and roof construction to be submitted for approval, with the requirement that it is sufficient to ensure that internal noise is inaudible within the nearest residential properties.

The proposal does not seek to change how the grounds of the hotel are used as suggested in representations. However, it should be noted that any activity which one would expect to reasonably take place within the grounds of a hotel, could take place without planning permission, as long as no physical development was undertaken. For example, activities such as outside drinking and dining, the conducting of weddings or taking of wedding photos, or smoking, could legitimately take place within the grounds and this application does not change that. (*CC Issue 2 and Issue A in representations*)

The roof of the extension would be flat and present the opportunity to connect in with the existing small terrace area at the end of the restaurant wing. Previous attempts to allow this area to be used for outdoor dining and drinking have been resisted by the planning authority. Although there is no indication that the intention would be to use the new flat roof for those purposes, in order to avoid any doubt, a condition is proposed which would prevent such activity on the roof.

In terms of overlooking of privacy, the situation would remain unaltered, with the rear of gardens on Harlaw Road, which are directly opposite the rear of the hotel, being around 40m away and the houses themselves 65m, significantly more than the 18m window-to window distance.

Parking

A parking survey has been submitted which indicates that over three days (a Saturday, Sunday and Monday) during August 2017, on average 40% of the car park spaces at the hotel were occupied. On a Saturday afternoon and early evening this increased to a maximum of 81%.

Four parking spaces would be removed in order to accommodate the extension, reducing the number of spaces at the hotel from 47 to 43. The Roads Development Management Team have advised that the increase in floor space, would result in the requirement for nine more spaces, meaning that it is likely that on Saturday evenings (and possibly Fridays) there would not be sufficient parking to accommodate all patrons coming by car. However, it is considered that given

that the site readily accessible by foot, taxi, bus and (to a lesser extent) train, and given that the site is within a controlled parking zone, the marginal shortfall can be accepted.

It should be noted that there is a planning condition restricting use of the rear gate which provides access to Queen's Lane South. It may only be used by service vehicles and shall remain closed and locked other than (a) between 0800 and 1200 Monday to Saturday; or (b) when service vehicles are entering or exiting the site. There have been no recent reports of customers abusing this condition with resultant parking on the lane, obstruction of access to garages or the free-flow of traffic on the lane. Furthermore, Queen's Lane South is within a controlled parking zone with restrictions operating between 9000 and 1700 Monday to Friday. This would deter indiscriminate parking during the day as those doing so would risk a parking fine.

Given the restrictions, when the car park is at its busiest, the potential for unauthorised parking on Queen's Lane South is low and it is expected that if it was full, customers would park on Queen's Road which has capacity and sections of unrestricted parking in the evenings. As with any event where people are drinking alcohol, the likelihood is that they will arrive and depart by taxi/minibus, public transport or on foot, rather than their own car. The parking situation would remain satisfactory and in accordance with Policy T2 (Managing the Transport Impact of Development) (*CC Issue 6*).

Trees

A tree survey has been carried out and identifies two trees in close proximity to the extension, a 15m high sycamore and a 18m high horse chestnut. Both trees are somewhat compromised at the moment by extensive non-porous hard surfacing within their root protection areas. The steps associated with the extension would encroach slightly into the root protection of the horse chestnut. In order to ensure what root may be in the area are protected from any further damage and to avoid any digging, it is proposed to construct the steps from a steel frame attached to the building which would cantilever out over the root protection area. The steps would be finished with stone steps and landing, with joints would be left open so that rainwater steps would drop to the under-croft below and provide water to the roots of the tree – representing an improvement on the current arrangement which is an impermeable hard surface. In terms of the zone of influence (ZOI) of the trees (in other words the falling distance), they are already in a confined area with buildings well within their ZOI. The proposal would the southern part of the wing around 2.7m closer to the tree, still 3.5m away from the existing canopy, although in other places (not subject of this application) is it within 1m of the building. Remedial works are recommended in the tree report to ensure that the tree remains healthy.

The comments in representations regarding the copper beech tree adjacent to the lane (tree 798) are noted. Although included within the submitted tree survey the proposals have no implications on the tree itself and the carrying out of the work suggested cannot be imposed through this application.

In terms of impact on trees the proposal is considered to be in accordance with Policy NE5 (Trees and Woodland).

Other Matters Raised by the Community Council

- Timing of Application Submission – An applicant is free to submit an application at any time. The submitted plans and documents and ability to submit representations were available on the Council's website throughout the festive period (*CC issue 1*). This is not material to the determination of the application.

- Previous Development at Hotel – The occurrence of unauthorised development at the hotel previously is not material to the determination of this application. The said development now has consent (*CC issue 3*).
- Other Developments – Each application must be considered on its own merits. Consideration of different proposals at different sites is in this case not relevant to determination of the application (*CC issue 7*).

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The size, scale, position and design of the extension would preserve the character of the conservation area and the setting of the listed buildings in accordance with the legislative requirement, SPP and Policy D5 of the ADLP.

On the basis that the hotel function room already exists and the maximum number of people would not be increasing, it is considered that the likelihood and significance of an increase in disturbance as a result of the expanded function suite would be negligible. Approval of the detailed construction of the extension would ensure that a suitable level of sound attenuation is achieved.

The potential for unauthorised parking on Queen's Lane South is low due to parking restrictions in the area and planning condition restricting use of the gate in the evenings. The parking situation would remain satisfactory and in accordance with Policy T2 (Managing the Transport Impact of Development).

The steps on the southern elevation would be constructed from a cantilevered steel frame to avoid damage to tree root, with the proposal overall considered to be in accordance with Policy NE5 (Trees and Woodland).

CONDITIONS

(01) CONSTRUCTION DETAILS (NOISE ATTENUATION)

No development shall take place unless construction details of the roof and walls of the proposed extension, demonstrating that noise generated from within the meeting/function room shall be inaudible (music noise level LAeq not to exceed 10 dBA below the existing background LA90) within the nearest residential properties, have been submitted to and approved in writing by the planning authority. Thereafter, the meeting/function room shall not be brought into use unless the extension has been constructed in accordance with the approved details.

Reason – in order to ensure that disturbance from the meeting/function is minimised externally and to maintain the amenity of the area.

(02) STEPS

No development shall take place unless details of the porous material to be utilised below the steps on the southern elevation has been submitted to and approved in writing by the planning authority. Thereafter, the meeting/function room shall not be brought into use unless the area below the steps has been finished in the approved material and the joints between the stone steps are permeable.

Reason – in order to ensure the availability of water to the roots of the nearby horse chestnut tree.

(03) FLAT ROOF

No activities associated with the operation of the hotel such as drinking, dining, entertaining or other events involving hotel customers, shall take place on the area marked as 'new flat roof area' on Graham Mitchell drawing 018 of the drawings hereby approved.

Reason – in order to avoid disturbance to surrounding residents from potentially noisy and disruptive activities in an elevated position.

ADVISORY NOTES FOR APPLICANT

(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.