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To: Councillor Boulton, Convener; Councillor Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Malik and Avril MacKenzie.

Town House,
ABERDEEN 28 November 2019

PRE-APPLICATION FORUM

The Members of the **PRE-APPLICATION FORUM** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 5 DECEMBER 2019**. **The Meeting will commence after the conclusion of Planning Development Management Committee.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

- 1 Introduction and Procedure Note (Pages 3 - 6)

MINUTES

- 2 Minute of Previous Meeting of 31 October 2019 - for approval (Pages 7 - 12)

PRE APPLICATION REPORTS

- 3 Land South of North Deeside Road, Milltimber, Aberdeen - 191605 (Pages 13 - 18)

Planning Officer: Gavin Clark

- 4 Land Adjacent To Rubislaw Quarry, Hill Of Rubislaw, Aberdeen (Pages 19 - 26)

Planning Officer: Matthew Easton

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Website Address: www.aberdeency.gov.uk

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PRE-APPLICATION FORUM PROCEDURE NOTE AND GUIDANCE FOR MEMBERS

1. This procedure note will operate on a trial basis of the Forum and will be subject to review and amendment during this period.
2. Meetings of the Pre-Application Forum will be held in open public session to enable discussion of all national and major development proposals.
3. Forums will be held as soon as possible after the submission of a Proposal of Application Notice (POAN) for all national and major development proposals and, in all cases, prior to the lodging of any associated planning application (this allows a period of 12 weeks following submission of the POAN).
4. The members of the Planning Development Management Committee will constitute the members of the Pre-Application Forum.
5. Ward Members for the Ward in which a specific pre-application proposal under discussion is located will be invited to the Forum but will be allowed to participate in the Forum only in relation to the specific pre-application proposal in their ward.
6. The relevant Community Council for the prospective development proposal(s) to be discussed will be informed of the date and time of the Pre-Application Forum by Committee Services so that they have the opportunity to attend but will not be permitted to participate in the business of the Forum.
7. If a Forum is required it will take place after formal business of the Planning Development Management Committee is concluded - this will normally be 2pm on the same day as the Planning Development Management Committee. The Forum will be separate from the Committee to emphasise the clear differences in status, process and procedure between the two meetings.
8. The case officer for the pre-application proposal will produce a very brief report (maximum 2-3 sides of A4) for the Forum outlining the proposal and identifying the main planning policies, material considerations and issues associated with it and the key information that will be required to accompany any application. The report will not include any evaluation of the planning merits of the proposal.
9. Agents/applicants will be contacted by Committee Services immediately on receipt of a POAN (or before this date if notified by planning officers of the week that a forthcoming POAN is likely to be submitted) and offered the opportunity to give a 10 minute presentation of their development proposal to the members of the Forum. There will be an opportunity for Councillors to discuss these with the agents/applicants, to ask questions and indicate key issues they would like the applicants to consider and address in their eventual application(s). If an applicant/agent does not respond to this offer within 10 days, or declines the opportunity to give such a presentation, then their proposal will be considered by the Forum without a developer/applicant presentation. Committee Services will notify the case officer of the applicant's response.

10. Case officers (or Team Leader/Manager/Head of Planning) and, if considered necessary, other appropriate officers e.g. Roads Projects Officers, will be present at the Forum. The case officer will give a very brief presentation outlining the main planning considerations, policies and, if relevant and useful, procedures and supporting information that will have to be submitted. Officers will be available to answer questions on factual matters related to the proposal but will not give any opinion on, or evaluation of, the merits of the application as a whole.
11. Members, either individually or collectively, can express concerns about aspects of any proposal that comes before the Forum but (to comply with the terms of the Code of Conduct) should not express a final settled view of any sort on whether any such proposal is acceptable or unacceptable.
12. A minute of the meeting will be produced by Committee Services and made publicly available on the Council website.
13. Members should be aware that the proposal being discussed may be determined under delegated powers and may not come back before them for determination. Any report of handling on an application pursuant to a proposal considered by the Pre-Application Forum will contain a very brief synopsis of the comments made by the Forum but the report itself will be based on an independent professional evaluation of the application by planning officers.
14. Training sessions will be offered to Councillors to assist them in adjusting to their new role in relation to pre-application consultation and its relationship with the Code of Conduct.
15. The applicant/agent will be expected to report on how they have, or have not, been able to address any issues raised by the Pre-Application Forum in the Pre-Application Consultation Report that is required to be submitted with any subsequent planning application.

GUIDANCE FOR MEMBERS

In relation to point 11 on the Procedure Note above, it might be helpful to outline a few points regarding the Councillors Code of Conduct and the Scottish Government's Guidance on the role of Councillors in Pre-Application procedures which will hopefully be helpful to the Members. These were discussed at the Training run by Burness Paull on the 28th of November, 2014.

So very briefly, The Code's provisions relate to the need to ensure a proper and fair hearing and to avoid any impression of bias in relation to statutory decision making processes. Having said that, in terms of the Scottish Government's Guidance on the role of Councillors in Pre-Application procedures:

- Councillors are entitled to express a provisional opinion in advance of a planning application being submitted but only as part of the Council's procedures (as detailed at item 1 to this agenda)

- No views may be expressed once the application has been submitted
- In terms of the role of the Forum, it meets to emphasise an outcome limited to the generation of a provisional view (on behalf of the Forum, rather than individual Members of the Forum) on the pre-application, this will allow:
 - Members to be better informed
 - An Early exchange of views
 - A greater certainty/more efficient processing of applications

Members of the Forum are entitled to express a provisional view, but should do so in a fair and impartial way, have an open mind and must not compromise determination of any subsequent planning application.

In terms of dealing with Pre-Applications, Members of the Forum should:

- Identify key issues
- Highlight concerns with the proposal/areas for change
- Identify areas for officers to discuss with applicants
- Identify documentation which will be required to support application

In terms of the Code of Conduct and any interest that Members of the Forum may have in a pre-application, it is worth reminding Members of the Forum that they must, however, always comply with the *objective test* which states “ *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.*”

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-APPLICATION FORUM

ABERDEEN, 31 OCTOBER 2019. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-APPLICATION FORUM. Present:- Councillor Boulton, Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Malik and MacKenzie.

Also present as local members: Councillors Henrickson and Macdonald.

The agenda and reports associated with this minute can be found [here](#).

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.

INTRODUCTION AND PROCEDURE NOTE

1. The Forum had before it the procedure note and guidance for members on the operation of Forum meetings.

The Forum resolved:-

to note the procedure note and guidance for members.

MINUTE OF PREVIOUS MEETING OF 19 SEPTEMBER 2019

2. The Forum had before it the minute of its previous meeting of 19 September 2019, for approval.

The Forum resolved:-

to approve the minute as a correct record.

54 GALLOWGATE, GREYFRIARS HOUSE ABERDEEN - 191321

3. The Forum had before it a report by the Chief Officer – Strategic Place Planning, on a submission of a Proposal of Application Notice by Telereal Trillium, for a major redevelopment to form primarily residential units, approximately 140, including demolition and other ancillary development with car parking, access, landscaping and infrastructure at 54 Gallowgate, Greyfriars House, Aberdeen, 191321.

The report advised that the application site comprised a 3 storey and basement “C” shaped vacant office building and surface car park situated on the eastern side of Gallowgate, which lay to the north of a late 20th Century flatted development on Littlejohn Street and immediately to the south of the Gallowgate public car park.

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The report provided a description of the site and noted that there were three indicative options for the proposed redevelopment of the site that had been put forward and they were:-

1. 90 units – one “C” shaped building which would be approximately replicating the footprint of the existing office building. The new building would be 5 storeys in height, with the top storey at roof level recessed from the wallhead, with balcony terracing;
2. 120 units – would consist of two buildings. One 5 storey with recessed top storey, linear block onto Gallowgate and one “C” shaped block, in the eastern half of the site, with a central opening to the carpark to the north; and
3. 140 units – one “E” shaped building, approximately replicating the footprint of the existing building but with the addition of a central wing which would project south. The building would increase from 5 storeys with top storey recess onto Gallowgate, which would step up to 7 storeys with top storey recess, at the eastern end.

The report stated that all three options would retain the existing vehicular access taken off Gallowgate which served a surface car park to the rear of the building. An element of car parking was proposed to be retained in all three options, with a landscaped communal amenity area provided on a deck built above the car park.

The Forum heard from Alex Ferguson, Planning Officer, who addressed the Forum and provided details regarding the planning aspects of the application. Mr Ferguson advised that the application site was within the city centre boundary however it lay outwith the City Centre Masterplan boundary. Mr Ferguson explained that as the application site was within the city centre, the Affordable Housing Waiver would apply and should the applicant wish to utilise it, no affordable housing would be required as part of the development, should the application be submitted before 30 June 2020 and determined prior to 31 December 2020. Otherwise the usual 25% requirement would apply.

Mr Ferguson explained that as part of the application, the applicant had been advised that the following information would need to accompany the formal submission:-

- Location plan
- Site plan (existing and proposed)
- Elevations (existing and proposed)
- Contextual Street Elevations (existing and proposed)
- Floor plans (existing and proposed)
- Design and Access Statement
- Planning Statement
- Pre-Application Consultation
- Drainage Plans and Statement
- Townscape Impact Assessment
- Tree Survey/Arboricultural Impact Assessment/ Tree Protection Plan
- Bat Survey
- Daylight/ Overshadowing Assessment

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- Transport Assessment
- Refuse Plan
- Swept Plan Analysis
- Photographic Survey (Archaeology)

Finally, Mr Ferguson provided details on the drop in event which was held on 10 October 2019 from 4 -7.30pm at Greyfriars House, which had the three proposed options on display for members of the public to examine and provide feedback.

The Forum then heard from Sam Rosenkranz, Telereal Trillium, Marshall Inglis – CDA (Architects) and Richard Slipper, Planning Consultant. Claire Crawford, Savills and Nick Saunders CDA, were also available to answer questions on the proposals.

Mr Rosenkranz explained that they had been handed back the government building as it was no longer in use from the DVLA and had been on the open market for two years without any significant interest to buy. As a result they had decided to apply for a change of use for the building and looked at various options. Mr Slipper advised that they were keen to deliver this project and to repurpose the site and to embark on city living. He noted there would be challenges in delivering the proposal and highlighted the positive benefit of the Affordable Housing Waiver. Mr Slipper also explained that they hoped to deliver the project by 2021 and aimed to meet with the City Centre Community Council and also the George Street Community Council in due course to discuss the proposals.

The Forum then heard from Marshall Inglis who provided details on the three various proposals. Mr Inglis explained that CDA Architects had a history and positive experience of delivering housing schemes in various city centres and they aimed to respect the history of the Gallowgate and highlighted that the visual amenity of the site would be very important. He explained that they would pay attention to the city centre masterplan, although it was outwith the boundary of the city centre masterplan. He noted that they had looked at the constraints and opportunities of the site and would retain the original vehicle access. The three available options were as a result of continuous dialogue with Council officers.

Members then asked a number of questions of both the applicant and the case officer and the following information was noted:-

- the amount of car parking spaces was still being looked at;
- there would be electric vehicle charging points available and the number of stations would be determined after an assessment;
- the housing would be affordable, however they aimed to meet the deadline for the Affordable Housing Waiver;
- there would be adequate bike provision within the site;
- the applicant could look at the potential for combined heat and power.
- the external steps at the Gallowgate were outwith the boundary of the application site, however they were keen to discuss them with the local community and see what could be done to upgrade them.

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The report recommended:-

That the Forum –

- (a) Note the key issues identified;
- (b) If necessary, seek clarification on any particular matters; and
- (c) Identify relevant issues which they would like the applicant to consider and address in any future application.

The Forum resolved:-

- (i) to request that the applicant be asked to submit an archaeology statement along with the final submission;
- (ii) to request that the applicant investigate the potential of combined heat and power for the site;
- (iii) to note that the applicant would discuss the external steps with the local community and look at this area in the workshop that was planned; and
- (iv) to thank the presenters for their informative presentation and to encourage continuing dialogue with Council officers and also local residents.

- **Councillor Boulton, Convener**

PRE-APPLICATION FORUM

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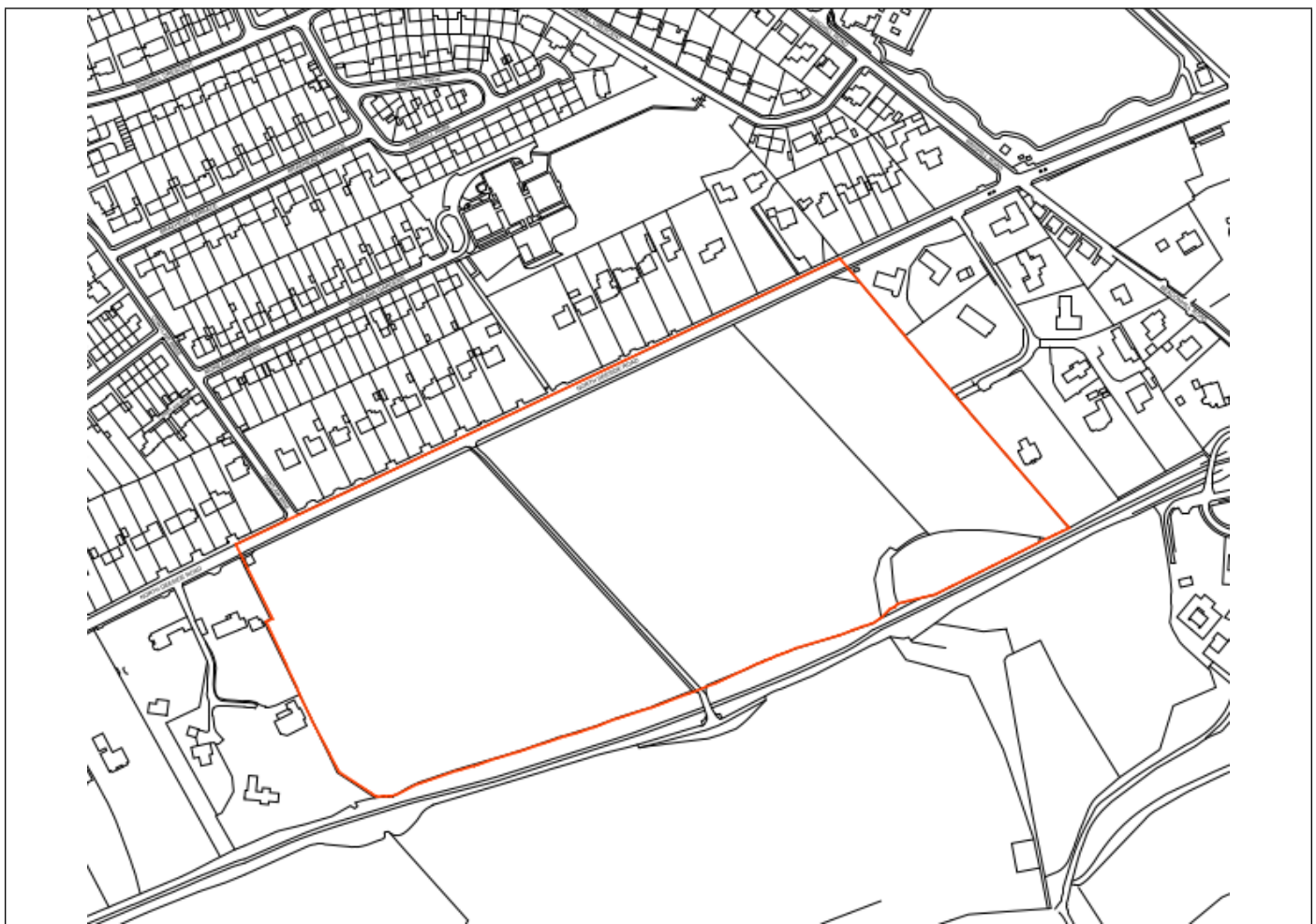


Pre-Application Forum

Report by Development Management Manager

Committee Date: 5th December 2019

Site Address:	Land South of North Deeside Road, Milltimber, Aberdeen.
Application Description:	Major residential and retail development with associated infrastructure, access, landscaping, drainage, SUDS and open space
Application Ref:	191605/PAN
Application Type	Proposal of Application Notice
Application Date:	21 October 2019
Applicant:	Bancon Homes & Dr William Guild's Managers
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Gavin Clark



Location Plan

APPLICATION BACKGROUND

Site Description

The identified site extends to approximately 11.5 hectares and is located on the southern side of North Deeside Road, within the settlement of Milltimber. The site is bound by North Deeside Road and residential properties to the north, the Deeside Way and open space to the south, and further residential properties set in generous plots to the east and west. An access road leading to Milltimber Farm Livery Stables (located to the south of the Deeside Way) runs through the site.

The site itself is largely grassed but does include some elements of planting (particularly along the boundaries). The site slopes from the north-south as it heads towards the Dee Valley. There are a number of boundary treatments, including post-and-wire fencing to its northern boundary.

Relevant Planning History

A previous proposal of application notice (Ref: 170620/PAN) was submitted in May 2017 for a proposed mix-use development (60 dwellings and 1225 sqm of Class 1 (Shops) and Class 4 (Business) uses. This proposal was presented to the pre-application forum on the 21st September 2017.

An EIA screening opinion for the above proposal (Ref: 171171/ESC) was submitted in September 2017; this concluded that an Environmental Impact Assessment was not required. The decision notice for this was issued on the 18th October 2017.

MATERIAL CONSIDERATIONS

National Planning Policy and Guidance

- Scottish Planning Policy

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

- OP 114: Milltimber South
- Policy LR1: Land Release Policy
- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy I1: Infrastructure Delivery and Developer Obligations
- Policy NC7: Local Shops

- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy T5: Noise
- Policy H2: Mixed Use Areas
- Policy H3: Density
- Policy H4: Housing Mix
- Policy H5: Affordable Housing
- Policy NE4: Open Space Provision in New Development
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage and Water Quality
- Policy NE8: Natural Heritage
- Policy NE9: Access and Informal Recreation
- Policy R6: Waste Management Requirements for New Development
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1: Digital Infrastructure

Landscape

- Planning Obligations
- Affordable Housing
- Transport and Accessibility
- Noise
- Natural Heritage
- Trees and Woodland
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Milltimber South Masterplan/ Development Framework (currently being prepared)

EVAULATION

Principle of Development

The site has been identified as OP114 (Milltimber South), which was included by a Scottish Government reporter, and provides an opportunity for 60 houses and 1225 sqm of ancillary retail/ office space. The proposal requires to be accompanied by a masterplan. The site is zoned as Land Release (LR1) and as a mixed-use area (H2) in the Aberdeen Local Development Plan.

Layout, Scale and Design

Issues of layout, scale and design will need to be considered against Policy D1 – Quality Placemaking by Design and Policy D2 – Landscape. Policy D1 advises that all development must ensure high standards of design and have a strong and distinctive sense of place which takes into account the context of the surrounding area and will be required to offer opportunities for connectivity which take in to account the character and scale of the development.

Developments that contribute to placemaking will help sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource efficient

Policy D2 (Landscape) requires that developments have a strong landscape framework, which “improves and enhances the setting and visual impact of developments, unifies urban form, provides shelter, creates local identity and promotes biodiversity”. Any application must be accompanied by a landscape strategy and management plan, incorporating hard and soft landscaping design specifications.

Policy H3 – Density, will seek an appropriate density of development on all housing allocations. Densities should have consideration to the site’s characteristics and those of the surrounding area and should create attractive residential environment and safeguard living conditions within the development.

While, Policy H4 - Housing Mix advises that housing development, such as that proposed, will be required to achieve an appropriate mix of sizes, which should reflect the accommodation requirements of specific groups. This mix should include smaller 1- and 2-bedroom units and should be reflected in both the market and affordable housing contributions. This approach helps to create mixed and inclusive communities by offering a choice of housing.

Technical Matters

Developer Obligations:

Policy I1 - Infrastructure Delivery and Planning Obligations advises that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. The level of infrastructure requirements and contributions will be outlined by the Council, through the Developer Obligations Assessment.

Transport and Accessibility:

With regards to sustainable and active travel, Policies T2 - Managing the Transport Impact of Development and T3 - Sustainable and Active Travel will be used to assess the development. Policy T2 requires all new developments demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. In light of what is proposed a Transport Assessment will be required to support the proposal as would a Travel Plan. Parking requirements are also outlined in the Transport and Accessibility Supplementary Guidance as will depend on the number of bedrooms per flats and the gross floor area of the retail and commercial units.

In terms of Policy T3, new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport. The internal layout of developments must prioritise walking, cycling and public transport penetration. In addition, links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling. With regards to this proposal, links to the site should be looked at from the surrounding road networks.

Noise

Given the location of the development a, it is likely that there will be exposure to noise. As such and as per the requirements of Policy T5 – Noise, a Noise Impact Assessment (NIA) will be required in support of an application.

Affordable Housing:

As per Policy H5 - Affordable Housing, the development (dependant on the types of housing proposed) may be required to contribute no less than 25% of the total number of units as affordable housing. The requirement will be outlined in the Developer Obligations Assessment.

Natural Heritage

As per Policy NE5 – there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodland that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Any proposal would therefore need to ensure compliance with the above.

Policy NE8 advises that direct and indirect effects on sites protected by natural heritage designations, be they international, national or local, are important considerations in the planning process and will need to be carefully considered in any future planning application.

Open Space:

Policy NE4 - Open Space Provision in New Development requires new developments to accommodate an area of open space within the development site. As per the policy the Council require at least 2.8Ha per 1,000 people of meaningful and useful open space. The Supplementary Guidance on Open Space states that open space standards are based on number of residents within a new development, which can be calculated using the average number of people who live in each dwelling. These figures are outlined in the Supplementary Guidance.

With regards to the commercial/retail aspect of the development, the policy does not state a minimum standard, but this will be considered on its own merit.

Drainage:

As per the requirement of Policy NE6 - Flooding, Drainage and Water Quality, a Drainage Impact Assessment (DIA) and/ or Flood Risk Assessment (FRA) will be required for both the residential and non-residential aspect of the development. The DIA should detail how surface water and wastewater will be managed. Surface water drainage associated with development must: be the most appropriate available in terms of SuDS; and avoid flooding and pollution both during and after construction.

Access

Policy NE9 – Access and Informal Recreation advises that developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel. There is an existing path network in the vicinity of the site, therefore every effort should be made to show connectivity to these areas.

Waste/Refuse

Policy R6 - Waste Management Requirements for New Development advises that all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. The commercial/ retail aspect of the development shall include recycling facilities, where appropriate. Details of storage Facilities and means of collection must be included as part of a planning application for any development which would generate waste.

Sustainable Development

Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency advises that, in terms of low and zero carbon, buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through low and zero carbon generating technology. With regards to water efficiency, all new buildings are required to use water saving technologies and techniques.

PRE-APPLICATION CONSULTATION

The applicants undertook a Public Consultation Event via a drop-in event at Deeside Christian Fellowship Church – Milltimber on Monday 4th November 2019 between 2pm and 7pm. Representatives of the design team were present to answer questions from members of the public. The exhibition element included display panels providing a background to the site, illustrating the proposals and explaining the planning application process. A follow-up event is proposed, also at Deeside Christian Fellowship Church – Milltimber on Wednesday 4th December 2019 between 2pm and 7pm.

NECESSARY INFORMATION TO SUPPORT ANY FUTURE APPLICATION

As part of any application, the applicant has been advised that the following information would need to accompany the formal submission:

- Pre-Application Consultation Report
- Design and Access Statement including Visualisations;
- The Masterplan/ Development Framework Document;
- Noise Impact Assessment;
- Transport Assessment/ Transport Statement;
- Tree Survey;
- Bat Survey;
- Drainage Impact Assessment;
- Archaeological Survey;
- Flood Risk Assessment;
- Phase 1 Habitat Survey;
- Landscaping and Maintenance Plans;
- Low and Zero Carbon Buildings and Water Efficiency Statement; and
- Affordable Housing Delivery Strategy

RECOMMENDATION

It is recommended that the forum:

- i. Note the key issues identified;
- ii. If necessary seek clarification on any particular matters; and
- iii. Identify relevant issues which they would like the applicants to consider and address in any future application.



Pre-Application Forum

Report by Development Management Manager

Meeting Date:

Site Address:	Land Adjacent To Rubislaw Quarry, Hill Of Rubislaw, Aberdeen, AB15 6XL
Description of Proposal:	Major development of c.250 private flats, gym, function room, public bistro, promenade, car parking and amenity space
Notice Ref:	191486/PAN
Notice Type:	Proposal of Application Notice
Notice Date:	30 September 2019
Applicant:	Hill Of Rubislaw (Q Seven) Limited
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross And Harlaw
Case Officer:	Matthew Easton



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APPLICATION BACKGROUND

Site Description

The site is situated on the southern edge of the Hill of Rubislaw office park and comprises the land adjacent to the northern edge of the disused Rubislaw Quarry, which is now filled with water.

The land is undeveloped and comprises mostly scrub vegetation and bare ground. A small area at the western end of the site is covered by broadleaved semi-natural woodland (protected by Tree Preservation Order No.134), which continues outwith the site around the entire north west, west and south west edges of the quarry. It is fenced off with no public access due to the proximity to the quarry edge. A hedgerow runs along the length of the site boundary shared with the office park.

There is no public access to any part of the quarry site and public views into the site are very limited. The quarry edge on the north side largely comprises a rocky cliff face with areas of vegetation and the whole quarry site is designated as a Local Nature Conservation Site.

To the immediate north is the Hill of Rubislaw office park, featuring large offices buildings between three and five storeys high, set within car parks and surrounded by areas of woodland. Chevron House, Rubislaw House face the site with H1 (including Pure Gym) and Marathon House beyond. To the east is Royfold House, beyond which are homes situated on Royfold Crescent. Situated on the south east edge of the quarry are homes on Queen's Road, Queen's Avenue and Queen's Avenue North. Woodland covers the south west and northwest edges of the quarry.

Relevant Planning History

- Outline planning permission (97/1300) for a six-storey office (three levels of office space and three of parking) with 326 parking spaces was approved in July 1998. The consent was not implemented and expired in July 2001.
- Outline planning permission (98/1814) for offices and 86 flats and 226 parking spaces was approved in March 2001. The building was predominately five storeys with a tower reaching seven storeys. The consent was not implemented and expired in March 2004.
- Details of reserved matters (A1/0439) relating to 98/1814 were approved in July 2001. The number of flats increased to 107, the office space was reduced, and 162 parking spaces were now proposed. The consent was not implemented and expired in July 2004.
- The outline planning permission granted in March 2001 was 'renewed' in September 2005 (A5/0742). The consent was not implemented in expired in March 2009.
- Detailed planning permission (A6/0478) for 116 flats, food and drink use and 207 parking spaces was approved in August 2006. The building was predominately five storeys, with a nine-storey tower. This consent was partially implemented and is still live and capable of being completed.
- Detailed planning permission (P121692) for a five-storey office building was approved in July 2014. The consent was not implemented and expired in July 2017.
- Detailed planning permission (P140788) for a Granite Heritage Centre was granted in December 2015. The centre was proposed on a separate site located on the south side of the quarry. It was to include a heritage museum, restaurant/bar and conference suites, with views over the quarry. The consent was not implemented and expired in December 2018.
- Detailed planning permission (180368/DPP) for a residential development (across ten storeys and three basement levels) consisting of 299 private flats, gym, function room, public heritage

bistro, promenade, car parking and amenity space was refused by the Planning Development Management Committee in June 2018.

- The reasons for refusal were that due to the adverse visual impact the proposal would have based on its scale and massing which is contrary to Policy D3 - Big Buildings of Aberdeen Local Development Plan. There is insufficient onsite parking provided which would lead to overspill parking on residential streets. There is a lack of suitable capacity to accommodate the educational needs of the development. There would be an adverse impact on the wildlife on the site. The quality of the design does not meet the requirements of Policy D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan.

The refusal of the application was subject of an appeal to Scottish Ministers, where the decision of the PDMC was upheld by the reporter. The reasons for the reporter’s decision are discussed in the ‘Considerations’ section of this report.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a mixed use residential led development of circa 250 flats, associated car parking, amenity space and public promenade around the edge of the quarry. The development would include a publicly accessible bistro and function room.

The scheme is a reduced scale version of the proposal previously considered by the Planning Development Management Committee in 2018.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

- Scottish Planning Policy (June 2014)
- Planning Delivery Advice: Build to Rent (September 2017)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region’s built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of

development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- I1: Infra Delivery & Planning Obligation
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- B1: Business and Industrial Land
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- C11: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Air Quality
- Big Buildings
- Harmony of Uses
- Landscape
- Natural Heritage
- Noise
- Planning Obligations
- Resources for New Development
- Transport and Accessibility

Other Material Considerations

- Appeal decision PPA-100-2092 (appeal against decision to refuse 180368/DPP)

CONSIDERATIONS

Principle of Development

The principle of developing this site is long-established and dates back to 1998 when a large-scale office building was approved. In the intervening period, further consents have been approved and have expired, except for a consent (A6/0478) for residential and office use approved in August 2006. A limited amount of work on that proposal was started but not continued. These works were sufficient to constitute a commencement of development and as a result, the planning permission remains valid indefinitely. This, along with the previously approved applications, establishes the principle of development and is a material consideration in the determination of this application.

The site is within an area zoned for residential use under Policy H1 (Residential Areas). The policy states that proposals for new development and householder development will be approved in principle if it –

- (i) does not constitute over development;
 - (ii) does not have an unacceptable impact on the character and amenity of the surrounding area;
 - (iii) does not result in the loss of valuable and valued areas of open space; and
 - (iv) complies with Supplementary Guidance.
- In terms of overdevelopment, it is necessary to consider the building's scale, massing and form. As well as considering this against the context of the site, this needs to be considered against the consented scheme approved in 2006 as it could still be fully implemented.

The maximum height of the 2006 scheme is 29.94m from street level, representing the tower part of the development, whereas the remainder is predominantly 17.70m high.

With any large new development within an urban area there is the potential for the character and existing residential amenity to be changed. This could be visual impact or in terms of the way the development interacts with current uses in relation to disturbance or availability of daylight, overshadowing and privacy.

The landscape and visual impact on the proposal both in the immediate vicinity and more distant views throughout the city should be considered.

Previous Decision and Appeal

The reasons for refusal of the 2018 application were that *“due to the adverse visual impact the proposal would have based on its scale and massing which is contrary to Policy D3 - Big Buildings of Aberdeen Local Development Plan. There is insufficient onsite parking provided which would lead to overspill parking on residential streets. There is a lack of suitable capacity to accommodate the educational needs of the development. There would be an adverse impact on the wildlife on the site. The quality of the design does not meet the requirements of Policy D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan.”*

The application was subsequently appealed to Scottish Ministers. The appointed reporter found that there were aspects of the development which would attract considerable support from national policy and advice. The proposal would have delivered a form of residential accommodation promoted and endorsed by the Scottish Government. It would have delivered a development which would have been accessible by a range of transport modes and would not depend solely on access by the private car. While there would have been a loss of open space, it would have provided enhanced public access to the quarry edge and had the potential to attract additional visitors to the quarry area. Any necessary servicing and infrastructure requirements could have been met or financial contributions provided such that impacts could have been mitigated. The application was refused on the grounds that the building would have dominated and overshadowed the adjacent commercial buildings and would have an adverse impact on the visual amenity of nearby residential properties.

This is discussed further below. The reporter's response to the other matter which the committee refused the application are also outlined.

Layout and Design

There is a requirement to ensure that the proposed building adheres to other good design principles, in terms of the building's appearance, the amenity available for future residents and how it interacts with its immediate surroundings.

Policy D1 (Quality Placemaking by Design), Policy D2 (Landscape) and Policy D3 (Big Buildings) and their associated supplementary guidance notes would all be relevant.

Previously the 2018 application was refused as "the quality of the design does not meet the requirements of Policy D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan."

In considering the subsequent appeal the reporter found that the modular form of the building and variation in elevation was considered to provide an interesting silhouette. Visually, this would have given the building local distinctiveness. The reporter was not opposed to the use of modern building materials or the contemporary design, given the character of the surrounding office development at Hill of Rubislaw. It was noted that by wrapping the building around the edge of the quarry, there was an attempt to avoid creating a long physical barrier. However, at a total length of around 240 metres and at points around 30 metres high, the reporter was not convinced that this would be successfully achieved. The extensive profile and form of the building would be obvious with the three flattened peaks at 32.8, 29.6 and 26.4 metres appearing in succession; the only interruption to this would have been noticeable at ground floor level, with the three open pends. In the reporter's view, the overall length of the proposed building and its linear form would, in visual terms, dilute its vertical emphasis, contrary to the aims of Policy D3.

The reporter considered that although the proposed site is enclosed, the scale and height of the proposed development would have revealed it in more distant views. Nevertheless, this was not necessarily seen as adverse, with increased visual awareness of the location of the quarry could help to promote it to a wider audience and to learn its historical significance. As Aberdeen already has a variety of tall buildings which punctuate the city's skyline, the reporter did not find that the proposal would detract from the city's important wider views.

However, in concluding on the matter, while accepting that the proposal, as a big building, could make a positive contribution to the city's skyline consistent with the aims of Policies D2 and D3, its more immediate impacts were of concern. It was concluded that the building would have dominated and overshadowed the adjacent commercial buildings and would have an adverse impact on the visual amenity of nearby residential properties at the north western end of Royfold Crescent., contrary to Policies H1 and D1. For this reason, the appeal was rejected.

Transport and Accessibility

Parking is proposed and therefore the traffic impact of the development would need to be considered. Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) are relevant in this regard. Any areas of new public realm should be seen as part of the wider Green area, rather than in isolation. Vehicular access arrangements will have to be carefully examined in order to ensure that this does not compromise the overall space.

The committee considered that the 2018 application had "*insufficient onsite parking provided which would lead to overspill parking on residential streets.*" The appeal reporter found that there was considerable uncertainty over the availability and demands for future parking in the surrounding area and found it difficult to take account of it on the information available. It was noted that the Council's

guidance allows for low car developments to come forward in particular situations. Given the location and also the type of development proposed, where the occupation of the flats and associated car parking would have been managed centrally by the developer, she considered this to be one such example. Overall, it was found reasonable to expect that the proposed car parking provision and mitigation measures would meet the aims of Policies T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel. Overall, the reporter found the proposed development would have an acceptable traffic impact and be accessible by a range of transport modes.

Technical Matters

The layout and design of the development should have regard for the provisions of policies NE6 (Flooding, Drainage and Water Quality), R6 (Waste Management Requirements for New Development), R7 (Low and Zero Carbon Buildings, and Water Efficiency) and C11 (Digital Infrastructure).

Policy T4 (Air Quality) states that development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed. The proposed development is adjacent to the Anderson Drive Air Quality Management Area (AQMA).

Natural Heritage

Policy NE8 (Natural Heritage) and the associated SG requires that development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. As part of the 2018 application a habitat survey determined that a badger was present in the area. Updated surveys would be required to determine the current situation in terms of species.

The site forms part of the Hill of Rubislaw Local Nature Conservation Site and is designated as Green Space Network. The quarry and its surroundings function as an isolated green space which although not directly linked to other green spaces, provides benefits in term of biodiversity and landscape value within an urban area. The site comprises dense scrub, a species poor hedgerow, bare earth and an area of semi-natural broadleaved woodland. Throughout the period since it closed, there has been no public access or readily accessible views into the site.

Policy NE5 (Tree and Woodland) presumes against loss or damage to trees and woodlands which contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Tree Preservation Order No.134, covers a small area of the site and the wider area of woodland on the north west, west and southern edges of the quarry. The loss of any trees would need to be considered in terms of Policy NE5.

In considering the 2018 application the committee considered that *“there would be an adverse impact on the wildlife on the site.”* At appeal stage the reporter determined that taking into account the proposed mitigation measures, it was considered that the proposal would not have an adverse impact on the nature conservation of the site and would therefore be consistent with Policy NE8 with regard to designated sites.

Other Matters

- Policy H5 (Affordable Housing) requires that no less than 25% of housing units shall be affordable, normally with the expectation that these will be delivered onsite. In the 2018 application however, due to the expected high maintenance costs and difficulty in sub-dividing the building to allow an Registered Social Landlord to take control of part of it, it was determined

that rather than onsite provision, a commuted sum would be the most appropriate option. Further discussion would be required to determine if this option was still appropriate.

- A significant number of representations to the 2018 application expressed a preference for the Granite Heritage Centre over the proposed residential development. The approval of the 2018 residential application would not have prejudiced the heritage centre proceeding. Being on different sites and on opposite sides of the quarry, with approximately 120m between them, both developments could in theory have been built. For this reason and now that consent for the heritage centre has now expired, there is no reason to consider the heritage centre as part of the assessment of any application.
- The final reason for refusal of the 2018 application was that there would be *“a lack of suitable capacity to accommodate the educational needs of the development.”* The reporter commented that in terms of meeting the requirements of Policy I1: Infrastructure Delivery and Planning Obligations, the council has agreed that financial contributions can be made in order to increase capacity at Hazelhead Primary School and Hazelhead Academy. The level of contribution excludes any factoring of pupil numbers generated by the proposed one-bedroom units which is the standard position of the council.

PRE-APPLICATION CONSULTATION

Public consultation was undertaken by the applicant at a drop-in event at the Tree Tops Hotel, Springfield Road, on Wednesday 20th November 2019 between 12pm and 7pm.

NECESSARY INFORMATION TO SUPPORT ANY FUTURE APPLICATION

As part of any application, the applicant has been advised that the following information would need to accompany the formal submission –

- Badger Survey
- Drainage and Flooding Assessment
- Design and Access Statement
- Habitat Survey
- Ground Investigation Report
- Landscape Design Framework
- Landscaping and Visual Impact Assessment
- Planning Statement
- Pre-application Consultation Report
- Sustainability Statement
- Transport Statement
- Tree Survey

RECOMMENDATION

It is recommended that the Forum –

- a) note the key issues identified;
- b) if necessary seek clarification on any particular matters; and
- c) identify relevant issues which they would like the applicants to consider and address in any future application.