

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 28 August 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Dickson (as substitute for Councillor Townson), Grant, Greig, Jaffrey, Lawrence, Jean Morrison MBE, Noble (as substitute for Councillor Samarai), Jennifer Stewart, Thomson and Yuill.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=3433&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

HEARING

PUBLIC HEARING IN RELATION TO THE APPLICATION (REFERENCE NUMBER - 140698) FOR DETAILED PLANNING PERMISSION FOR A MIXED USE DEVELOPMENT INCLUDING OFFICE, HOTEL, RETAIL, RESTAURANT, LEISURE AND CIVIC SPACE, INCLUDING CAR PARKING, ACCESS, LANDSCAPING, INFRASTRUCTURE AND PUBLIC REALM IMPROVEMENTS AT THE FORMER ST NICHOLAS HOUSE SITE, BROAD STREET, ABERDEEN

1. The Hearing was opened by the Convener who extended a warm welcome to all present and explained that at the Planning Development Management Committee meeting of 24 July 2014, consideration was given to a report which recommended, in light of the fact that Aberdeen City Council had a substantive financial interest in the development owing to the Council's ownership of the site, and that in excess of twenty representations had been submitted in response to the application, that a public hearing be arranged, and that this had been agreed.

The Convener made it clear that the purpose of the Hearing was not to determine the application but to allow the Committee to consider (1) officers' objective views of the development; (2) details of the development presented by the developer and their agents; and (3) the views of those who submitted written representations and responded positively to the invitation to speak at the Hearing.

The Convener advised of various procedural matters and thanked those who had participated in the three developer led public consultations which had a significant impact on the proposal, and those who were in attendance and had agreed to participate in the Hearing. The Convener requested those taking part to concentrate on the development proposals on which elected members would be required to decide upon, and emphasised that the Hearing was advisory not deliberative. The Convener

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

advised that a decision would not be taken until the Planning Development Management Committee meeting on 25 September 2014 at the earliest.

The Convener invited **Mr Gavin Evans, Senior Planner, Aberdeen City Council**, as the first speaker to address the Committee. Mr Evans described the application proposal, advised with regard to the policy background and the main issues arising, and identified the nature of the concerns expressed by consultees and objectors. His presentation to the Committee was in the following terms:-

The application which is the subject of today's Hearing was submitted by Muse's appointed agents, CBRE, and lodged in May 2014 under reference number P140698. The development proposed relates to the site of the Council's former St Nicholas House offices, along with the section of Broad Street running between Upperkirkgate and Queen Street.

This presentation will contain a brief description of the application site and details of the proposed development. There will also be a brief comment on the consultation process and a summary of written representations by members of the public. I will then set out the main planning policies and national guidance that are directly relevant to consideration of this application, before concluding with a brief outline of the main issues apparent for the assessment of the application.

Site description & context

Broad Street runs north-west from the eastern end of Union Street, providing connection to Upperkirkgate and Gallowgate. To the west lie the Bon Accord and St Nicholas shopping centres, with the Kirk of St Nicholas, Robert Gordon's College and Aberdeen Art Gallery beyond. On the northern side of Broad Street lies the impressive frontage of Marischal College, a category 'A' listed building which was extensively renovated to act as the Council's HQ from 2011.

The St Nicholas House site and the adjacent St Nicholas Shopping Centre are excluded from the Union Street Conservation Area, which surrounds them on all sides. The Conservation Area incorporates the eastern side of Broad Street, the northern side of Upperkirkgate, the southern side of Upperkirkgate and the land to the west of the St Nicholas Centre. The northern side of Upperkirkgate is characterised by a series of townhouses, between 3 and 4½ storeys, the majority of which are listed (category 'B' and 'C').

St Nicholas House was a building of modernist design comprising a 14 storey tower and a long, 3 storey, wing projecting along its Broad Street frontage and wrapping around onto Upperkirkgate. The tower was sited opposite Broad Street's junction with Queen Street. Flourmill Lane runs to the rear and gave access to basement car parking. A pedestrian pend, under the projecting 3 storey wing, allowed for access through from Broad Street to Flourmill Lane, passing a landscaped area in front of the category 'A' listed Provost Skene's House, originally dating from the 16th century, which lies at the centre of the site and is considered a rare surviving example of the early

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

burgh architecture. At the time of writing, St Nicholas House is in the final stages of demolition, opening up previously obscured views of Provost Skene's House and Marischal College, the latter of which is particularly prominent on the approach along Schoolhill/Upperkirkgate.

Development Proposal

Detailed planning permission is sought for a mixed use development including the following - office, hotel, retail, restaurant and leisure uses; civic space; car parking; pedestrian access routes; landscaping; other infrastructure and public realm improvements.

The development essentially involves - the formation of three new buildings (two office buildings with retail/leisure uses at ground floor level, and one a hotel); an area of public open space laid out via the pedestrianisation of Broad Street; a new garden space around Provost Skene's House; and a covered courtyard space enclosed by the northernmost of the two office buildings. The siting of buildings and the presence of pends allow for a pedestrian route, running south-east to north-west, which is loosely based on the historic Guestrow route. Two below-ground levels (i.e. below Broad Street level), accessed via Flourmill Lane, would accommodate 250 car parking spaces.

16,264sqm of office floorspace would be provided, along with 2,193sqm of retail (class 1) and restaurants (class 3), and a 4-star hotel (125 bedrooms). Service laybys would be formed in Flourmill Lane, though it is proposed to allow servicing via the Broad Street frontage during certain hours.

The Broad Street frontage would be defined by the two office buildings, between which a break in the frontage would allow for access to and views of Provost Skene's House, which would be set within an area of public open space. Additional accesses are provided via 'pends' off Broad Street into both office buildings. Ground floors within the office buildings are set back behind a colonnade along the Broad Street frontage, which is intended to provide shelter. The majority of ground-level floorspace within these buildings would be in retail and leisure use, including restaurants, the only exception being reception spaces for the offices above.

Office 02, to the south-eastern corner of the site, would achieve a height of 27.75m above ground level to its rooftop (7 storeys) plus rooftop plant above, with the massing of the building broken up at several points by setting upper floor accommodation back from the building's footprint. This is particularly evident in the division separating the two office buildings, where office 02 presents 5 storeys to the internal pedestrian route, with 6th and 7th floor accommodation set further back.

Office 01 occupies the northern end of the site, enclosing a central covered atrium space on all sides and presenting frontage to Broad Street, Upperkirkgate and Flourmill Lane, as well as providing the immediate backdrop to Provost Skene's House. This building varies in height due to both the fall in ground levels between Broad Street and

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

Flourmill Lane and the top two floors of accommodation being set back from the building frontage in places, but achieves a height of 24.75m (6 storeys) plus rooftop plant above, along with a further lower floor level providing a retail unit at the corner of Upperkirkgate and Flourmill Lane.

The proposed hotel building, L-shaped in plan and providing accommodation across 7 above-ground floors, would be sited in the south-western corner of the site, adjacent to the junction of Flourmill Lane and Upperkirkgate. It would achieve an overall height of 23.7m to roof level, plus plant above, reflecting the lower floor-to-ceiling height of the hotel building. Pedestrian access from the Netherkirkgate end of Flourmill Lane to Broad Street would be provided via the formation of new pedestrian steps. Stepped access is also shown between Flourmill Lane and the area around Provost Skene's House.

The elevations of the two office buildings are to be principally finished with granite cladding and glazed curtain walling, with the massing of the buildings broken up through the varied use of these materials. A random window pattern is shown in granite-clad sections. Ground floor levels feature a greater proportion of glazing, reflecting the presence of retail, restaurants and reception areas. The hotel building would be finished in a cladding, the precise details of which remain under discussion, but has been shown to feature a more regular window pattern.

Proposals for the composition of the pedestrianised civic space involve granite paving, with sculpted benches and seating edges also in granite. The edges of the pedestrianised space, at Queen Street and Upperkirkgate, are defined by similar benches. Trees, uplift in evenings, would be sited at the Queen Street end of the space, intended to form a strong edge and shelter the space. A series of lawns, including those raised and at ground level, would sit within this space. A water feature and external seating are also indicated.

Supporting Documents

A number of supporting documents were submitted as part of the application, addressing various related matters as follows:-

- Pedestrian Level Wind Microclimate Assessment
- Design and Access Statement
- Noise Impact Assessment
- Planning Statement
- Pre-Application Consultation (PAC) Report and appendices
- Desk-based Archaeological Assessment
- Sustainability and Low Carbon Development Statement
- Heritage Statement
- Public Realm Strategy
- Landscape Surface Finishes Plan
- Phase 1 Habitat Survey

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

- Transport Assessment
- Travel Plan
- Drainage Assessment

Pre-application Consultation, Neighbour Notification, Advertisement

A Proposal of Application Notice (PoAN), ref P131473 ,was submitted to the Council on 7 October 2013 for a, *'Mixed use development including office, hotel, retail, restaurants, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements'*. PoANs set out an applicant's intended pre-application consultation for developments termed 'Major' by virtue of exceeding specified thresholds, allowing the planning authority an opportunity to confirm that consultation proposals satisfy the minimum statutory requirements and also to specify any further measures it deems necessary. In this instance, the applicant's proposals for public consultation prior to submission of a planning application went significantly beyond those statutory minimum requirements and, subject to confirmation of dates and venues, was considered to be appropriate and proportionate to the development proposed.

The extensive consultation undertaken to date has included the following:-

- Three separate public events, held at Aberdeen Art Gallery in October 2013, December 2013 and April 2014
- Advertisement in local newspapers (Evening Express and Press and Journal) 7 days ahead of each public event
- Invitations sent to key consultees and interested parties two weeks in advance of first event
- After each event, exhibition materials were put on display at Marischal College main reception
- Sessions at local schools and colleges to coincide with the first public event
- An exhibition bus visiting local communities, coinciding with the first public event
- Dedicated website at www.marischalsquare.co.uk
- Neighbour notification and advertisement in the local press were carried out in accordance with the relevant secondary legislation.

EIA Screening

An Environmental Impact Assessment (EIA) screening opinion request was submitted in 2013 by CBRE on behalf of Muse Developments, to determine whether or not an Environmental Statement (ES) would be required. Aberdeen City Council confirmed in November 2013 that an ES would not be required, based on consideration of the characteristics of the development, the location of the development relative to environmentally sensitive sites, and the characteristics of the development's potential impacts.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

A separate application for Listed Building Consent (LBC), ref P140755, has been lodged with the Council. This seeks consent for the following works:

'removal of steps and balustrade to front of Provost Skene's House, re-profile and renew surface finishes between the balustrade and Provost Skene's House and re-location of stone arch'.

This application for LBC is pending determination at the time of writing.

Consultations

Extensive consultation on the proposal was carried out. A full list of the consultation bodies and details of their responses are provided in the report included in today's agenda papers. The local City Centre Community Council, which is represented at today's hearing, raised a number of concerns regarding the proposal. No other consultees have explicitly objected to the proposal, however a wide range of issues have been raised in consultation responses, including those from the Council's Roads Projects Team and Environmental Health officers, some of which remain as yet unresolved.

Representations

43 letters of representation were received in relation to planning application P140698. The report in the agenda papers provides a detailed summary of the objections raised in those representations. Common themes in representations relate to - a perception that comments made to developers during pre-application consultation events had been ignored in the proposal submitted; the potential adverse implications for the surrounding road network of Broad Street's closure to traffic; the poor relationship between the proposed development and neighbouring historic buildings - Marischal College and Provost Skene's House; and the design, scale and massing of the proposed buildings.

A further 93 representations were received in connection with the related application for Listed Building Consent, ref P140755. Whilst determination of these two applications will remain separate, it was considered appropriate to invite those making representations on the application for LBC to attend today's hearing and make representations in person.

Planning Policy and Guidance

In assessing and determining any application for planning permission, the planning authority is obliged to make its determination in accordance with the Development Plan unless material considerations indicate otherwise. The term 'Development Plan' in this context refers to both the Aberdeen City and Aberdeenshire Strategic Development Plan and the Aberdeen Local Development Plan. Details of the most directly applicable parts of those documents are included in the earlier report to committee, which is included in today's agenda pack. Scottish Planning Policy (SPP), which is the statement of Government policy on land use planning, is also a relevant material consideration, and includes principal policies relating to sustainability and placemaking,

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

as well as subject-specific policies relating to the promotion of town centres, supporting business and employment, and valuing the historic environment. SPP also sets out policy principles in relation to the promotion of sustainable transport and active travel, and facilitating the transition to a low carbon economy.

Scottish Historic Environment Policy (SHEP) sets out Scottish Ministers' policies for the historic environment, and complements SPP. It underlines the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that the planning authority, in determining any application for planning permission for development that affects a listed building or its setting, is required 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. SHEP represents a material consideration in determination of proposals potentially affecting the setting of a listed building.

City & Shire Strategic Development Plan (SDP)

The SDP sets out a series of key objectives for the growth of the City and Aberdeenshire. The SDP recognises the importance of the city centre as an asset, and highlights that its regeneration is vital for the economic future of the area, stating a need to attract more major office developments to the city centre. It is also stated that there needs to be a strong focus on improving the quality of the city centre's shopping, leisure, commercial and residential environment, with partial pedestrianisation of Union Street having an important role.

A stated objective of the plan is provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries. This must be balanced against another key objective to make sure new development maintains and improves the region's important built, natural and cultural assets.

The Strategic Development Planning Authority (SDPA) sets targets for major employment and service developments in strategic growth areas to show that they are easy to access by walking, cycling or using public transport, and Travel Plans for such developments should reduce the need for people to use cars.

Aberdeen Local Development Plan (ALDP)

The ALDP contains several policies that are directly relevant to the consideration of this proposal. These include the promotion of the city centre as the preferred location for retail, commercial and leisure development, particularly where serving a city-wide or regional market; promoting high standards of design, including a requirement that developments demonstrate due consideration for context and make a positive contribution to their setting; commitment to encouraging sustainable and active travel; a requirement that proposals demonstrate measures to minimise traffic generation; and a requirement that appropriate attention is given to potential for adverse impact on air quality, with mitigation implemented where practicable.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

Whilst there are a number of supplementary guidance documents which will also be of relevance to detailed assessment of this proposal, including those relating to air quality, archaeology, drainage, car parking etc, the City Centre Development Framework (CCDF) is of particular importance, as it includes site-specific guidance relating to the role played by the St Nicholas House site in achieving aspirations for this area, which was identified as the 'Civic Heart' of the city in the Bon Accord Quarter Masterplan (BAQM), a precursor to the CCDF. The CCDF highlights that the formation of a civic square in front of Marischal College, as envisaged by the BAQM, is crucial in providing an appropriate setting for the new City Council Headquarters at Marischal College. The CCDF goes on to state that uses around that square should include retail, restaurants, offices, residential, hotel, cultural and civic, creating a genuine, economically sustainable mixed use neighbourhood within the city centre. The importance of those uses around the square creating live frontages and activities through the day and into the evening is stressed. The St Nicholas House site is identified as a significant opportunity, and the CCDF refers to the BAQM for further detailed guidance on the redevelopment of this area. Among other key points for redevelopment, the CCDF highlights the importance of development improving the setting of Marischal College and Provost Skene's House, respecting their importance as historic buildings. As for spaces around buildings, the CCDF states that Broad Street should be treated as an 'urban square' to improve the setting of Marischal College, and that connected to this should be a smaller, more intimate square at Provost Skene's House.

It is noted that whilst the CCDF clearly envisaged the BAQM being carried forward as supplementary guidance to the plan, it does not have that status and so does not form part of the development plan for decision making purposes, but represents a material consideration, with the weight to be ascribed to its content dependent on factors including its currency and relevance to the proposals.

Summary - main determining factors

Planning legislation requires that in determining a planning application the determination should be made in accordance with the Development Plan unless there are material considerations that indicate otherwise. The application requires to be assessed against the policies and guidance mentioned previously and any other relevant material considerations, including the issues raised in the written representations and by those appearing at the Hearing today. The completion of the assessment will establish whether the proposal is considered to comply with the Development Plan, and determine whether any of those material considerations identified are of sufficient weight to warrant determination other than in accordance with the provisions of the Development Plan.

Important issues to be taken into account include -

- How the proposal responds to the policies of the Local Development Plan;
- The relationship between the proposed development and the setting of the adjacent listed buildings;
- The siting, scale and design of the development;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

- Its visual impact, including when seen from distant/prominent viewpoints;
- The environmental impacts of the development, including those arising from the closure of Broad Street and the associated displacement of vehicle traffic;
- The impact on the amenity of residents in the surrounding areas;
- The access and parking arrangements;
- The traffic impacts of the development on the surrounding road network; and
- The economic, social and cultural benefits of a major regenerative development in the city centre, including the provision of significant areas of public open space

Closing

The emphasis of this presentation has been on the description of the various procedures undertaken and the main factors which require to be taken into account in consideration of the application. This process has been impartial and there will be no evaluation of the application undertaken at this stage. The findings of this Hearing will be taken into account in a later report which will include assessment of the application on its planning merits and make a recommendation accordingly to members at a future meeting of the Planning Development Management Committee. On determination of the planning application, all those who had made timeous representation to that application will be notified of the decision in writing.

Mr Tom Rogers, Team Leader, Roads Projects, Aberdeen City Council, made the following statement regarding transportation and accessibility issues:-

Background

As has been outlined by Mr Evans, this application is for the construction of offices and a hotel on the site of the former St Nicholas House. It also includes proposals for the closure of the section of Broad Street between Upperkirkgate and Queen Street.

Given its city centre location, the proposed development has significant impacts on bus operations, the traffic network and pedestrians. There has been substantial dialogue between the Council's roads officers and agents of the developer. This dialogue has considered:-

- (a) the impact of the closure of Broad Street
- (b) the public transport implications
- (c) traffic impacts on the surrounding road network
- (d) servicing implications
- (e) cycling and pedestrian measures

The developer's agents have submitted a transportation assessment in support of their application. This application has been resubmitted in recent days to address some of the issues raised by the Council's roads officers.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

Traffic impacts

One of the main matters addressed by the transportation assessment is the issue of the closure of Broad Street and its traffic impact. The transportation assessment considered two scenarios:-

- (a) the effect of closing Broad Street in 2017 prior to opening of Aberdeen Western Peripheral Route (AWPR)
- (a) the effect of closing Broad Street in 2023 after the opening of AWPR

The 2023 scenario is seen as being representative of the situation that will exist at the time of the probable AWPR opening date of 2018. The traffic model used covered the whole of the city centre area.

As stated earlier, we have only received the updated transportation assessment two days ago therefore roads officers are still auditing its contents, however the following key issues have been identified:-

2017 Scenario

As previously stated, the 2017 scenario reflects the situation prior to the opening of the AWPR. The traffic modelling used by the transportation assessment indicates that if Broad Street is closed the city centre road network may gridlock on average during 1 in 3 afternoon peak periods; the morning peak periods do not show evidence of gridlocking. While it is accepted that some road users may change their travel patterns and times, nonetheless, this represents a significant risk to the operation of the road network. This is a significant deterioration when compared with the situation of Broad Street being left open. Within the 2017 scenario although some journey times improve there is a general increase in journey times on the network.

2023 Scenario

The 2023 scenario is seen as a reasonable reflection of what the situation will be when the AWPR opens in 2018. In this scenario the reduction in traffic flows within the city centre resulting from the AWPR opening means that gridlocking is avoided and all morning and afternoon peak periods operate successfully. The 2023 scenario provides improved journey times in comparison with the 2017 scenario with there being a better balance between journey time increases and decreases.

Comparing the 2017 and 2023 scenarios, there is a clear risk of intermittent gridlocking of the network if Broad Street is closed to traffic prior to the opening of the AWPR. Consideration should therefore be given to delaying the closure of Broad Street until after the opening of the AWPR in 2018.

Other notable traffic matters are that:-

- (a) the Flourmill Land/Upperkirkgate junction has adequate capacity
- (b) following closure of Broad Street, the traffic signals at the Upperkirkgate/Broad Street junction will need to be retained since two buses

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

- cannot safely pass each other at this junction when routing between Upperkirkgate and Gallowgate
- (c) general road traffic will only be able to enter and exit from Flourmill Lane onto Upperkirkgate. There will be no through route onto Union Street and Broad Street from Flourmill Lane. This will prevent rat running traffic using Flourmill Lane as an alternative route to Broad Street

Servicing

Prior to the closure of Broad Street, the development will be fully serviced from Flourmill Lane. However, once Broad Street is closed a limited amount of servicing will be permitted from Broad Street during a possible restricted period of 6am to 8am. Entry for servicing on Broad Street would be from the Gallowgate/Upperkirkgate junction to Queen Street.

The majority of servicing will be from Flourmill Lane. Two lay-bys will be created permitting access to an underground area extending to the whole development. These laybys will be placed either side of Provost Skene's House. Roads officers are still in the process of confirming that these laybys will not interfere with the operation of the servicing facilities for the St Nicholas Centre. Servicing vehicles will enter Flourmill Lane from Upperkirkgate and exit via St Katherine's Wynd onto Union Street. Very large vehicles may have to exit onto Broad Street via Netherkirkgate. Netherkirkgate and the exits onto Union Street and Broad Street will be restricted to service vehicles only. Sections of Netherkirkgate and St Katherine's Wynd will become shared surfaces.

Parking

Parking will only be provided for the office accommodation. There will be no parking provided for the hotel. The parking provision for the offices is in line with the Council's maximum parking standards for the city centre. 246 spaces have been provided, 11 of which are disabled spaces. 100 cycle spaces will be provided in the car park. Clusters of cycle parking will also be spread throughout the development but the number of spaces involved has still to be agreed. Entry to the car park will be by means of a barrier controlled entry system. The entrance to the car park will be slightly to the north of Netherkirkgate. Provision for motor cycle parking has still to be agreed; Council standards require that 25 motor cycle spaces be provided.

Public Transport

The development has good access to public transport. With the closing of Broad Street it is anticipated that the majority of the bus routes currently using Broad Street will migrate to a route using Upperkirkgate and Union Terrace Gardens. The final arrangements however are still under discussion and the bus companies have made no final decision on this matter. Two bus timing points replacing those on Broad Street will be located at the Upperkirkgate end of the development. A new bus stop will also be established in the lay by at the Academy on Schoolhill. There may also be

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

amendments to bus stops on Union Terrace Gardens. A coach drop off point will be provided in Queen Street near the Police Station.

Taxi Ranks/On-street Disabled Spaces

Following closure of Broad Street, a new five space taxi rank will be created on Broad Street outside the Town House extension. An additional five disabled spaces will be provided on Queen Street. These disabled spaces will replace disabled spaces lost on St Katherine's Wynd.

Pedestrians/Cyclists

The introduction of the closure of Broad Street will lead to significant pedestrian and cycling improvements on Broad Street however increased traffic volumes on Upperkirkgate and Schoolhill could lead to a small reduction in pedestrian amenity there. A raised table will be provided at the Queen Street/Broad Street junction.

Travel Plan

A travel plan will be required identifying measures to encourage more sustainable methods of travel.

Officers responded to questions from members and the following information was noted:-

- the design brief had been approved by members as part of an extensive process in terms of the appointment of Muse as the Council's development partner
- an air quality impact assessment had been undertaken which indicated that there would be a detrimental impact for approximately 4,000 properties in the vicinity of the development and a beneficial change for approximately 1,600 properties, however the current levels of air quality already exceeded recommended levels
- Scottish Water had not objected to the application however nor had they responded and officers would press them for a response
- that traffic modelling using the 2023 scenario was a reasonable representation of what the scenario would be in 2018 upon completion of the AWPR, with traffic in the city centre expected to reduce by around 5% or 6% upon completion of the AWPR
- that officers would provide details of accident statistics in relation to the pedestrian crossing between the St Nicholas and Bon Accord shopping centres to Councillor Jennifer Stewart, as well as data in terms of the predicted increase in traffic in the city centre as a result of other major developments

The Committee then heard from representatives of the developers for the proposal.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

The Committee first heard from **Mr Stephen Turner from MUSE Developments**. Mr Turner said the following:-

Good morning Convener and Councillors. I am grateful for this opportunity to present to you the scheme that Muse, its team and Partners have been working on for the last 18 months. It reflects a considerable amount of design work and thought including the comments received in three rounds of public consultation.

Muse Developments specialises in complex urban regeneration projects usually with public sector partners. We have won several awards for the quality of the design of our projects. We are delighted to be working with Aberdeen City Council and our funding partner, Aviva Investors, on a development which has the potential to make a major impact for the city in the future. Should the project receive planning permission, we intend to be on site in the first quarter of 2015 and to have Marischal Square completed and contributing positively to the Aberdeen economy within a two-year time scale.

The benefit of having a project like this fully funded by Aviva means that we can proceed without the need for pre-lets and we can complete the development in a single phase and go to the market quickly with opportunities for major businesses to become involved in the prestigious hotel, office and commercial opportunities Marischal Square delivers.

Muse currently has more than 20 active projects, with a value of £2.4bn across the UK including London, Manchester, Leeds, and Liverpool. For Aberdeen to continue to take full advantage of the city's ongoing and deserved prominence as a leading UK business destination, we believe that the city needs more hotel space, additional city-centre grade-A office accommodation and more of the high end bars and restaurants which help service and support a booming business economy. We have already agreed terms with Marriott Residents Inn to occupy the hotel element of the project and our commercial property advisors are making significant headway in attracting top end bar/restaurant businesses to establish their first presence in the city - if the project were to go ahead.

That is good news for jobs and job opportunities for the city and we estimate that Marischal Square has the potential to attract 1,500 jobs to the area when completed. That figure is in addition to the 300 or so temporary jobs created during the construction phase.

However, we are also acutely aware of the strength of feeling among those living and working in Aberdeen that a project like this generates, especially in the way in which it will interact with the civic space element of Marischal Square and, of course, the historic Provost Skene's House. Throughout our extensive consultation process in the city during October, November, December last year and in April this year – which attracted more than 4,000 people overall keen to learn more about Marischal Square – the people of north east Scotland were not slow to highlight the need to ensure that the development worked for everyone and those views have, wherever possible, influenced the full planning application which we submitted to the Council earlier this year.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

We have listened to the people of Aberdeen and to the wider business community and it is my belief, as well as that of my team, that Marischal Square is a much needed development which can help regenerate and shape the future and long term prosperity of this important area of the city.

To help us all visualise exactly what that means and the way in which the views of the public have been incorporated into the project, can I ask Michael Halliday from CBRE to take you through the next stage of the presentation.

The Committee then heard from **Michael Halliday, Head of Town Planning at CBRE**. He addressed the Hearing in the following terms:-

The re-development of the Marischal Square site has been an aspiration of Aberdeen City Council since 2006 when the Bon Accord Masterplan was produced.

The Masterplan identifies the 'Marischal Neighbourhood' as an opportunity to create a civic space and provide a proper setting for Marischal College but also for a mix of uses including office, residential, restaurants, cafes and retail and a new city centre hotel.

The Masterplan subsequently informed the City Centre Development Framework (2012). The framework identifies that Broad Street should be treated as an urban square to improve the setting of Marischal College.

Connected to this will be a smaller, more intimate square at Provost Skene's House.

The Council's Strategic Infrastructure Plan identified Marischal Square as a key strategic project.

The plan states that the Marischal Square project will, "help generate growth and economic benefit through city centre regeneration, delivering long term benefits of improved air quality, accessibility, job creation and reduction of carbon emissions."

The site also has been allocated within the Local Development Plan as a development opportunity site.

All of these policy documents have been through a rigorous consultation process leading up to their approval by Aberdeen City Council. As a matter of policy the site has therefore been identified as a development opportunity since at least 2006.

Muse has engaged with Aberdeen City Council throughout the pre-application process and post submission of the planning application on design related issues. Muse has also met with the Aberdeen City Council Urban Design Panel (on 2 occasions), Architecture and Design Scotland (undertaking 3 separate sessions) and Historic Scotland (on at least 4 occasions) who have made positive comment regarding the proposal and are comfortable with its content in the context of its locale.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

Our approach to the pre-application consultation was to engage with the local community and key stakeholders and to provide different opportunities to obtain information and make comment, whether through the Consultation Events, unstaffed displays at Marischal College or the dedicated website.

In my experience, the consultation programme was exemplar and Muse should be commended. The exercise went significantly beyond the statutory minimum required, included three separate public exhibitions over 6 months, a consultation bus (at Stage 1), met with local schools and colleges (at Stage 1 and 2), had a dedicated website, and an unstaffed exhibition after each of the three public exhibitions at Marischal College.

The consultation events were widely publicised through newspaper adverts, direct mailings, through the dedicated website, and fliers. The proposal has also received extensive press coverage. Over the course of the consultation activity, we know that we directly contacted 952 individual parties and that 4,180 people attended the Public Consultation Events.

During Stage 1 and 2 the feedback cards clearly stated there will be an opportunity to make comments direct to the City Council once a formal planning application has been submitted in early 2014. Stage 3 of the Public Consultation illustrated what Muse Developments would be submitting to Aberdeen City Council for planning permission.

In my experience of working on projects of similar scale and profile it is encouraging to only receive 41 objections to the application. Whilst we have done what we can to accommodate the concerns of objectors it is a very small proportion of the overall number of people that participated in the consultation programme.

The principle of pedestrianising Broad Street is highlighted within Council policy documents as well as being an important aspect of the proposed development.

The decision to pursue pedestrianisation of Broad Street was made by Full Council at a meeting on 5th March 2014. Committee papers for that meeting note that 'the Transport Planning objective of the scheme is defined as to create a more user-friendly pedestrian environment to form a civic space on Broad Street.' This defines the policy objective to prioritise Broad Street road space for pedestrians over vehicles. The Marischal Square development provides an opportunity to pursue that objective in conjunction with development of adjacent land to create an attractive high quality civic space.

We have undertaken a Transport Assessment in the context of Aberdeen City Council modelling to review the impact of the Broad Street pedestrianisation and the Muse development on the network. This has been covered by Mr Rogers in his presentation.

There will be no parking spaces provided for the hotel, retail or restaurant units which recognises that the site is in a highly accessible location where use of sustainable transport can be promoted and encouraged in preference to vehicle trips.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

I will now hand over to Stephen Barker, architect for the project to elaborate on the design and some of the changes made in response to the consultation process.”

The Committee then heard from **Stephen Barker from Halliday Fraser Munro** who addressed the Committee in the following terms:-

It has been Aberdeen City Council's intention to redevelop the St Nicholas House site ever since the decision was taken to relocate the council to Marischal College.

The 2.4 acre site was marketed as a Prime City Centre Development Opportunity and a two stage process was undertaken to find the most suitable developer and scheme.

Clear planning guidelines had previously been put in place to ensure that any future redevelopment would meet the Council's aspirations for the site.

These included the site being identified as an Opportunity Site in the Aberdeen Local Development Plan.

In addition to this the Council approved Bon Accord Quarter Masterplan gives clear guidance as to how the site could and should be developed to enhance this important part of our city centre.

Provost Skene's House was identified within the Bon Accord Quarter Masterplan as being of high importance with any development retaining and respecting the setting of this Grade A listed building.

The Masterplan proposed that the site include new retail, restaurant and café activities at street level with hotel, offices and residential on upper levels with the aim of creating a genuinely vibrant and economically sustainable neighbourhood.

The planning guidance also proposed that the area of Broad Street lying between St Nicholas House and Marischal College should become a Civic Square with restricted access for vehicles.

In 2011 the Aberdeen City Centre Development Framework was also approved by Aberdeen City Council which again identified the St Nicholas House site as a significant development opportunity.

This document noted that any development should improve the setting of Marischal College and Provost Skene's House as important historic buildings.

It also suggested that a Civic Square be created on Broad Street and adjacent to Provost Skene's House and that the development should have live frontages to encourage activity in these spaces.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

The proposed Marischal Square Development has closely followed the planning guidance from the outset of the process.

The planning application that is now with Aberdeen City Council realises the majority of the aspirations and opportunities mentioned in the Local Plan, Bon Accord Quarter Masterplan and City Centre Development Framework.

The architectural solution that Muse have presented to the Council is threefold:-

Firstly, to enhance the setting of Marischal College and Provost Skene's House.

Secondly, to create attractive and usable new public space in the heart of Aberdeen.

And thirdly, to deliver high quality retail, restaurant, hotel and office space with the aim of creating a genuinely vibrant and economically sustainable neighbourhood.

The design process began by looking to the past. Broad Street is one of the oldest streets in Aberdeen and along with the Gallowgate and Shiprow connected the Port of Aberdeen to Old Aberdeen. Marischal College is one of the most recognisable buildings in Scotland and most would agree Aberdeen's finest building. Provost Skene's House is a hidden gem and one of the few fragments of the past remaining in this part of the city.

The vision began with the idea of reintroducing some of the historic street patterns within the new development which had been lost when the slums were cleared long before St Nicholas House was built.

The line of Guest Row which had existed for hundreds of years crosses the site parallel to Broad Street. Part of the vision was to reintroduce a pedestrian route along the historic route of Guest Row whilst also introducing other lanes and vennels within the development.

This approach of looking to the past for inspiration has been acknowledged as a great place to start by both Historic Scotland and Architecture and Design Scotland.

The proposals submitted to Aberdeen City Council do not aim to recreate the past or to be a pastiche of historic architectural styles. The design is both modern and contemporary whilst taking its cues from the past.

Following the acknowledgement of the importance of Guest Row and other pedestrian routes across the site, a series of significant new public spaces were identified. The development is more than a single square and would be better called "Marischal Squares".

The largest public space is Broad Street where the intention is to remove all vehicles and create a new pedestrianized area in front of Marischal College. This new space

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

will realise the aim of enhancing the setting of Marischal College whilst giving Aberdeen a large civic space.

A second smaller more intimate space is proposed in front of Provost Skene's House. This new space will have a different character to Broad Street and is intended to be more like a secret garden often found in the castles and historic houses of the North East of Scotland. Provost Skene's House will be accessed directly off of this new space.

A third, and hopefully very popular space, will be the covered courtyard to the north of the development. This public space will be protected from the worst of the weather and will provide a year round outdoor space in the city centre.

These three public spaces are at the heart of the development and are connected together by a network of paths, lanes and vennels.

The ground floors of the buildings which define these spaces will mainly be cafes and restaurants which will bring activity to the whole area both during the day and in the evenings.

The ground floor units are fully glazed and double height which will bring many benefits. Pedestrians walking along Broad Street will be able to look through the glass buildings to see Provost Skene's House. Those in the space outside Provost Skene's House will be able to look through the glass buildings to see Marischal College. Everyone enjoying the new restaurants and cafes will see both Marischal College and Provost Skene's House whether they be sitting inside or outside.

Provost Skene's House is retained as the central building in the new development. The intention is for it to remain as a city council owned and operated cultural and tourist attraction. The only proposed alterations to the building are the adjustment of ground level outside the building to improve access and the relocation of the wall and arched gate to open up the view of Provost Skene's House and improve its visibility and accessibility.

Detailed discussions have taken place with the planning authority and Historic Scotland to ensure that these proposed improvements do not have a detrimental effect on this important listed building.

The Scale and massing of the proposed buildings is the result of dialogue with the planning department, Historic Scotland and Architecture and Design Scotland, whilst following the principles set out in the planning guidance.

The highest buildings are seven storeys high and are significantly lower than the former thirteen storey tower of St Nicholas House. The massing of the building has been broken down through the use of different materials and eaves heights whilst maintaining a strong edge to the urban block.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

This approach is seen throughout Aberdeen and in fact was present on Broad Street before the old buildings were cleared away in the early 20th Century.

The apparent scale of the buildings has been further reduced by setting the upper floors back and forming roof terraces. When viewed from a distance across the rooftops the development is of a similar height to Marischal College minus the spires and towers.

Traditional local materials have been selected for the development.

Aberdeen's rich granite heritage dictates the use of this stone as the main material in the development.

In addition, large areas of glazing have been introduced to break down the scale of the buildings, to ensure a good environment for the buildings users and to reflect the surrounding buildings.

These traditional materials will be detailed in a contemporary manner whilst still reflecting the proportions of the surrounding buildings such as the vertical windows of Marischal College.

Muse and their team have met with the public at several stages during the design process. These events have directly affected the proposals in a number of positive ways.

The original artist's impressions of what the scheme could have been like indicated glass walls with coloured glass fins. There was fairly strong feeling to move away from all glass facades and so the designs evolved to include large quantities of granite.

Throughout the consultation process people told us that both Marischal College and Provost Skene's House are much loved buildings that should be celebrated and safeguarded for future generations.

In response the positions of the buildings were altered to ensure that new views of Provost Skene's House could be seen where previously it was hidden by St Nicholas House. The size of the open space in front of Provost Skene's House was also increased by reducing the size of the office building next to it.

Some people were concerned about building heights. In response Muse were able to reduce the building heights across the development to a maximum of 6 – 7 storeys, with the highest buildings being located at the Union Street end of the site where previously there was a 13 storey building.

Broad Street was noted by many as being very windy due to the design of the former St Nicholas House tower. As a direct consequence of the consultation process, Muse undertook a wind modelling exercise allowing potential issues to be designed out. The proposed building designs will funnel less wind whilst tree planting will divert gust upwards resulting in a more hospitable environment.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

In conclusion, the proposed Marischal Square development has drawn its inspiration from the past whilst confidently looking to the future. The mix of retail, restaurant and café activities at street level with hotel and offices on upper levels will hopefully create a genuinely vibrant and economically sustainable neighbourhood.

The new public spaces are an exciting opportunity to establish a strong civic heart for Aberdeen and a fitting setting for Marischal College and Provost Skene's House.

The representatives of the Developers responded to questions from Members, and the following information was noted:-

- that the Square could accommodate the International Market hosted in the City
- that the Council would retain ownership of Provost Skene's House
- that during the consultation process all views were recorded
- that adding public art to the proposal would be encouraged as well as getting cultural organisations involved in the development
- that a wind assessment had been undertaken and that the design of the development would divert gusts of wind upwards thus reducing the effect on pedestrians
- that the developers would produce the wind assessment details if requested
- that an asset management company would deal with any maintenance issues relating to the buildings within the development

The Committee then heard from **Dustin MacDonald of the City Centre Community Council** who addressed the Committee in the following terms:-

The Members of the City Centre Community Council would like to state that during the consultation exhibitions, the majority of the public who attended, all commented on how they would like to see a bigger, open civic space and we would echo that sentiment. However, we do realise that the land was sold as a development site with a legal requirement to provide a certain square footage of retail space and offices together with a hotel and we made our comments based on the application we had before us.

That being the case, we do not object to the principle of the application but we do have a number of concerns regarding its design and layout as well as the lack of a guaranteed civic space – the latter relying heavily on the closing of Broad Street. As a Community Council we spent a lot of time looking at the details of the plans from a community perspective to see what exactly the long term benefits would be.

We think that the new gardens in the middle of the development next to Provost Skene's House will, hopefully, create a nice, quiet space. However, we feel the size and scale of the development is very large and we are disappointed that there does not seem to be much difference in the height of the various buildings. We were led to believe that the Upperkirkgate end of the development would have considerably lower elevations, however, this does not appear to be the case.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

We like the idea of 24 hour access enabling the public to walk through the development at any time of the day or night and were pleased with the assurances that security measures would be in place at all times.

We understand that people will be able to look straight through a gap in the buildings opposite Marischal College and see Provost Skene's House which is a good concept. The design shows that this will be achieved by the buildings on either side to be raised up off the ground with the use of lots glass on the ground floor.

We would however, in addition to this, like to see the opening between Broad Street and the centre of the development made larger, to create better integration between the two civic spaces. If this means losing commercial space, we would see it as being added to the height on the Union Street side of the development.

We would also like to see the space brought to 'life', e.g. using coloured, interactive lights on pavements, fountain/water features and possibly webcams placed on the top of buildings with screens showing live, aerial views of Aberdeen.

We liked that the inspiration of the different shapes and colours of the proposed buildings came from the pre-war tenements which were there before St Nicholas House was developed. We were also glad to see the intention of using different colours of granite to compliment Marischal College. However, we feel that the design is not 'iconic' enough and are very disappointed that the buildings are not expected to last more than sixty years.

To sum up therefore, we feel that more effort could have been made to provide a better civic space in the centre of Aberdeen. The whole development is very overbearing and sits almost at one height.

A 'trick' has certainly been missed here in creating something worth visiting as it would have been great to be able to come along Broad Street to visit not only Marischal College but something equally as stunning on the opposite side – which is not happening with this development."

Mr MacDonald responded to questions from Members, and the following information was noted:-

- that the Community Council did not find it that easy initially to find out information on the proposal
- that the Community Council would prefer to see proposals for a larger civic space within the development, with better view of the iconic buildings in the vicinity
- that the Community Council would welcome more independent businesses into the area to create a localised niche market in the square
- that the Community Council would welcome webcams/interactive viewing platforms in the development as well as big screens being erected for major events

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

- that there needs to be a balance between office space and leisure pursuits within the development
- that there is a need for affordable family friendly activities/retail/catering outlets within the development to encourage as many people to the area as possible.

Mr Dominic Fairlie, Chairman of Aberdeen Civic Society was next to address the Committee and his statement was in the following terms:-

The objects of our society are:

- to stimulate public interest in and care for the beauty, history and character of Aberdeen
- to encourage the preservation, development and improvement of public amenity and historic interest in the city
- to encourage high standards of architectural planning in the city

The Society has a membership of about 150 and our activities are run on a day to day basis by an Executive Committee of which I am the chair.

We believe that long lasting and sustainable economic benefit can be achieved through our built environment. Investment in our built environment, meaning both protecting and enhancing the good things that already exist as well as the development of new projects, has the power to change people's perception of the city, adjust how they care for it and in turn influence human behaviour towards it. In Aberdeen we are lucky in that we have inherited from previous generations some of the most beautiful buildings, streets and public spaces - much of it is world class, the basis of it has been there for centuries and it gives to Aberdeen its unique sense of place. Residents from other cities in the UK would love to have a built environment of this quality; it is often visited and admired. We need to ensure that the good parts of the city are not destroyed or their character changed so much that they are no longer able to make their own valued contribution to the city's economy. It is therefore a mistake to attempt to yield short term benefits from our built environment, because invariably it will be more expensive in the end. Remember, St Nicholas House only lasted 45 years, a small fraction of the time that most of the buildings that surround it have already lasted and they will no doubt last a good deal longer yet.

So, the first point I would like to make is that we are generally happy to see the former St Nicholas House site developed. We are not a group that would like to see it left as open space. We are keen to see investment in Aberdeen, and we are delighted that there is a desire for money to be spent on the redevelopment of the site. It lies in the middle of a built up area, St Nicholas House existed on the site and before that the area comprised a mix of commercial and residential properties, many of them relatively high density tenements together with a network of streets and lanes. It is probably true to say that the tenements were a higher density of development than St Nicholas House. I do not need to remind you that the site is surrounded by some of Aberdeen's

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

treasures, notably Marischal College, Provost Skene's House and the remaining street elevation of Upperkirkgate.

So, despite being happy with the principle of development we feel it necessary to object to the MUSE application. In our written objection we raised four specific issues, and I would like to concentrate on two of them here, those that we believe are fundamental. The other two you will be able to see in the written representation that we made.

Firstly we feel strongly that the development is too big - the buildings are too high, too boxy, and they make little attempt to blend in or respect the adjacent historic buildings. They overpower Marischal College, Upperkirkgate and Provost Skene's House. They do little to enhance our existing built environment; in fact they do the opposite, and are more likely to detract from the value of the existing built environment regardless of how much they will cost to build or how many jobs they will create. To see just how big the new buildings will be I would refer you to the cross sectional drawings that form part of the planning application. These show clearly the relationship of the new buildings compared with those around it. In my view the key drawing is not the artist's impressions that we have seen this morning, but the one called "Site Section 3". If you access it through the website you may need to wait a while for it to download, but once it is there I would challenge you to find Provost Skene's House, and then look at the building heights compared to both Upperkirkgate and Union Street.

The redevelopment of the St Nicholas House site has been under consideration by the Council since the mid 2000s, well before any detailed proposals were on the table. At the time the Council undertook public engagement exercises and used the results to draw up official documents such as the Aberdeen City Centre Development Framework, the Aberdeen Local Development Plan 2012, the Bon Accord Quarter Masterplan and other adopted guidelines that exist to regulate development and to protect things that are seen as important to Aberdeen's character. They call for new development to respect existing buildings and point out the role that tall buildings have on the skyline. The redevelopment of the St Nicholas House site is one of the development sites included in these policies as we have heard already today, but they call for a much more considerate development than that in the existing MUSE application.

All of these public engagement exercises led to the development of adopted Council policies which remain relevant and in force today. They are material considerations against which this application has to be considered. Pre-application consultation, which MUSE carried out before the planning application was submitted, is a part of the modern planning process, but the outcome of it does not over-ride previously adopted Council policies. The fact that the Council, as landowner, may have decided a year ago that the development will comprise shops, offices and a hotel also does not over-ride adopted Council policies. Any decision on the planning application will have to be taken in the light of all relevant matters, and adopted policies that have been carefully considered over a long period of time through extensive prior public engagement and often examined by external reporters, must surely be the most relevant.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

We would ask why the Council, who is the landowner in this case, has chosen to run with a proposal that in so many ways goes against much of its own adopted policy? Why does it have to be up to people and organisations like ours to have to object and point out the failings of the application when compared to the existing adopted policies? Could the Council not have taken its decision on the preferred scheme after reviewing whether or not the proposal complied with its own policies? It appears to us that MUSE may not be the problem; and perhaps the landowner is seeking to extract as much development profit out of the site as it thinks it can get away with. If this development is approved the existing built environment - in particular the setting of Marischal College, Upperkirkgate and Provost Skene's House - will be the loser. The development, as proposed, is just too big and the density is just too high. A better scheme may be one in which at least three stories of development are removed - only then would it be more in keeping with its surroundings, with a development density higher than that of St Nicholas House but probably closer to what it was when the site contained streets of tenements.

The second point I would like to make relates to the pedestrianisation of Broad Street. Broad Street is best described as a very useful street for both public transport and private vehicles and its closure would restrict opportunities for north-south traffic in the city centre, opportunities which have already been restricted by existing traffic management in the area. Re-routing traffic, especially buses, along Union Terrace, Schoolhill and Upperkirkgate will make these streets less appealing to pedestrians than they are at present. Full pedestrianisation of Broad Street as seems to be proposed in this application is - in our view - a mistake. It is worth mentioning in this context that the relatively recent pedestrianisation in the Back Wynd and Belmont Street area is not a full pedestrianisation - traffic still uses the streets. A better option therefore may be to make Broad Street more pedestrian friendly, perhaps by giving the pedestrian priority over vehicle movements - rather like at Back Wynd and Belmont Street. Full pedestrianisation changes the character of the area, often making the space feel more threatening; especially at night - for that you only need to witness the changes that have happened at the Castlegate. A better option may be to look at how lively and welcoming the Thistle Street and Chapel Street area is, still with traffic flowing through it, and learn what it has that makes it function so well.

We appreciate that further work is required, probably involving consultation of some kind, into the pedestrianisation proposal for Broad Street. We would like to be involved in any further discussions that may occur.

The other two points we made related to Flourmill Lane and the materials - the glazing in particular. These can be seen in our written representation.

I would like to make two further observations. Firstly, Aberdeen City Council is one of the few Councils that does not publish on its website the representations made by anyone other than statutory consultees. We believe, particularly for applications like this one, which are so important to the city and how it functions, that all representations should be published as soon as they are made.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

The second point I would like to make is that the people of Aberdeen have elected representatives, Councillors, to make planning decisions on our behalf. Elected representatives on the Planning Development Management Committee have an obligation to consider the application correctly under planning law, and this means that there should be no interference in the decision making process from the economics of the proposal. We would be disappointed, and I am sure that in this I speak for many people in the city, if members of the Planning Development Management Committee did not properly consider the application and approve it or refuse it as the case may be. Whilst I appreciate that a process has to be followed in cases such as this where the Council is both the landowner and the planning authority, members please do not abdicate the responsibility you have been given for decision making by deferring to Full Council (where local politics often takes precedence) or to Scottish Ministers (where decisions are often not in the best interests of local people). Consider this application and decide on it based on what you think is best in the long term for our city.

The Committee then heard from **David Reece, a resident of the City** who provided the following information:-

Mr Reece explained that he had only recently arrived in Aberdeen and expressed his admiration of the site and how he had been overwhelmed by the beauty of Marischal College and the majesty of Provost Skene's House. He expressed his view that the site was a strategic setting and that Edinburgh was a good example of how important buildings were promoted to retain the historic atmosphere of the City.

He explained that the development needed to compliment what is already there and that the development must allow for clear views of Marischal College and Provost Skene's House. He explained that the area should be "opened up" more and be planted with trees and other plant life to create a public space.

In conclusion he urged those present to preserve what was best for the City in the area.

Mr Reece responded to questions from Members, and the following information was noted:-

- that the City should respect the legacy that Archibald Simpson created and the all citizens should behave in a civilised manner when it comes to the architecture and fabric of the City
- that buildings such as the Music Hall, the Art Gallery and local independent restaurants and pubs give Aberdeen a special character and that the development should reflect this
- that the development should promote the arts in the City and that it requires to blend in with its surroundings.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

Ms Linda Smith, a resident of the city, was next to address the Committee and her statement was in the following terms:-

My name is Linda Smith. I was born in Aberdeen, went to school in Aberdeen and university in Aberdeen. I love Aberdeen and am proud of Aberdeen and want it to be seen as a city that other people admire and want to visit; to be seen as a city led by those who show not only sound common sense in their dealings, but also imagination and clarity of vision when tackling issues. However it appears to me that this doesn't always happen. Too often, short-term financial concerns drive decisions, particularly those that affect the important history and heritage of Aberdeen.

When the demolition of St Nicholas House inadvertently revealed that fabulous view of the granite splendour of the Marischal College façade, it should have made the Council planners pause, question what they were doing and re-think their plans for that historic area of Aberdeen.

The removal of that crumbling and degraded example of sixties' 'brutalist architecture' – oh so aptly named – did not just offer the perfect setting for the granite poetry of Marischal College, but also restored to its rightful prominence one of Aberdeen's few remaining late mediaeval gems in Provost Skene's House, virtually hidden from view for the last forty plus years and neither celebrated nor cherished, as it would have been in many other cities. In Europe, it would have been the highly visible main attraction on any tourist map.

A city that offers such a fascinating mix of history and stunning workmanship would be a magnet for visitors from around the world and thoughtful management of the surrounding space would guarantee Aberdeen a place in any Rough Guide to Scotland.

Numerous letters to the local press, articles in national newspapers and a multitude of comments on social media indicate that my view of what should be done with that space is shared with the majority of Aberdonians. And my/our vision is simply to leave it largely as an open space. Grass, flowers – think about native plants such as heather, juniper, thistles even – granite rockeries, winding paths, display areas for local artists, sculptors, poets. A water feature is always popular, and of course, benches, but don't forget bushes and small trees to provide shelter – this is, after all, the North East of Scotland and it can be chilly, even in summer. Muse's design, for want of a better word, is nothing but a replication of the previous dusty, miserable wind tunnel, complete with outdated buildings on stilts.

On the side nearest to that other abomination, the St Nicholas Centre, you could have low-rise buildings, snack bars, market stalls selling quality local goods, restaurants, even a boutique hotel, low rent studios for local artists and craft workers and even opportunities for small scale theatre work. In fact, we could make Aberdeen a genuine City of Culture, which it will never be, if we carry on down the path of narrow-minded commercial gain.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

It is neither rational nor in any way visionary to replace one mistake with another. Muse has not even attempted to marry their development sympathetically with its surroundings – as they would have been encouraged to do in other cities of historic note, like York. Nor to my mind are their intentions regarding Provost Skene's House entirely honourable, as their application, to remove the current paving, dyke and arch proves. Instead we should look for inspiration to Europe where historic city centres have been far more sensitively developed, providing space not just for tourists, but also for locals, to enjoy their own town.

We don't want an area full of identical buildings, identical chain stores, identical hotels. We don't want to live in a characterless, mall-ridden Anytown. We want a space that says, "This is our Aberdeen". Somewhere for the next generation of Aberdonians to look upon with pride, not with regret for what has been irrevocably lost.

Mr Richard Slipper of GVA James Barr was next to address the Committee on behalf of **F&C REIT**. His statement was in the following terms:-

I am Richard Slipper, a Senior Director with GVA James Barr and we are planning advisors to F&C REIT who are the investment asset managers for the St Nicholas and Bon Accord centres. F&C regret that they cannot be here to speak to the Committee but they do intend to hold further meetings with local representatives and stakeholders on 15 September when they are next in Aberdeen. F&C have also commenced face to face discussions with senior officials and it is agreed that we will take up discussions with your recently appointed city centre masterplan team.

My clients are also in close contact with the John Lewis Partnership and John Lewis have confirmed that they endorse the content of this deputation.

At the outset I wish to confirm that my clients have objected to the Marischal Square development due to one concern – the Broad Street closure to all traffic. F&C REIT wish to make it clear that, apart from this element, they are strong supporters of a new mixed use redevelopment on the site and the added vitality this can bring to the prime retail, office and leisure focus to the north of Union Street.

Through the Bon Accord / St Nicholas centre and office investments around the city, F&C REIT handled nearly £300m of client asset investment in the commercial property sector of the city during 2013, having been attracted by the strong growth projections for the city and the region.

Bon Accord and St Nicholas shopping centres have played a pivotal role in prime retail provision in the city during the last 25 years, and have an annual footfall of 11.6 million people per annum. Jointly these centres and John Lewis accommodate more than 80,000 square metres.

A critical function of Aberdeen's city centre vitality and viability is consistently high pedestrian footfall through the retail and leisure facilities and, as well as strong public

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

transport links, there is the critical issue of shoppers finding their way to a secure off-street parking space with ease of access. It is estimated that the car parks support 1 million vehicle visits per annum.

It is these levels of established visitor numbers and vitality to the city centre that is the concern of my clients.

Pedestrian movement in and around the Bon Accord and St Nicholas Shopping Centres is monitored and analysed by F&C REIT. They are able to quantify that about 20 million pedestrians per annum cross the road between the two centres at Schoolhill / Upperkirkgate. This makes this part of the city very significant in terms of pedestrian usage. We believe there is an important issue at stake here – the need to look at the impact of closing Broad Street to all traffic without a careful investigation on the impacts to car access and subsequent pedestrian flows around this part of the city.

My clients wish to make it clear that there is a warm welcome to the speedy resolution of the Marischal Square development and the vast majority of the current proposals by Muse are welcomed by my clients and early delivery is encouraged.

The objection raised today is a concern about the singular objective to close down Broad Street without looking at alternatives.

Mr Slipper then illustrated his clients' concerns with some traffic flow diagrams.

In summary, we respectfully request that, following today's hearing, an accelerated priority brief is given to the BDP-led masterplanning team to reconsider Broad Street and to engage with our client's transport experts, to investigate an alternative Broad Street solution as part of the final Marischal Square consent.

We urge Committee to explore options to keep Broad Street open. F&C see this as a high quality shared space – a new way of pedestrian dominant space which still allows vehicle permeability, to allow parking and the benefit of the delivery of pedestrians into the public spaces. Perhaps it will not be a 'broad street', but a narrower controlled running surface with a focus on way-finding to car parks and localised traffic. There would still be ample space for a Square. Vitality will be delivered because people will be delivered – by way of easy parking and existing the car to become pedestrians in the linked spaces. We believe this solution can be delivered via an expedited joint study between F&C, Muse and Aberdeen City Council transport experts.

Convener, I am grateful for this opportunity to speak and for your patience and attention. We would welcome a follow up discussion with your senior officials at the earliest opportunity.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

Members asked a number of questions of Mr Slipper, and the following information was noted:-

In terms of how vitality in the city centre could be achieved, Mr Slipper suggested it was not necessary to have vast expanses of space, but rather the important factor was to have well-connected, busy spaces. The priority should be movement, spaces, then buildings. He suggested there could still be slow-moving traffic and passenger drop-off around the proposed development, and it was not necessarily the case that all traffic should be banned.

Mr Slipper's clients had held meetings with the developer and these discussions were not yet concluded. He added that he was sure his clients would be open to an approach from the Council in terms of putting resource into public realm works if this assisted with the bottle-necking of traffic in the area.

In relation to the suggestion of a walkway or bridge being created between the St Nicholas Centre and the Bon Accord Centre, he advised that his clients would be willing to engage with a formal request from the Council to discuss the matter if required, but noted that such a bridge would be challenging.

He considered that there were options to make Broad Street different, such as reducing its size and still maximising the space outside Marischal College. He added that signage would assist and traffic could share the space.

Mr Ken Hutcheon of Queens Cross / Harlaw Community Council was next to address the Committee. He advised that he was there to represent both his own views, and those of the Community Council.

He referred to the Marischal Square planning application, as well as the planning application which related to Provost Skene's House, noting that there had been more formal objections to the latter. He advised that he would be referring to the financial and contractual concerns, the regulatory design contraventions, the wishes of the Aberdeen citizens, and difficulties with information dissemination. He reminded the Committee that Marischal College was the world's second largest granite building, considered to be an icon by many Aberdonians. He added that the arch to be removed from the front of Provost Skene's House dates from 1673.

He stated that the financial and contractual obligations would be very influential, and added that although he had been advised by the Council that the contract would bear no impact on any planning decision, his experience of large organisation decision-making suggested that was highly improbable.

Mr Hutcheon referred to the feedback from the Phase 1 consultation and advised that he felt there had been confusion caused by the Council mentioning at this time that part of Union Street might be closed off. He explained that having analysed the feedback,

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

there had been no more than 12 submissions in favour of the design. Other submissions had shown that the public did not want high, glass, box-shaped buildings.

Mr Hutcheon then referred to the Phase 2 consultation, but added that as Muse had put the consultation into different categories, it was difficult for him to compare the Phase 1 and 2 responses. Mr Hutcheon also advised that he had encountered difficulties when trying to obtain the results of the Phase 2 consultation and had finally obtained these on 27 May 2014.

Mr Hutcheon finished his presentation by stating that the designers seemed to have thrown away a major opportunity and proposed a boring set of square buildings targeted to obstruct a view of one of the most prestigious sites in the UK. He asked the designers to think again.

Members then asked questions of Mr Hutcheon, and he explained that he wanted to ensure that the Council took the views of the people of Aberdeen into consideration. He added that he felt there was confusion around the development, and stated that a proper strategic plan should be in place for the city centre. He said that there were two Boards in place to talk about the city centre, and that he felt there should be representation from the public on these Boards.

The Committee then heard from **Mrs Margaret Hadley**, a **citizen of Aberdeen**. Her statement was in the following terms:-

My name is Margaret Hadley. I am a born and bred Aberdonian and I love my city. Many of my points have been covered already today, and I am somewhat disillusioned by what I have heard during today's proceedings. It is a widely accepted fact that the charm of many European cities stems from the preservation of unique historic buildings. With the demolition of the 1960s blight on the landscape known as St Nicholas House, Aberdeen City Planners have a golden once in their lifetime opportunity to preserve and showcase an area of Aberdeen which contains two iconic historical buildings, namely Marischal College and Provost Skene's House.

Now I know there are no plans to get rid of them, but the current planning submission seems to me and many other people to fail to give them their due place, justice and significance. The proposed plans with high glass-fronted buildings dwarf the beauty and especially the aspect of both of those icons. Aberdeen City Council has been keen to latch on to the sometimes gimmicky labelling trend of designating areas of cities as quarters. Were they to use Marischal and Provost Skene's as the keystones of this planning exercise, they would be admirably justified in naming this Broad Street redevelopment plan, "The Historic Quarter", an area that could then be sympathetically designed to complement these existing buildings with public space, landscaping, access etc and still allow the buses through. However the knock on congestion impact of even partially closing off Broad Street is another vexed issue and one which – to the citizens of Aberdeen – appears to be a recurring blind spot within the Council Planning

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

Department. I was concerned to hear today that there would be 67 buses per hour going along Upperkirkgate and Schoolhill – that is one bus per minute.

However in addition to the points above I would request – almost beg – the Council and the developers to be more realistic. Anyone who has lived in Aberdeen for any length of time knows Broad Street is a wind tunnel – how will high sided buildings improve that?

It seems shopping is a religion in Aberdeen, as borne out by the many existing mall type developments. I am not averse to a bit of retail therapy myself, but do we really need so many shops included in the area of this development plan which will detract from the presence of the historic buildings? The proposed development to access the Bon Accord complex via a new entrance from Drums Lane has considerable merit, and more shops in the void between is fine, but overall retail should not overrule aesthetics. Artists' impressions of al fresco latte drinking a la the continent are fine, but the reality is the geographical latitude of Aberdeen. Also, our nostalgia for such activities recalls visions of sitting outside single storey tavernas and cafes – not one of being dwarfed by modern high rise glass and metal buildings as we watch the world go by – therefore moderation of the design in terms of height, proportions and facings to blend in should be the aim. The density should also be reduced.

In conclusion, I recall the first time I heard an after-dinner talk entitled, “The Vandals of Aberdeen”. Thinking about what might be the theme of this talk, I concluded it might be related to the rape and pillage antics of our Scandinavian cousins in years gone by. However, it was a long and detailed expose of the ravages of the Sixties planners in Aberdeen who replaced so many beautiful buildings and façades throughout the city by the then ‘in thing’ – concrete architecture. Today, read ‘glass’ for ‘concrete’. Please – it is not too late to reassess, although I am horrified to hear today that a legally binding contract is already in place. Please let the Broad Street redevelopment plan reflect and retain the historic beauty and tradition that is there and complement it with a plan that is not merely one which reflects commerce and consumerism.

I am not naïve – of course finance and profit are integral parts of all developments but – one meaning of ‘muse’ is to reflect and ponder. One can but hope that the developers will do that in light of the constructive objections put to them today by those who have spoken.

The Committee then heard from **Mr Stuart Insch**, a **resident of Aberdeen**, whose statement was in the following terms:-

He stated that the current state of building and development in the city caused him dismay. He expressed the view that no new development was sympathetic to the surrounding area, and there was no consultation with the public. He felt that new developments were a ‘done deal’ with the developers, and that the public needed to be involved at an earlier stage with the right decisions then being made through discussion.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

He added that the demolition of St Nicholas House was a once in a century architectural opportunity, however the site had been sold to the highest bidder. He noted that the Council inhabited Marischal College and stated that it would have to look out at the new development and live with it for the next fifty years.

Mr Insch stated that the current view of Marischal College and Provost Skene's House was delightful, and would be the envy of most towns. He suggested that other cities in Europe would not put the type of development proposed by Muse in front of the 'crown jewels' of the city.

He added that the right choices needed to be made, and referred to the designs which had been proposed for Union Terrace Gardens. Mr Insch stated that out of the six designs, the sympathetic one had been put to the side, and added that he felt these types of decisions were made again and again. He referred to the developments at the Art Gallery and the Capitol Theatre and reiterated that there had been no discussion with the public about these. Finally he referred to Dundee as trend-setting, and said that new buildings in Aberdeen should have architectural significance. He ended by stating that the planning process needed to be more inclusive.

Members asked questions of Mr Insch, and he stated that he felt there could be more publicity around big developments, with developers seeking more views from the public at early stages in the process, perhaps through advertisements in the local press.

The Committee then heard from **Mrs Lorna McHattie, a local resident** who provided the following information:-

That she had spoken to many citizens in Aberdeen and that the broad consensus/views of citizens were the following:-

- The City did not need any more glass boxes
- The development was too high
- The development was too densely packed

It was not sympathetic to the surrounding area, and that these points contravened the various policies such as the Local Development Plan etc. Citizens wanted to have a clear view of Provost Skene's House from Broad Street.

Citizens wanted to be able to sit in the open and admire Marischal College - these points were highlighted also at the three Muse consultations (however based on what was mentioned in the morning it was unlikely that people could sit outside due to the wind tunnel which will be created).

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 August 2014

Mrs McHattie said that she did agree with some low level development e.g. two storeys to screen the backs of building such as the Marks & Spencer depot, although many people wanted an open space.

She said that she was extremely concerned about the lack of public engagement and transparency in decision-making in the entire process. She presented a slide of a paper cutting from the Press & Journal where a City Councillor had appeared to say that the decision was a done deal and in fact the hearing was a waste of people's time.

She then asked the Convener to explain the process to her after which she expressed her view that these arrangements could lead to a conflict of interest.

She explained that she thought that many of the people who attended the Muse consultations and submitted their verbal or written views thought they were commenting on the plans and therefore did not object to the Planning Committee. She said that she had since spoken to several people who thought exactly that. She said that she had started seeking views through social media and had not found one person in support of the plans. She explained that perhaps the feedback to the consultations should be included, where changes were not made e.g. the number of people who said - no more glass boxes, we want to see Provost Skene's House from Broad Street. These aspects had not been changed from the consultation events.

In conclusion her plea to the Members was that they did not rush into this without really understanding why the Council had so few responses to the application. Contrary to what Muse were suggesting she did not think it was because people were happy with the plans, but that they had been confused by the process. She thought that it was absolutely vital that the council was sure the people of Aberdeen understood that they could still influence the planning application.

Members asked questions of Mrs McHattie and it was noted that the application that is submitted to the Committee could recommend refusal or it could recommend approval with suitable conditions.

There being no further speakers, the Convener thanked everyone for their contributions and for raising the points made. He advised that he was very grateful to the speakers taking their time to be at the hearing. He indicated that all the relevant information would be considered and fed back into a final report on the application which officers would prepare for consideration at a future meeting of the Planning Development Management Committee.

- **RAMSAY MILNE, Convener**