

Public Document Pack



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

Town House,
ABERDEEN 25 June 2020

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet remotely on **THURSDAY, 2 JULY 2020 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and thereafter published on the Council's website at the following [link](#)

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1 Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

- 2.1 Determination of Urgent Business

DECLARATION OF INTERESTS

- 3.1 Members are requested to intimate any declarations of interest (Pages 7 - 8)

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 1 June 2020 - for approval (Pages 9 - 22)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 23 - 24)

GENERAL BUSINESS

REPORTS

- 6.1 Review of Two-Year Waiver on Affordable Housing in the City Centre - PLA/20/100 (Pages 25 - 32)

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 7.1 Planning Permission in Principle - residential development (circa 140 units) including demolition of existing building and associated access, parking, landscaping and infrastructure works - Greyfriars House, Gallowgate Aberdeen (Pages 33 - 90)

Planning Reference – 200246

All documents associated with this application can be found at the following link and enter the reference number above. [Link](#).

Planning Officer: Alex Ferguson

- 7.2 Detailed Planning Permission - alterations to convert to a single dwelling; erection of single storey extension and installation of rooflights to rear; alterations to windows and doors; alterations to boundary wall; internal alterations to doors and partitions with associated works - 10 The Chanonry Aberdeen (Pages 91 - 114)

Planning Reference – 200391

All documents associated with this application can be found at the following link and enter the reference number above. [Link](#).

Planning Officer: Dineke Brasier

- 7.3 Listed Building Consent - Alterations to convert to a single dwelling; erection of single storey extension and installation of rooflights to rear; alterations to windows and doors; alterations to boundary wall; removal of cement render; and internal alterations to doors and partitions with associated works (Pages 115 - 138)

Planning Reference – 200392

All documents associated with this application can be found at the following link and enter the reference number above. [Link](#).

Planning Officer: Dineke Brasier

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 8.1 Detailed Planning Permission - change of use from public house (sui generis) to hot food takeaway (sui generis) alterations to shop front and installation of ventilation and extraction system - Ferryhill Tavern, 124 South College Street Aberdeen (Pages 139 - 160)

Planning Reference – 200094

All documents associated with this application can be found at the following link and enter the reference number above. [Link](#).

Planning Officer: Dineke Brasier

DATE OF NEXT MEETING

- 9.1 Date of Next Meeting - Thursday 20 August 2020

To access the Service Updates for this Committee please click [here](#)
Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 522123 or email lymcbain@aberdeencity.gov.uk

This page is intentionally left blank

MOTIONS AGAINST RECOMMENDATION

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis.

It is important that the reasons for approval or refusal of all applications are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 28.10 the Convener can determine whether a motion or amendment is competent, and may seek advice from officers in this regard.

With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. Officers will be given the opportunity to address the Committee on the competency of the motion. The Convener has the option to call a short recess for discussion between officers and Members putting forward a motion if deemed necessary.

This page is intentionally left blank

DECLARATIONS OF INTEREST

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 1 June 2020. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

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.

DECLARATIONS OF INTEREST

1. Councillor Cooke declared an interest in regard to item 7.3 on the agenda, Rubislaw Quarry, as he knew some of the objectors to the application. Councillor Cooke advised that he was also a member of the Board of Sport Aberdeen, and the owner of the quarry was a former member of the Board, however he did not know the owner personally. Councillor Cooke remained in the meeting during consideration and deliberation of the item as he did not consider his interest to be so significant that he had to withdraw from the meeting.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 30 APRIL 2020

2. The Committee had before it the minute of the previous meeting of 30 April 2020, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

3. The Committee had before it a planner of future Committee business.

The Committee resolved:-

to note the information contained in the Committee business planner.

SITE AT SILVERBURN HOUSE, CLAYMORE DRIVE, ABERDEEN - 191904

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which considered whether the application for Silverburn House, 191904/PPP, which triggered the statutory criteria to require that a Pre-Determination hearing be held, should be determined by the Planning Development Management Committee or by Full Council.

The report recommended:-

that the Committee –

(a) notes the content of the report; and

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

- (b) agrees that the application be subject of a statutory Pre-Determination hearing by a special meeting of the Planning Development Management Committee (PDMC) and that the application then be determined at a subsequent scheduled PDMC meeting.

The Committee resolved:

to approve the recommendations contained in the report.

FORMER TILLYDRONE INFANT SCHOOL SITE, CONINGHAM GARDENS ABERDEEN - 200206

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed planning permission for the erection of a primary school with early years facility, associated 3G pitch, soft and hard landscaping, alterations to access and all associated works, at the former Tillydrone Infant School site, Coningham Gardens Aberdeen, be approved conditionally with upfront payment of the contribution and inter-service agreement.

Conditions

(1) Materials

No works in connection with the development hereby approved shall commence unless details of the specification and colour of all the materials to be used in the external finish of the development have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details, specification and colour.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

(2) Hours of Use

The All-Weather Sports Pitch hereby approved shall only be used (excluding maintenance) by the school or for pre-arranged lets to other persons during the period from 9am to 8pm on Mondays to Fridays and from 10am to 8pm on Saturdays and Sundays and shall not be used outwith these times by the school or by any other person for any purpose.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

(3) Noise

The building hereby approved shall not be brought into use unless a further assessment and report on the specific building services plant has been undertaken. This assessment and report shall then be submitted to and approved in writing by the planning authority in consultation with Environmental Health. Once approved, all mitigation measures recommended in the report should be implemented prior to the building being brought into use and retained in perpetuity.

Reason: To ensure that noise from the use of the development does not result in undue loss of

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

amenity for surrounding properties.

(4) Odour

The building hereby approved shall not be brought into use unless an odour impact assessment has been undertaken once the kitchen design has been established. This assessment shall then be submitted to and approved in writing by the planning authority in consultation with Environmental Health. Once approved, all mitigation measures recommended in the report shall be implemented prior to the building being brought into use and retained in perpetuity.

Reason: To ensure that odour from the use of the development does not result in undue loss of amenity for surrounding properties.

(5) Lighting Strategy

The development hereby approved shall not be brought into use unless full details of the proposed lighting for the development and an impact assessment of obtrusive light from the development have been submitted to and approved in writing by the planning authority. Prior to the assessment being undertaken in accordance with a scope that has been agreed with the planning authority in consultation with Environmental Health. All lighting shall be provided and thereafter retained in perpetuity in accordance both with the approved scheme and the Guidance Notes for the Reduction of Obtrusive Light issued by the Institution of Lighting Professionals (GN01:2011) and any such guidance notes that replace or supersede them.

Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the residential and visual amenity of the surrounding area.

(6) Traffic Restrictions

The building hereby approved shall not be brought into use unless the existing traffic management signage within the surrounding road network have been implemented. The extent of the works shall be agreed with the Council's Traffic Management Team.

Reason: In the interests of road safety and providing a safe route to school.

(7) Travel Plan

The development hereby approved shall not be brought into use unless a Travel Plan for that building has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The building shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

(8) Foul and Surface Water Drainage Arrangements

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

The building hereby approved shall not be brought into use unless the proposed foul and surface water drainage arrangements have been provided in accordance with the approved plans and the Drainage Assessment, prepared by Fairhurst, dated March 2019 (project reference 132043). The foul and surface water drainage arrangements shall be permanently retained thereafter in accordance with the approved maintenance scheme contained within the Drainage Strategy.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

(9) Bird Management

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the planning authority in consultation with Aberdeen Airport. The submitted plan shall include details of: Management of any flat/shallow pitched roofs (of less than 15 degrees) on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' and any such guidance notes that replace or supersede them. The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless they have been submitted to, and approved in writing by, the planning authority in consultation with Aberdeen Airport.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

(10) Landscaping Scheme

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels.
- b) The location of re-planted trees or compensatory planting.
- c) The location of new trees, shrubs, hedges and grassed areas.
- d) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- e) The location, design and materials of all hard landscaping works including walls, fences, gates, and play equipment.
- f) An indication of existing trees, shrubs and hedges to be removed.
- g) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

(11) Tree Protection

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan, plan reference TPS-2002-TP. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

(12) Environmental Enhancements

No works in connection with the development hereby approved shall commence unless a scheme of environmental enhancements has been submitted to and approved in writing by the planning authority in consultation with the Scottish Environmental Protection Agency. Once approved the scheme shall be implemented in full.

Reason: To ensure the offset of environmental impacts and contribute to and enhance the natural environment and support Policy D1 – Quality Placemaking by Design.

(13) Site Investigation

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site which has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

1. An investigation to determine the nature and extent of contamination
2. A site-specific risk assessment
3. A remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. Verification protocols to demonstrate compliance with the remediation plan

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

(14) Scheme of Remediation

No building on the development site shall be brought into use unless:

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

1. Any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan, or that otherwise has been required by the planning authority in writing, is being undertaken; and

2. A report specifically relating to the building has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building have been carried out, unless the planning authority has given written consent for a variation.

The building on the application site shall not be brought into use unless a report has been submitted to and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan.

Reason: To ensure that the site and its buildings are suitable and fit for use by humans, and is free of contamination, or hazardous substances for human beings.

(15) Carbon Neutrality and Water Efficiency

No building hereby approved shall be erected unless an Energy Statement and Water Efficiency applicable to that building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017. The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques. The development shall not be brought into use unless it has been constructed in full accordance with the approved details in both statements. All measures shall be retained in place and fully operational thereafter.

Reason: to ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

The Committee heard from Aoife Murphy, Senior Planner, who spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the application as contained in the report.

44/46 BEDFORD ROAD ABERDEEN - 200303

6. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That there be a willingness to approve the application for detailed planning permission for the erection of 6 residential flats with associated landscaping conditionally at 44/46 Bedford Road Aberdeen, subject to securing a legal agreement to deliver developer obligations towards the car club.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

Conditions

- (1) The development hereby approved shall not be occupied unless the communal external amenity area / shared garden ground as identified on the drawings hereby approved [refs. A(03)001 rev.E; A(03)004 rev.E], or such other drawings as may be approved in writing by the planning authority, has been implemented / planted in full and is thereafter retained as landscaped communal space.

Reason - In order to ensure provision of adequate amenity for residents and ensure compliance with the objective of local development plan policies D1: Quality Placemaking by Design, D2: Landscape, H1: Residential Areas and NE4: Open Space Provision in New Development.

- (2) No development shall take place pursuant to this planning permission unless construction details of the proposed street boundary wall along Bedford Place and a sample of the natural granite to be used on the external elevations of the building has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be occupied unless such details as may be approved have been implemented in full.

Reason – In order to preserve the character and setting of the surrounding area and ensure compliance with the objective of local development plan policies D1: Quality Placemaking by Design, D5: Our Granite Heritage and H1: Residential Areas.

- (3) The development hereby approved shall not be occupied unless secure cycle parking / storage facilities have been provided on site for occupants in accordance with the drawing hereby approved [A(03)004 rev.E], or such other drawing as may be approved in writing by the planning authority.

Reason – In order to ensure compliance with planning policy T2: Managing the Transport Impact of Development and reduce demand for car parking.

- (4) The development hereby approved shall not be occupied unless the bin storage area has been provided on site for occupants in accordance with the drawing hereby approved [A(03)004 rev.E], or such other drawing as may be approved in writing by the planning authority.

Reason – In order to ensure compliance with planning policy R6: Waste Management Requirements for new development.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the application as contained in the report.

RUBISLAW QUARRY - 200042

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

That the application for detailed planning permission for the residential development of 245 private rented sector flats (up to nine storeys and two basement levels) with amenity space, 254 car parking spaces, two publicly accessible car club vehicles (including electric charging points), residents' gym, residents' function room, public bistro and public promenade with viewpoints to quarry, at Rubislaw Quarry, be approved conditionally and withhold consent until a legal agreement is secured to deliver developer obligations towards affordable housing, secondary education, core paths, open space and healthcare.

Conditions

(1) SURFACE WATER DRAINAGE

No development shall take place unless a detailed scheme for surface water drainage and connection to the sewer, in accordance with the Drainage & Flooding Assessment (Issue 07 – January 2020) has been submitted to and approved in writing by the planning authority in consultation with SEPA and Scottish Water. Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – to prevent any flooding and ensure adequate protection of the water environment from surface water run-off.

(2) QUARRY WATER LEVEL MANAGEMENT PLAN

No development shall take place unless a scheme for the management of the water level within the quarry has been submitted to and approved in writing by the planning authority in consultation with SEPA and Scottish Water. Thereafter the management plan shall be implemented in accordance with the agreed details.

Reason – to ensure that the proposed development is not at risk of flooding from rising water levels in the quarry.

(3) FOUL WATER DRAINAGE

No development shall take place unless confirmation has been received that Scottish Water will accept a connection to their sewer network from the development. Thereafter development shall be implemented in accordance with the agreed foul drainage scheme.

Reason – to ensure adequate protection of the water environment from foul water generated by the development.

(4) AIR QUALITY ASSESSMENT

No development shall take place unless an air quality assessment which considers the impact on existing residents as well as the potential exposure levels of occupants of the new properties on Hill of Rubislaw has been undertaken. Measures to reduce any potential air quality impacts should be considered. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority.

Reason - to mitigate the impact of road traffic associated with the development on local air quality.

(5) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

No development shall take place unless a scheme of measures for the protection of the proposed residential properties has been submitted to and approved in writing by the planning authority. This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- b) Identify the existing sources of noise potentially impacting on the proposed development.
- c) Identify the likely sources of noise associated with the proposed development.
- d) Detail the noise mitigation measures to reduce noise from the existing noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed neighbouring residences.
- e) Be in line with a methodology to be submitted to and agreed in writing with the Council's Environmental Health Service in advance of the assessment

Thereafter no flat shall be occupied unless the mitigation measures relevant to that property have been implemented in accordance with the agreed scheme.

Reason – to ensure that residents of the development are adequately protected from excessive noise levels.

(6) DETAILED LANDSCAPING SCHEME

No development shall take place unless a detailed scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. The scheme shall be in accordance with the principles outlined in the Landscape Design Framework produced by Optimised Environments (ref: 171159_OPEN_HillRubi_LDF-01 – January 2020) and include –

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new trees, shrubs, hedges and grassed areas and water features
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (iv) The location, design and materials of all hard landscaping works including surfacing, walls, fences, gates and street furniture (including the public walkway) and
- (v) a programme for the long-term management and maintenance of the hard and soft landscaping.

All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

(7) PROVISION OF PARKING

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

No development shall take place unless a scheme for the phased provision of the vehicle, motorcycle and bicycle parking has been submitted to and approved in writing by the planning authority. The phasing scheme shall –

- (i) ensure that a level of vehicle, motorcycle and bicycle parking appropriate to the number of units is available on occupation of each part of the building.
- (ii) demonstrate when and where the bistro spaces, electric vehicle charging points and car club spaces would be provided.

Thereafter no unit within the building shall be occupied unless the parking associated with that unit and identified as such in the phasing scheme has been constructed, drained, laid-out and demarcated in accordance with drawings IBI-XX-ZZ-PL-A-221-0099 (Rev.3) and IBI-XX-ZZ-PL-A-100-0103 (Rev.3) or such other drawing approved in writing by the planning authority. Parking areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval. Parking spaces shall be communal and unallocated to any particular flat within the development.

Reason – to ensure public safety and the free flow of traffic.

(8) CAR CLUB PARKING SPACES

No part of the building shall be brought into use unless (i) the car club only parking spaces have been constructed and/or marked out and are available for use and any associated signs or road markings have been implemented, and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to car club vehicles only.

Reason – To encourage modal shift away from the private car.

(9) PROVISION OF PUBLIC AREAS AND WALKWAY

No development shall take place unless a scheme for the phased provision of the publicly accessible external parts of the development (including the quarry edge walkway and area noted as ‘aspirational paving outside ownership boundary line’ on the pavement adjacent to the site) has been submitted to and approved in writing by the planning authority. Thereafter each section of such areas shall be made available to the public on completion of the corresponding part of the building. Such areas will thereafter remain in use as publicly accessible space for the life of the development.

Reason – to ensure the delivery of elements of the development proposed to enhance the accessibility of the quarry open space.

(10) PROVISION OF FOOD & DRINK USE AND GYM

No development shall take place unless a scheme for the provision of the (i) food and drink unit; and (ii) gym parts of the development has been submitted to and approved in writing by the planning authority. Thereafter each element shall be provided in accordance with the approved scheme.

Reason – to ensure the delivery of the amenities proposed for the development.

(11) EXTERNAL FINISHING MATERIALS

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

No development shall take place unless a scheme detailing all external finishing materials of the proposed building has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to confirm the specific materials proposed and ensure a high-quality finish to the building.

(12) EXTERNAL LIGHTING

No development shall take place unless a scheme of the external lighting for the building and its external areas has been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason – to ensure public safety.

(13) TREE PROTECTION SCHEME

No development shall take place unless a scheme for the protection of all trees to be retained on and outwith the site (including those trees within the route of the pedestrian path to Queen's Road) during construction works has been submitted to and approved in writing by the planning authority. The tree protection scheme shall thereafter be implemented for the duration of the construction of the development unless otherwise agreed in writing with the planning authority.

Reason – to ensure adequate protection for the trees on site during the construction of the development.

(14) BADGER PROTECTION PLAN

No development shall take place unless the species protection measures contained within the Environmental Survey (RQA-1803-EIS (rev.1) – 10 January 2018) have been fully implemented.

Reason – to ensure that badgers are protected from development.

(15) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall take place unless a site-specific construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA.

The CEMP must include construction-phase and final SuDS supported by drawing(s) showing the location of the construction phase SuDS features; storage locations; pollution prevention and mitigation measures in place during construction e.g. spillage / chemical management and monitoring; emergency contacts to SEPA for pollution incidents and Invasive non-native species (INNS) management. The construction phase SUDS should be in compliance with the requirements of SEPA General Binding Rules 10 and 11 for the management of water run-off from a construction site to the water environment. Thereafter development shall be undertaken in accordance with the approved CEMP.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

Reason – to minimise the impacts of necessary demolition / construction works on the environment.

(16) WASTE STORAGE

No development shall take place unless a scheme for the phased provision of the waste storage areas has been submitted to and approved in writing by the planning authority. Thereafter no unit within the building shall be occupied unless the waste storage area associated with that unit and identified as such in the phasing scheme has been constructed and is available for use in accordance with IBI-XX-ZZ-PL-A-221-0099 (Rev.3) and IBI-XX-ZZ-PL-A-100-0103 (Rev.3) or such other drawing approved in writing by the planning authority. Waste storage areas shall not thereafter be used for any other purpose other than the purpose of the storing waste generated by the development.

Reason – to ensure adequate waste storage provision and for the protection of public health.

(17) LOW AND ZERO CARBON BUILDINGS

The building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

Reason – to ensure the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(18) WATER EFFICIENCY MEASURES

No flat or commercial element of the building shall be occupied unless the water efficiency measures identified in section 4.0 of the Sustainability Statement (Issue 03) produced by KJ Tait Engineers have been installed and are available for use.

Reason – to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

(19) BUS STOP UPGRADE

No residential flat or the food and drink use shall be occupied unless the bus stop located on the south side of Queen's Road (approximately 40m east of Angusfield Avenue) has been upgraded in accordance with a scheme submitted to and approved in writing by the planning authority.

Reason – to encourage the use of public transport and reduce dependency on the private car for travel.

(20) RESIDENTIAL TRAVEL PLAN

No flat shall be occupied unless a residential travel pack has been submitted to and approved in writing by the planning authority. The residential travel pack shall identify details of different

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2020

travel options available in the area to discourage the use of the private car. The approved travel pack shall be supplied to each household on occupation of a flat.

Reason – to reduce dependency on the private car for travel.

(21) COOKING ODOUR CONTROL

The food and drink use shall not become operational unless a scheme of Local Extract Ventilation (LEV) for that use has been submitted to and approved in writing by the planning authority. The scheme must fully demonstrate the extent of the necessary ventilation equipment and the effectiveness of the associated cooking odour and fume control measures.

Reason – to ensure that residential properties are not adversely affected by cooking odours.

The Committee heard from Matthew Easton, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to refuse the application unanimously as it was felt that it did not represent sustainable development in terms of Scottish Planning Policy for the following reasons:

The proposal was considered contrary to the following Policies of the Aberdeen Local Development Plan 2017:-

- Policies D1, D3 and H1 in as far as it constitutes overdevelopment, was not designed for context and was of an incongruous design that does not have a vertical emphasis. Furthermore, it would have an adverse effect on the visual amenity by virtue of its dominant scale and overshadowing/overlooking of the area including adjoining houses and offices.
- It did not comply with Policy T2 as it fails to provide adequate parking provision and therefore was not in accordance with the adopted Supplementary Guidance on Transportation.
- It did not comply with Policy NE1 in as far as it would result in the loss of green space.
- Finally, it did not comply with Policy I1 in terms of Education provision in that it would result in unacceptable strain on the capacity of local schools.

- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
1 June 2020

	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3	02 July 2020								
4	Ferryhill Tavern	To approve or refuse the application	On agenda	Dineke Brasier	Strategic Place Planning	Place	1		
5	Greyfriars House	To approve or refuse the application	On agenda	Alex Ferguson	Strategic Place Planning	Place	1		
6	10 The Chanonry x 2	To approve or refuse the application	On agenda	Dineke Brasier	Strategic Place Planning	Place	1		
7	Affordable Housing Waiver	To review the city centre affordable housing waiver.	On agenda	David Berry	Strategic Place Planning	Place	5		
8	20 August 2020								
9	Friarsfield	To approve or refuse the application.		Gavin Clark	Strategic Place Planning	Place	1		
10	Berryden Corridor	To approve or refuse the application.		Matthew Easton	Strategic Place Planning	Place	1	D	High officer caseload, other major applications which were ready for committee were prioritised.
11	19 South Avenue	To approve or refuse the application.		Dineke Brasier	Strategic Place Planning	Place	1	D	Required to renotify neighbouring properties following submission of amended drawings.
12	Tyrebagger Quarry	To approve or refuse the application.		Gavin Clark	Strategic Place Planning	Place	1	D	Delayed as waiting for the submission of further supporting information.
13	39 Bloomfield Road	To approve or refuse the application.		Dineke Brasier	Strategic Place Planning	Place	1	D	Further discussions in relation to potential amendments to drawings. Amended drawings have now been submitted, and a further renotification of neighbouring properties is
14	Committee Annual Effectiveness Report	To present the annual effectiveness report for the Committee		Fraser Bell	Governance	Governance	GD7.5	D	Due to workload challenges from COVID-19.
15	24 September 2020								
16	05 November 2020								
17	City Centre Conservation	To present the City Centre Conservation Area Appraisal		Clare McArthur	Strategic Place Planning		4		
18	10 December 2020								
19	10 December 2020								
20	10 December 2020								
21	10 December 2020								

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
22	AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT)								
23									
24									
25									

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	2 July 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Review of Two-Year Waiver on Affordable Housing in the City Centre
REPORT NUMBER	PLA/20/100
DIRECTOR	Gale Beattie
CHIEF OFFICER	Gale Beattie
REPORT AUTHOR	David Berry
TERMS OF REFERENCE	5

1. PURPOSE OF REPORT

- 1.1 This report provides an initial review of the waiver on affordable housing requirements for developments within the city centre, which has been in place since September 2018, and seeks to extend the affordable housing waiver for a period of eighteen months.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Approves an eighteen-month extension to the waiver on affordable housing requirements relating to planning applications for new build housing developments and changes of use to residential use within the city centre¹, such that the waiver will continue to apply for applications determined until 30th June 2022 subject to a direction applied to the grant of planning permission time limiting the duration of the relevant consent to 12 months.

3. BACKGROUND

Background to the Affordable Housing Waiver

¹ As defined on the map attached at Appendix A

- 3.1 At its meeting on 20th September 2018, the Planning Development Management Committee approved the introduction of a two-year waiver on affordable housing requirements for developments within the city centre until 31st December 2020 (RES/18/178). This decision was informed by a City Centre Living Study, which was commissioned by the Council to review the potential for city centre living in Aberdeen and to provide an assessment of the scale, scope, programme and actions required to achieve this. The study recommended introducing a two-year moratorium on developer obligations and affordable housing requirements for residential developments.
- 3.2 In making its decision to approve the two-year waiver, the Committee noted that affordable housing contributions would not be sought for applications under Section 32 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) for housing approved starting from the date of the Committee decision for a period up to 31st December 2020. It noted that approval in this context would mean the validation and approval of the application by the Planning Authority, any Section 75 legal agreement and the issuing of a decision notice by the Planning Authority. In order to mitigate the risk of the waiver leading to an increase in planning approvals but not housing delivery, the Committee also noted that such development would be required to commence within 12 months of the decision notice, which would be secured via a direction applied to the grant of planning permission time limiting the relevant consent. It was agreed that a report would be brought to the Committee towards the end of the two-year waiver period detailing the outcomes.
- 3.3 The planning service has previously advised that eligible applications should be submitted by 30th June 2020 in order to allow sufficient time for processing and determination before the 31st December deadline. In light of this advice and the Committee instruction, and to provide prospective applicants with clarity on the position beyond 31st December, it is considered appropriate to undertake a review of the affordable housing waiver at this stage.

Initial Review Findings

- 3.4 An initial review has been undertaken of the number of planning applications submitted and approved within the city centre since the introduction of the affordable housing waiver. The review has been based on information extracted from the Council’s electronic planning system. Owing to technical limitations within the system, the initial review data may not capture every relevant application within the city centre zone. Nevertheless, it provides a useful indication of the extent to which the waiver has helped to incentivise residential development within the city centre.
- 3.5 In summary, the initial review has shown that 12 eligible applications have been submitted for residential development within the city centre since the introduction of the waiver. These applications include proposals for just over 600 housing units in total. Planning permission has been granted for 8 sites which benefit from the affordable housing waiver. These permissions enable the development of just over 450 housing units in total within the city centre. Development is noted to have commenced on 3 sites, although no housing units have been completed to date.

- 3.6 For comparison, an analysis was undertaken of the number of applications submitted for housing development within the city centre prior to the introduction of the affordable housing waiver. This has shown that only 1 application (37 units total) was submitted between January-September 2018, 2 applications (18 units total) were submitted during 2017, and 1 application (42 units total) was submitted during 2016. Based on this comparative data, it seems clear that the affordable housing waiver has led to a significant increase in the number of applications for residential development in the city centre.

Impact of Covid-19

- 3.7 The lockdown period imposed as a consequence of the Covid-19 pandemic has clearly had a significant impact on the development industry. Insofar as this report is concerned, the lockdown and associated suspension of development activity is likely to have suppressed both the delivery of housing units on sites that obtained planning permission during the early part of the waiver period and the number of applications that might otherwise have been submitted for new housing development over the last few months. These factors are likely to have significantly altered the results that would otherwise have occurred and therefore make it difficult to draw firm conclusions about the outcomes of the affordable housing waiver at this stage.

Proposed Extension to Affordable Housing Waiver

- 3.8 Taking into account the comments above, and as part of the Council's efforts to assist the development industry in its recovery from the impacts of the Covid-19 pandemic, it is proposed that the city centre affordable housing waiver should be extended for a period of eighteen months. This would enable applications that might otherwise have been submitted over the last few months to continue to benefit from the affordable housing waiver, as well as providing more time to review the extent to which housing units are delivered on applications that received planning permission during the early part of the waiver period.
- 3.9 It is therefore proposed that affordable housing contributions would not be sought for applications under Section 32 of the Act for new build housing development or change of use to residential use in the city centre² approved before 30th June 2022. In line with the original terms of the affordable housing waiver, approval in this context would mean the validation and approval of the application by the Planning Authority, any Section 75 legal agreement and the issuing of a decision notice by the Planning Authority. The requirement for such development to commence within 12 months of the decision notice is also proposed to be retained, and this would continue to be secured via a direction applied to the grant of planning permission time limiting the relevant consent. It should also be advised to potential applicants that eligible applications should be submitted by 31st December 2021 in order to allow sufficient time for processing and determination before the 30th June 2022 deadline. A further

² As defined on the map attached at Appendix A

report will be brought to the Committee before the end of June 2022 to review the outcomes in more detail.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 There is a risk that the decision to extend the waiver on affordable housing contributions for developments in the city centre may be challenged by third parties; particularly from city centre peripheral and non-city centre developments who are required to make contributions towards affordable housing. However, the risk of a successful challenge is considered to be low. This is because there is evidence that the waiver is required in the City Centre, as outlined in the City Centre Living Study, and because financial viability can be a material consideration and is detailed as a consideration in terms of the Supplementary Guidance. In addition, and in line with Supplementary Guidance: Affordable Housing, the Planning Authority shall continue to negotiate with all developers and consider the impact of viability of the development and affordable housing contributions.
- 5.2 Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 requires the Planning Authority, when determining applications for planning permission, to determine in accordance with the provisions of the development plan unless material considerations indicate otherwise. The Planning Authority will continue to determine applications in line with legislation.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	The lack of future affordable housing contributions in the city centre is not considered a risk.	L	There is limited development and most will fail viability tests with affordable housing contributions.
Compliance	Legal challenge to extended waiver on developer contributions for affordable housing.	L	This has been considered and the risk of any challenge is considered low. This is because there is evidence that the waiver is required in the City Centre and because financial viability can be a material consideration and is

			detailed as a consideration in terms of the Supplementary Guidance. The Planning Authority will continue to negotiate with developers on viability as per the Supplementary Guidance on Affordable Housing.
Operational	None		
Financial	The lack of future affordable housing contributions in the city centre is not considered a risk.	L	There is limited development and most will fail viability tests with affordable housing contributions.
Reputational	None		
Environment / Climate	None		

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
<p>Aberdeen City Council Policy Statement</p> <p>Policy Statement 4 (Economy) - Increase city centre footfall through delivery of the City Centre Masterplan including the redesigned Union Terrace Gardens.</p>	<p>The proposals in this report will help to deliver CCMP objectives:</p> <ul style="list-style-type: none"> • Changing perceptions - Promoting the view of Aberdeen city centre as an energetic, inclusive and fascinating place where people will want to live, work and visit. • Made in Aberdeen - Building on local distinctiveness and maximising local business opportunities. <p>This supports inclusive economic growth.</p>
Aberdeen City Local Outcome Improvement Plan	
<p>Prosperous Economy Stretch Outcomes</p>	<p>The proposals in this report will help to deliver CCMP objectives:</p> <ul style="list-style-type: none"> • Changing perceptions - Promoting the view of Aberdeen city centre as an energetic, inclusive and fascinating place where people will want to live, work and visit. • Made in Aberdeen - Building on local distinctiveness and maximising local business opportunities. <p>This supports inclusive economic growth.</p>

Prosperous People Stretch Outcomes	The promotion of city centre living will provide more housing choice in Aberdeen that will help people to be supported to live as independently as possible.
Prosperous Place Stretch Outcomes	The proposals in this report will help to deliver CCMP objectives: <ul style="list-style-type: none"> • Changing perceptions - Promoting the view of Aberdeen city centre as an energetic, inclusive and fascinating place where people will want to live, work and visit. This supports stretch outcomes 14 and 15, with respect to addressing climate change and reducing the need to travel.
Regional and City Strategies City Centre Masterplan	The proposals in this report will help to deliver CCMP objectives: <ul style="list-style-type: none"> • Changing perceptions - Promoting the view of Aberdeen city centre as an energetic, inclusive and fascinating place where people will want to live, work and visit. • Made in Aberdeen - Building on local distinctiveness and maximising local business opportunities.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Equality & Human Rights Impact Assessment not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

None

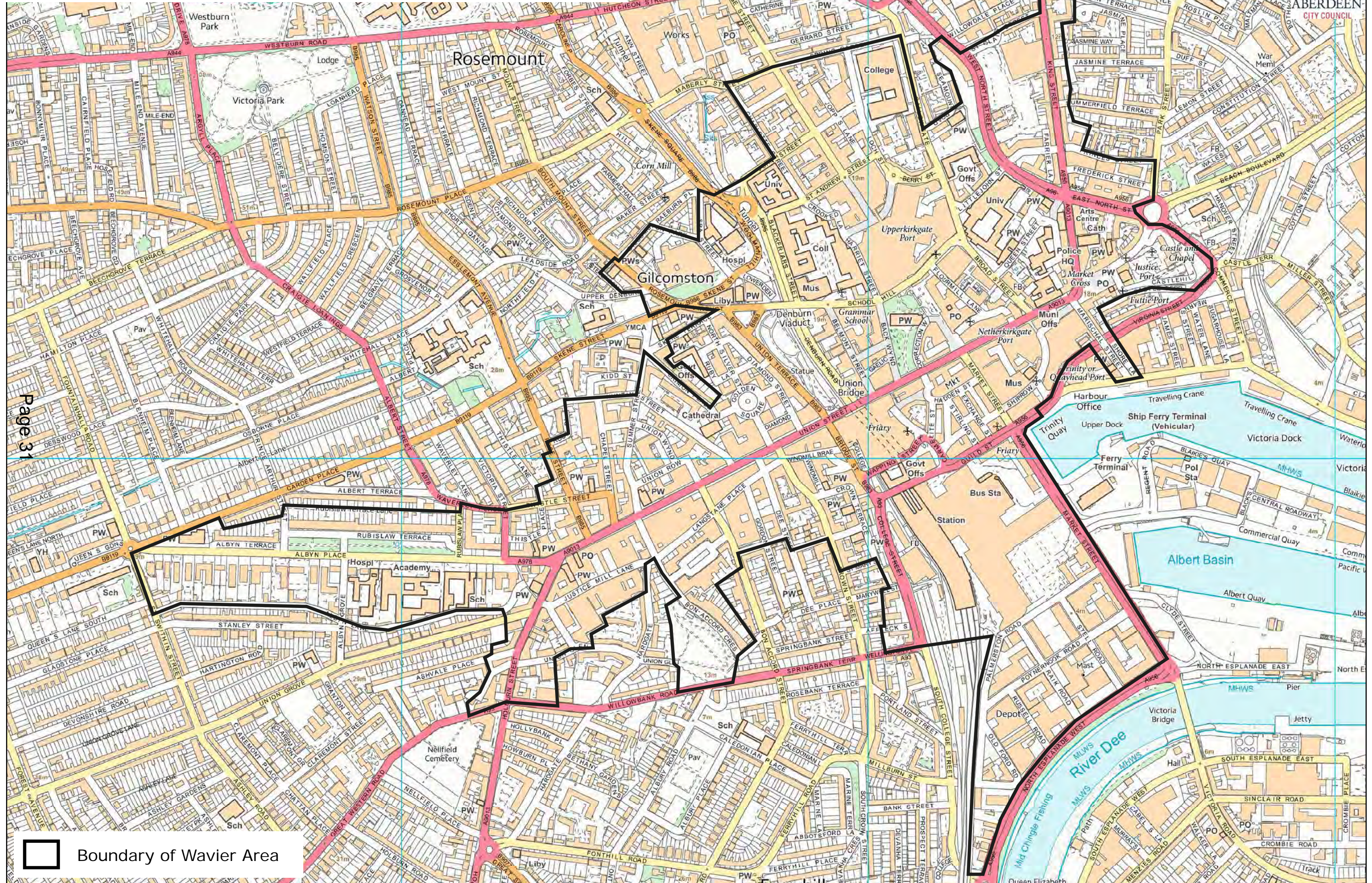
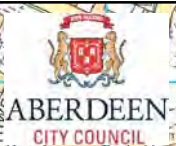
10. APPENDICES

Appendix A – Map of City Centre Boundary


11. REPORT AUTHOR CONTACT DETAILS

Name	David Berry
Title	Developer Obligations Team Leader
Email Address	dberry@aberdeencity.gov.uk
Tel	07966 715236

City Centre Affordable Housing Wavier



Page 31

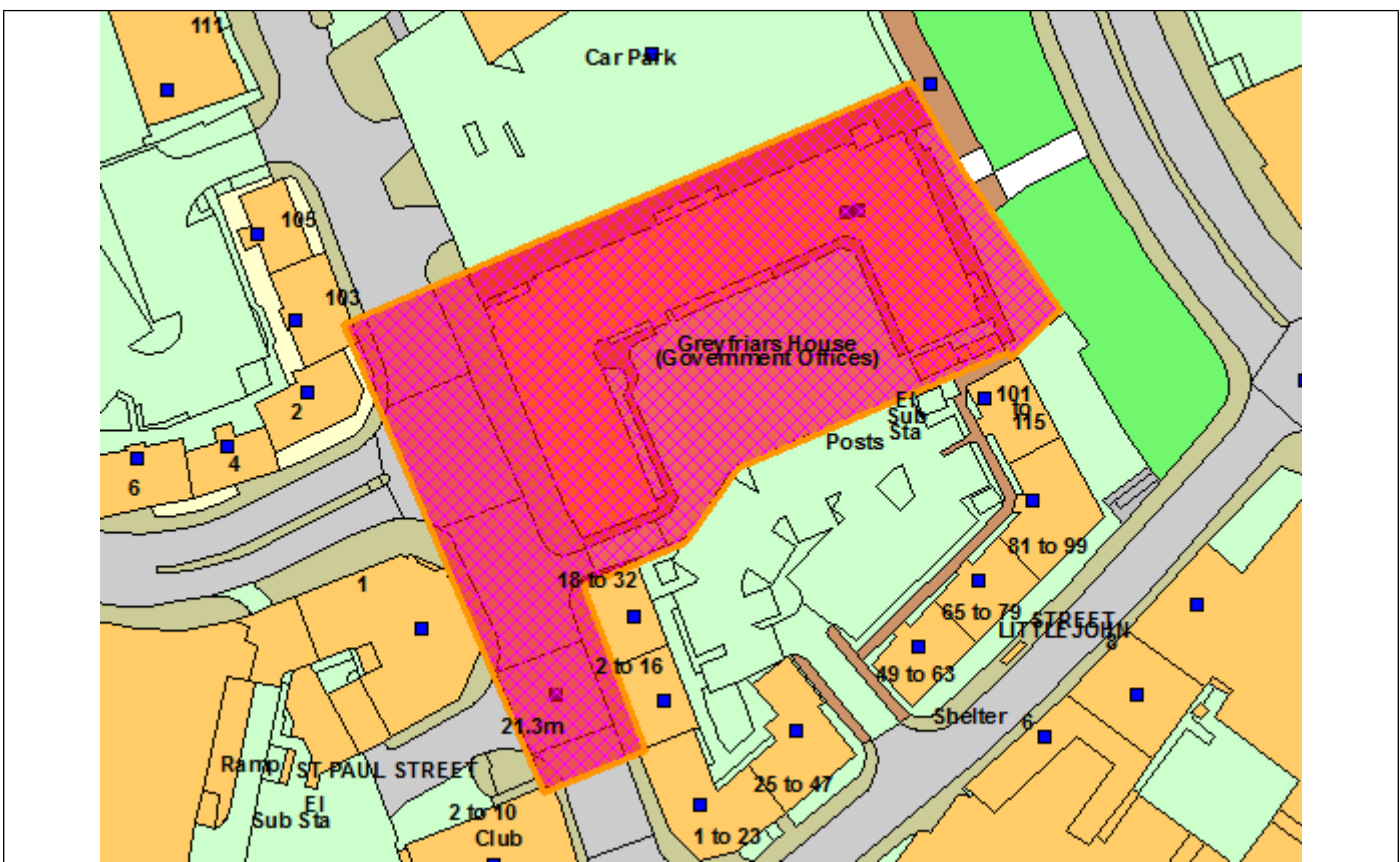
 Boundary of Wavier Area



This page is intentionally left blank

 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 1 June 2020

Site Address:	54 Gallowgate, Greyfriars House, Gallowgate, Aberdeen AB10 1LU
Application Description:	Residential Development (circa 140 units) including demolition of existing building and associated access, parking, landscaping and infrastructure works
Application Ref:	200246/PPP
Application Type	Planning Permission in Principle
Application Date:	21 February 2020
Applicant:	Telereal Trillium
Ward:	George Street/Harbour
Community Council:	City Centre
Case Officer:	Alex Ferguson



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Willingness to approve subject to conditions and a legal agreement to secure developer obligations towards education, healthcare, Car Club and bus stop upgrades.

APPLICATION BACKGROUND

Site Description

The application site comprises the curtilage of Greyfriars House, a mid-to-late 20th Century office building situated on the eastern side of Gallowgate, opposite its junction with Berry Street, and a c. 85m long section of the Gallowgate road carriageway and pavements adjacent to the building, extending to the south, toward Littlejohn Street.

The existing 3-storey, 'C'-shaped office building occupies the northern half of the building's curtilage, enclosing a surface car parking area to the rear (south). The Gallowgate public surface car park lies immediately to the north of the site, with a flatted development on Littlejohn Street adjoining to the south. The West North Street dual carriageway lies to the east of the site, on lower ground, with a significant change in levels and a tree belt on the intervening embankment. A late 20th Century flatted development and office buildings lie to the west, on the opposite side of Gallowgate. It is understood that the adopted public road and pavements have been included within the application red line boundary in order to provide flexibility in terms of possible access upgrades but are not within the applicant's control.

The site does not lie within the Union Street Conservation Area that extends to Upperkirkgate and the eastern side of Littlejohn Street but is in close proximity to it, with a number of listed buildings nearby, notably the Category 'A' listed Marischal College 65m to the south and the 'B' listed St Margaret's Episcopal Church 60m to the north. The site occupies an elevated position when viewed from some vantage points, particularly from West North Street to the east.

Relevant Planning History

Application Number	Proposal	Decision Date
191321/PAN	Major redevelopment to form primarily residential units (maximum approx. 140) including demolition and other ancillary development with car parking, access, landscaping and infrastructure	18.09.2019 Status: Further consultation required.
191700/ESC	Major redevelopment to form primarily residential units (maximum approx. 140) including demolition and other ancillary development with car parking, access, landscaping and infrastructure	28.11.2019 Status: EIA not required

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought for the demolition and redevelopment of the Greyfriars House site for residential use, comprising a maximum of approximately 140 units, associated access, parking, landscaping and infrastructure works.

Although an application for planning permission in principle, indicative details have been submitted to demonstrate how the level of development proposed could be accommodated on the site. The indicative plans show the following:

- Demolition of the existing building;
- Three rectangular blocks on an approximately north-south axis, evenly spread across the site, with communal external amenity space, access footpaths and car parking between the buildings and a linear public footpath and park area to the north;
- The blocks would be between five and seven storeys tall, stepping up from 5 storeys in height at the western block facing onto Gallowgate (16m), to 7 storeys at the northern end of the eastern block overlooking West North Street (22m).
- The southern sections of the central and eastern blocks would be stepped in height, to incorporate roof terraces and reduce the building's visual massing;
- The creation of a new vehicular access into the site from Gallowgate in the approximate position of the existing access, between the existing building and the neighbouring flatted development to the south. The new access would be wider, in order to accommodate two-way vehicle movements;
- Alterations to the existing road junction and Gallowgate carriageway, in order to facilitate a left-in, left-out operation for vehicles entering and exiting the site.
- The car park would comprise provision for 33 cars, including four accessible spaces, six spaces with future provision for Electric Vehicle (EV) charge points. Three motorcycle parking spaces would also be provided.
- Communal bin and cycle stores are indicatively shown at ground floor level of each of the three buildings.

Indicative Floor Plans

The applicant has submitted two indicative 'illustrative schemes' in order to demonstrate how the proposed buildings and site layout could be developed and how a variety of residential unit numbers and sizes could be accommodated within the aforementioned building envelopes. The two indicative schemes are titled 'Optimised Illustrative Scheme' and 'Maximised Illustrative Scheme' respectively and the unit types can be broken down as follows:

- Optimised Illustrative Scheme (115 units)
26no studios, 52no 1-beds, 29no 2-beds and 8no 3-beds.
- Maximised Illustrative Scheme (140 units)
88no studios, 48no 1-beds and 4no 2-beds.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q6204SBZFYT00>

- Pre-Application Consultation (PAC) Report
- Viability Assessment – Stages 1 & 2
- Environmental Report, incorporating:
 - Tree Survey

- Bat Survey
- Archaeological Assessment
- Setting Assessment
- Drainage Impact Assessment
- Daylight Assessment
- Outline Construction Environment Management Plan
- Design & Access Statement
- Transport Statement
- Planning Synopsis
- Optimised Illustrative Scheme (115 units)
- Maximised Illustrative Scheme (140 units)
- Optimised Illustrative Design Principles

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application constitutes a Major Development.

Pre-Application Consultation

The applicant undertook statutory pre-application consultation which included a public exhibition in Greyfriars House on 10 October 2019. It was attended by approximately 12 visitors, including nearby residents, members of the local church, an elected member of the Council, local press and Invest Aberdeen.

The applicant reports that positive and neutral feedback was received, as well as some questions for clarification. The key points, as highlighted by the applicant, were that the format of the public exhibition was welcomed, as was the general principle of the redevelopment of the site for residential use, subject to further detail of the finalised design, layout and other matters. Further clarity was requested in relation to the impact of the new development on existing residential amenity (daylight receipt, overshadowing and privacy).

Further correspondence was undertaken with 3 community councils whose boundaries converge on the application site (City Centre, George Street & Castle Hill and Pittodrie). They had not been able to attend the public exhibition so a joint meeting of the respective chairs of those Community Councils was held on 13 January 2020. Meetings were also held with Aberdeen Inspired and the operators of the Bon Accord Centre.

The Community Councils welcomed the opportunity to engage in the pre-application process and were generally supportive of the scheme, although they did query various aspects, predominantly relating to the type of detail that would be submitted and assessed as part of any subsequent detailed Matters Specified in Conditions (MSC) applications. Such matters included concerns regarding appropriately siting front entrances, ensuring appropriate daylight and sunlight receipt, night-time lighting and the quality of exterior design and materials.

The applicant presented to the Pre-Application Forum on 31 October 2019. Members of the forum heard from the applicant, their agent and architect and asked a number of questions, with the following information being noted –

- Planning conditions on any grant of Planning Permission in Principle would allow for archaeological exploratory works to take place;
- It is appreciated that a certain level of car parking would be desirable for the occupants of the flats, despite the highly accessible city centre location;

- Electric Vehicle charge points would be welcome;
- More clarity on the indicative mix of unit types and sizes would be welcome. Who does the applicant envisage living in the proposed development?
- Details of how the site would be accessed are required in order to avoid conflict between cars and pedestrians;
- The Seamount Place steps to the east is a core path and should be upgraded by the applicant if possible;
- More detail on site security, barriers, boundary treatments, cycle access and amenity areas etc would be welcome;
- Is there any opportunity to connect the development into the city centre combined heat and power network?
- Subject to discussions with Planning officers, the potential to increase the height of one or more of the buildings could be explored;
- Could there be some communal ancillary facilities within the development?

CONSULTATIONS

Historic Environment Scotland (HES) – No objection. Following the submission of additional visualisations from different key viewpoints, HES are satisfied that, subject to further detail of the precise design and appearance of the new buildings to be considered through subsequent Matters Specified in Conditions (MSC) applications, the proposed development would not harm the setting of the nearby Category ‘A’ listed Marischal College and in particular its prominent Mitchell Hall tower.

Archaeology Service (Aberdeenshire Council) – No objection. Noted that the site has some archaeological potential and therefore requested that two conditions be attached to any approval in respect of a programme of archaeological works and a photographic survey of the existing building.

ACC - Contaminated Land Team – No objection. Do not consider that there is sufficient risk of land contamination to justify the attachment of conditions, but request that the applicant is advised that should any contamination be discovered, the Planning Authority are notified and a suitable mitigation scheme agreed and implemented. Also recommend that a building asbestos survey is undertaken prior to demolition. Those requests can be added as Advisory Notes for the applicant to be aware of.

ACC - Developer Obligations – Following consultation with stakeholders and assessment of the proposals against the Council’s Planning Obligations supplementary guidance, a package of developer contributions was formulated for both indicative schemes, noting that the following sums would be required to mitigate the impacts of the development:

Optimised Illustrative Scheme (115 units)

- Primary Education (Gilcomstoun Primary): £13,175
- Secondary Education (Aberdeen Grammar): £5,270
- Healthcare Facilities: £45,006
- Open Space: £14,274
- Community Facilities: £142,623
- Sports & Recreation: £19,500
- Transportation (Car Club and Bus Stop Upgrades): £46,177

Maximised Illustrative Scheme (140 units)

- Primary Education (Gilcomstoun Primary): £2,635
- Healthcare Facilities: £48,930
- Open Space: £15,518

- Community Facilities: £155,057
- Sports & Recreation: £21,200
- Transportation (Car Club and Bus Stop Upgrades): £46,177

Following detailed discussions with the applicants and their advisors on how the proposal might ultimately be delivered by a developer, the Planning Service has accepted an indicative scheme of localised public realm improvements within and adjacent to the site in lieu of the originally requested obligations towards Open Space, Sports & Recreation and Community Facilities. The applicant has agreed to pay the education, healthcare and transportation obligations in full.

ACC - Environmental Health – No objection. Made comments in respect of various aspects of the proposals as follows:

Noise Impact Assessment

The application site lies in close proximity to Gallowgate and West North Street and residents of the proposed development could be affected by noise emissions from road traffic and surrounding commercial uses. However, it is likely that suitable mitigation measures could be incorporated at MSC stage in order to allow a satisfactory residential environment to be created. A condition is requested, requiring the submission of a Noise Impact Assessment in this regard. This is acceptable.

Dust Management during site / ground preparation works

The site lies adjacent to multiple existing residential properties which could be exposed to dust impacting on amenity during each phase of the works. The risk of dust pollution could be adequately mitigated however via the submission and implementation of an Air Quality (Dust) Risk Assessment and a Dust Management Plan through a suspensive planning condition.

Air Quality

An assessment of the likely impact of the development on air quality and vehicle pollutants has been carried out and Environmental Health consider that the development would be unlikely to cause an increase in vehicle usage or traffic volumes that would have any substantial impact on the Air Quality Management Area or the wider network.

Noise from Construction Works

Environmental Health have requested that noisy construction works (noise audible at the site boundary) should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays. This has been added as an Advisory Note for the applicant to be aware of.

ACC - Roads Development Management Team – No objection, subject to the resolution of various matters in more detail at MSC application stage and the payment of financial contributions toward bus stop upgrades and the Car Club. RDM have made comments in respect of various aspects of the proposals as follows:

Walking, Cycling and Public Transport

The site lies in a highly accessible city centre location, in close proximity to city centre amenities, walking and cycle routes and multiple public transport links (bus and rail). The site is therefore well connected for sustainable and active travel both locally and further afield. A financial contribution is required toward the upgrade of an existing bus stop adjacent to the site on Gallowgate.

Parking

As per the Council's Transport and Accessibility supplementary guidance (SG), city centre residential developments require one car parking space per unit. However, the SG and the City Centre Masterplan (although the site lies just outwith the CCMP boundary) both encourage low or no-car developments in accessible locations where a deficit of car parking can be adequately

justified and mitigated. Such mitigation can take the form of: maximum cycle parking provision (1 space per unit), Car Club contributions and car park management (controlling who has access to the spaces available). The provision of two Car Club cars in the adjacent Gallowgate public car park is identified as being required in order to address the shortfall of on-site car parking associated to the development. A total of £40,177 is required in order to facilitate the purchase of those two cars, which would also be available for use by the wider public. Details of cycle parking and EV charge point provision requires to be secured via a further, MSC application.

Bus Stop Upgrades

The existing bus stop closest to the site on Gallowgate is currently sub-standard and could be improved. A financial contribution of £6,000 is sought in order to provide a bus shelter and kassel kerbs to improve the bus stop and mitigate against the impacts of the development.

Development Access

The existing vehicular access to the site is not wide enough to meet current standards and requires to be upgraded. The applicant's proposals for the widening of the access, incorporating alterations to convert the access into a left-in / left-out arrangement, are acceptable and would ensure no issues in respect of road / pedestrian safety.

Refuse Servicing

Bin store collection points require to be located within 10m of the Gallowgate kerbside, to allow for bins to be collected from the street without refuse vehicles entering the site. As bin stores are proposed across the site, an internal management / factoring arrangement is required in order to allow all bins to be taken to the Gallowgate bin store for collection. This requires to be conditioned.

Local Network Impact

The number of vehicular trips would be relatively small and, due to the lower number of car parking spaces than the car parking provision for the existing office building, would represent a reduction in trip generation, without detriment to the local road network.

Residential Travel Pack / Safe Routes to Schools

A finalised Residential Travel Pack requires to be conditioned in order to encourage residents to utilise sustainable and active modes of travel. A Safe Routes to School assessment is also required, in order to identify the most direct routes to local schools and any upgrades required. These matters can be the subject of suspensive conditions.

Drainage Impact Assessment

The applicant's Drainage Impact Assessment is acceptable and the site is capable of being adequately drained.

Scottish Environment Protection Agency (SEPA) – No objection. Recommend that conditions are attached requiring:

- The submission of a site waste management plan; and
- The submission of a detailed Construction Environment Management Plan.

SEPA also note further comments and advice for the applicant, which are added as Advisory Notes.

Scottish Water – No objection. There is currently sufficient capacity in the water and foul water treatments works to accommodate the proposed development.

ACC - Waste Strategy Team – No objection. Note a number of considerations for the applicant to be aware of in relation to bin store locations, number of bins required and the cost per bin, to be

provided by the Council. These are added as an Advisory Note.

City Centre Community Council – No response.

REPRESENTATIONS

Two representations have been received: one objecting to the application and one neutral. The matters raised can be summarised as follows:

- The need/demand for housing of the proposed type and mix is queried, with many flats for sale and rent in the city;
- Some of the flats would have roof terraces which would directly overlook existing flats on Littlejohn Street, to the detriment of privacy;
- Statements made within the applicant's Travel Plan and Impact Assessment are not reflective of the real situation, with bus journeys to locations and time frames stated being idealistic and cycle infrastructure in the city being inadequate. Thus the statement that there will be little to no risk of overspill parking as a result of the development is questionable and understated;
- There is already congestion (backed up traffic) at times on Littlejohn Street, which would be exacerbated by the proposed development;
- Reference is made in the plans to the demolition and reinstatement of the existing retaining boundary wall between the proposed development and the existing development on Littlejohn Street. Details of those works are minimal and disruption to the existing properties during construction works and the potential for damage to property, car parking spaces, trees and drainage have not been addressed;
- Significant fly-tipping already occurs within the Littlejohn Street development and could be exacerbated by the development.
- It is queried as to what will happen to the two Nuart murals on the western gable wall of the existing building proposed for demolition.

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 (SPP)
- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Setting

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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan 2017 (ALDP)

- C11: Digital Infrastructure
- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- D4: Historic Environment
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- I1: Infrastructure Delivery & Planning Obligations
- NC1: City Centre Development - Regional Centre
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (PALDP) was approved at the Council meeting of 2 March 2020. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies of the PALDP are relevant to the assessment of this application:

- C11 (Digital Infrastructure)
- D1 (Quality Placemaking)
- D2 (Amenity)
- D3 (Big Buildings)
- D4 (Landscape)
- D5 (Landscape Design)
- D6 (Historic Environment)
- H2 (Mixed Use Areas)
- H3 (Density)
- H4 (Housing Mix and Need)
- H5 (Affordable Housing)
- I1 (Infrastructure Delivery & Planning Obligations)
- NE2 (Green and Blue Infrastructure)
- NE3 (Natural Heritage)
- NE4 (Water Infrastructure)
- NE5 (Trees and Woodland)
- R2 (Degraded and Contaminated Land)
- R5 (Waste Management Requirements in New Development)
- R6 (Low & Zero Carbon & Water Efficiency)
- R8 (Heat Networks)
- T2 (Sustainable Transport)
- T3 (Parking)
- VC1 (Vibrant City)
- VC5 (City Centre Living)
- WB2 (Air Quality)
- WB3 (Noise)

Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Big Buildings
- Green Space Network and Open Space
- Landscape
- Noise
- Planning Obligations

- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

Other Material Considerations

- City Centre Masterplan (CCMP)
- City Centre Affordable Housing Waiver

EVALUATION

Development Plan

The application requires to be determined in accordance with the Development Plan, so far as material to the application unless material considerations indicate otherwise. The relevant policies of the Aberdeen Local Development Plan (ALDP) are considered below.

Strategic Development Plan

In terms of assessment against the Strategic Development Plan, the proposal is not considered to be regionally significant or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Principle of Development

City Centre Development and the City Centre Masterplan

The site lies within the city centre, as defined in the ALDP Proposals Map and Policy NC1 (City Centre Development – Regional Centre) is therefore relevant. Policy NC1 states that development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre, as expressed in the City Centre Masterplan CCMP). Although the site lies just outwith (and immediately adjoining) the boundary of the CCMP area, the CCMP is therefore also relevant due to its reference in Policy NC1.

Creating a ‘living city for everyone’ by increasing the amount, quality and type of housing within the city centre is one of the key aims of the CCMP in order to address demand for housing and to increase the vibrancy that a resident population can bring to the city centre. The proposed redevelopment of the site for residential use is therefore acceptable in principle, in accordance with the aims of the CCMP and therefore also with Policy NC1 of the ALDP.

Mixed Use Areas and Amenity

The site also lies within a mixed-use area (Policy H2), as zoned in the ALDP. Residential use is acceptable within such areas providing that any residential development takes into account the existing uses and character of the surrounding area and avoids undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

In terms of existing uses and character the surrounding area is mixed, with residential flats immediately to the south and a public surface car park and a church to the north with further flats and housing beyond to the north and on the opposite side of Gallowgate to the west. Marischal College (office) lies to the south beyond the neighbouring flats on Littlejohn Street, with large retail premises also nearby at the Bon-Accord Centre to the west and Morrisons supermarket to the east, beyond West North Street.

The redevelopment of the site would see the existing vacant office building demolished; eliminating the existing commercial use of the site and thereby partly changing the character of the section of the street to a more residential environment, albeit the adjacent public car park would remain. In principle, the new residential use of the site would not cause any harm to the amenity of any neighbouring land uses. However, it is acknowledged that with multiple flats immediately neighbouring the site to the south, careful consideration is required to ensure that the detailed elements of any proposed design would ensure that the amenity of those properties would not be unduly affected.

Whilst this application seeks Planning Permission in Principle, indicative site layout plans, building footprints and heights have been submitted to set out the context for the redevelopment of the site. The plans show three buildings spread evenly across the site, all on a north-south axis, with only their southern gable ends fronting toward the neighbouring development. The 'c' shaped nature of the Littlejohn Street flatted development to the south also maximises the distance and minimises interaction with the application site, with the flats lining the southern, eastern and western edges of the site, with a communal surface car park to the rear (north) adjoining the application site boundary. It is thus considered that the indicative approach of three linear buildings on a north-south axis as proposed would adequately minimise the impact of the development on the neighbouring flats to the south, particularly in terms of overshadowing, daylight receipt and privacy, such that their amenity would not be unduly affected.

To the west of the building, a flatted development lies on the opposite side of Gallowgate but the majority of any overshadowing cast would be limited to the morning and would predominantly fall onto the Gallowgate road carriageway and that of Berry Street beyond. The existing window-to-window distances of approximately 23m would be maintained and there would be no overlooking issues to the west. Thus, it is considered that the proposed development, in principle, would not adversely affect the amenity of any neighbouring uses to any significant degree, although a full assessment would take place upon the submission of more detail as part of a Matters Specified in Conditions (MSC) application.

With no immediately neighbouring commercial uses, other than the public car park to the north, it is considered that the amenity of the occupants of the new flats would not be unduly compromised by any neighbouring uses. However, the public nature of the immediately adjacent car park to the north and the proximity of the site to Gallowgate and the heavily trafficked West North Street to the east, do raise concerns particularly in relation to noise emissions from road traffic, as well as the general use and activity of the Gallowgate car park.

Policy T5 (Noise) states that housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise. The Council's Environmental Health Service acknowledge that residents of the proposed development could be affected by noise emissions but consider it is likely that suitable mitigation measures could be incorporated into the development to allow a satisfactory residential environment to be created. A condition is therefore applied, requiring the submission of a Noise Impact Assessment once further detailed designs are known, which will allow any such mitigation measures to be incorporated at MSC stage.

The indicatively proposed site layout incorporates window-to-window distances of approximately 17m between the three blocks, which is generous for a high-density city centre context (the Council's guidelines for minimum window-to-window distances on new, suburban housing sites is 18m). The footprints and orientation of the three blocks on an approximately north-south axis, with the central block slightly recessed from the southern boundary, would ensure a reasonable amount of direct sunlight and daylight would reach most elevations of all three blocks and the communal external amenity spaces between them, at various points throughout the day – as evidenced in the

applicant's Daylight/Sunlight Study. Efforts have been made in the indicative floor layouts to maximise the number of dual-aspect units (64 out of 140 in the Maximised Scheme and 65 out of 115 in the Optimised Scheme) which would improve the outlook for many of the units, whilst all flats at ground floor level would have access to private external amenity areas and several upper floor flats within the two eastern blocks having access to roof terraces. The amount of on-site communal external amenity space (c. 600sqm) would be low, however. Although this is to be expected for a high-density city centre site, in order to mitigate for the requirements of ALDP Policy NE4 (Open Space Provision in New Development), which seeks 2.8Ha of open space per 1000 residents in new developments (equating to approximately 5,000sqm of open space for the estimated 177 residents anticipated for the Optimised Scheme), there is an expectation that balconies would be incorporated into the finalised design at MSC stage. It is also indicatively proposed to form a linear public park / walkway along the northern edge of the site which would provide some additional outdoor amenity space for use by both occupants of the development and the wider public, which further helps to mitigate the on-site open space deficit.

The applicant has submitted two indicative schedules for the potential development of the site; an 'Optimised Illustrative Scheme' for 115 units; and a 'Maximised Illustrative Scheme' for 140 units. Both schemes retain the same site layout and building footprints but change the internal floor plans. The applicant is the site owner and a developer has not yet been confirmed. To ensure flexibility and marketability for the site, the two indicative schemes reflect two possible ways in which the same buildings could be developed for different end-users, with the Optimised scheme for 115 units containing a broader mix of unit sizes, including 2 and 3-bed units (most likely for open market sale), whereas the 140-unit Maximised scheme would predominantly comprise studio and 1-bed flats, which would more likely suit the Built To Rent (BTR) model. It is considered that either of the two schemes would likely be acceptable in terms of the quality of amenity on offer, subject to the submission of further details at MSC stage.

To summarise, whilst further details of the finalised proposal are required in order to carry out a full assessment, the Planning Service is satisfied at this stage that the site could be developed for the number of units and scale of development proposed, without detriment to the amenity of existing neighbouring land uses while also creating a satisfactory residential environment for the new occupants, in accordance with ALDP Policy H2 (Mixed Use Areas). The submission of further detail via MSC applications should allow compliance with Policies T5 (Noise) and NE4 (Open Space Provision in New Development).

Layout, Design and Big Buildings

This application is for planning permission in principle. At this stage, therefore, the layout remains indicative. It has been developed to provide a degree of certainty that the scale of development and number of units proposed can be accommodated within the site in a satisfactory manner. Whilst the layout may change slightly through MSC applications, when a detailed scheme is designed for a specific developer a high-quality design is expected. This would be befitting of this prominent city centre site, particularly given its elevated position from certain key viewpoints (most notably from various points along West North Street). Certain elements of the design and layout (such as window positions & sizes, building entrances and materials) will be established at MSC stage.

Generally, at this stage, the proposed site layout and form of development (building footprints and massing) is considered acceptable. The existing pattern of development on Gallowgate would be largely maintained, with the new building effectively replicating the existing building line, whilst slightly increasing the height. By utilising three linear buildings as opposed to the existing 'c' shaped building, the development would also open up new views into and through the site from the north and south and increase permeability through the site.

It is acknowledged that the new buildings would be large, particularly the eastern block which is proposed to extend up to seven storeys in height in a very prominent, elevated position overlooking West North Street. Therefore, the provisions of Policy D3 (Big Buildings) of the ALDP and the associated supplementary guidance apply. Policy D3 indicates that big buildings are most appropriately sited in the city centre and its periphery and requires big buildings to be of a high-quality design which complements or improves the existing site context. It notes that big buildings should have a slender, vertical emphasis and that big buildings that are considered to detract from their context or interfere with an established vista within the city centre will not be supported.

The building fronting onto Gallowgate would be slightly higher than the existing office building but, if detailed appropriately (most likely incorporating a recessed top storey), could sit comfortably alongside the predominantly 3½ / 4 storey context of the surrounding area of Gallowgate. The central building would step up to 6 storeys in height, incorporating a terrace, to reduce its massing when viewed from the south. Without any immediate neighbouring buildings to set a context, this is considered acceptable and the northern and southern gable ends would be the most prominently visible aspects of the building from public viewpoints, helping to maximise its verticality, as required by policy. The eastern block would step up further to 7 storeys at its northern end, again incorporating terracing which would step the building down toward its southern gable and help to address the difference in height between it and the neighbouring Littlejohn Street flats.

Although the existing building on the site is not particularly tall and the neighbouring land uses comprise a surface car park and 3 and 4 storey flats, beyond the immediately neighbouring context there is a precedent for taller buildings which punctuate the skyline, most notably Marischal College to the south and the 20th Century multi-storey tower block of Seamount Court to the north. Therefore, there is a precedent within the existing townscape for tall buildings, which can be continued providing the design and detailing is of a sufficient standard.

At 7-storeys in height the eastern block would be relatively tall although its linear, rectangular footprint would ensure that its long, eastern elevation would be its most prominently visible, from multiple viewpoints on West North Street. It should be noted that, as currently proposed, albeit without detailing, the massing of this block has an overly horizontal emphasis, which would detract from the existing context and appears contrary to the vertical, slender emphasis required by Policy D3 and at odds with the built character of the surrounding areas. Following initial concerns raised by the Planning Service in this regard, additional visualisation images were submitted by the applicant in order to provide indicative suggestions as to how the external envelope of the building could be treated in order to maximise its vertical emphasis. Whilst the visualisations do not provide the level of detail required for the Planning Service to be satisfied that the eastern block would be suitably slender at this stage, they do include some sketches (Options 1A, B & C in the applicant's Optimised Illustrative Design Principles document) which provide comfort that - through considered modelling, and improvement and refinement of the design by use of materials and recesses in the façades - a vertical emphasis could be achieved, creating a slender focal point at the northern end of the building, such that it would sit comfortably within the townscape. With the foregoing in mind, and subject to refinement of the design of the external envelopes of the buildings at MSC stage, it is considered that the buildings as indicatively proposed, could be designed to meet the requirements of Policies D1 and D3. However, significant refinement of the detailed treatment of the building and the massing of prominent elements will be required at that matters specified by condition stage. This is appropriate given that the current application is for Planning Permission in Principle.

Historic Environment

Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS) and Policy D4 (Historic Environment) of the ALDP all require developments to preserve or enhance the historic environment, principally in relation to listed buildings, conservation areas and other designated

assets. The application site does not lie within, or immediately adjacent to, a conservation area, therefore it is considered that the proposed development would not adversely affect the character or appearance of any conservation areas.

Whilst the existing building is not listed and no physical works to any listed buildings are proposed, it is acknowledged that there are several listed buildings nearby and their setting could be affected by the proposed development, particularly due to the proposed increase in height of the buildings compared to the existing situation and the impact that could have on long-distance views of those listed buildings.

The applicant has submitted multiple indicative visualisations of the proposed buildings (in block form) taken from various prominent viewpoints on Gallowgate, West North Street and King Street. The visualisations demonstrate that, although the new buildings, and the eastern building in particular, would be visible within the same vistas as the Mitchell Tower to the rear of Marischal College to the south and St Margaret's Episcopal Church to the north, they would not block any key views of those buildings to the detriment of their setting. Furthermore, the views of those listed buildings in which the development would be visible are not the principal views associated with how those buildings or features are predominantly experienced and enjoyed.

Historic Environment Scotland (HES) were consulted on the application in relation to the impact of the development on the setting of Marischal College and do not object, noting that the new development would not harm the setting of the category 'A' listed building. HES do note, however, that care needs to be taken to ensure that the finalised design of the external appearance of the buildings is satisfactory – a view that is shared by the Planning Service and can be addressed via an MSC application at a later date, as previously noted.

Policy D4 also references archaeology and in this regard, the Council's Archaeologist has confirmed that the development is acceptable in principle subject to the attachment of two conditions in respect of a scheme of archaeological works and a survey of the existing building prior to demolition.

Taking into account the foregoing, the Planning Service considers that the proposed development would not adversely affect the historic environment, subject to further detail that can be assessed at MSC stage. The proposals are therefore acceptable and in accordance with SPP, HEPS and Policy D4.

Density and Mix of Units

Policy H3 on density requires a minimum density of 30 units per hectare (net) and to consider higher densities in the city centre, around local centres and public transport nodes. The developable site area is approximately 0.4 hectares, therefore the Optimised scheme of 115 units would have a density of 287.5 units per hectare and the Maximised scheme would have a density of 350 units per hectare – both significantly in excess of the requirements of Policy H3. The high density is considered very appropriate in this location, complying with the Masterplan vision to increase the amount of housing in the city centre, in close proximity to public transport routes. As explained in the Mixed Use Areas section of the evaluation above the development is also considered to comply with the requirement of Policy H3 to ensure that an attractive residential environment is created and living conditions are safeguarded within the development.

Housing developments of more than 50 units are required by Policy H4 (Housing Mix) to achieve an appropriate mix of dwelling types and sizes. As noted above, the applicant has submitted two indicative floor plan schemes for the development to demonstrate how it could be built, based on the preferred model of any future developer that may take on the site and progress with further details through the MSC applications. The Optimised Illustrative Scheme for 115 units incorporates a greater mix of unit sizes (26no studios, 52no 1-beds, 29no 2-beds and 8no 3-beds) than the

Maximised Illustrative Scheme for 140 units (88no studios, 48no 1-beds and 4no 2-beds). The Optimised Scheme would therefore more closely align with the aims of Policy H4, but given the high-density city centre context of the site and the nature of the development, it is considered that the lesser mix proposed in the Maximised Scheme would not be contrary to Policy H4, despite the Optimised Scheme perhaps being preferable.

The finalised mix could potentially change at MSC stage as detailed designs for the buildings are developed. However a suitable mix of units would require to be secured as an essential component of the proposal through the MSC applications. The indicative mixes of unit sizes proposed through the current application for Planning Permission in Principle are considered acceptable at this stage.

Affordable Housing

Policy H5 (Affordable Housing) requires all new residential developments of 5 or more units to contribute at least 25% of the total number of units as affordable housing. However, the applicant has confirmed their intention to utilise the City Centre Affordable Housing Waiver approved by the Council in 2018. The application site lies within the waiver boundary and is eligible for the waiver, subject to planning permission being issued prior to 31st December 2020 and a start on site being made within 12 months of the grant of planning permission. This will require the necessary MSC application(s) to be submitted and determined and all suspensive conditions discharged within the same 12-month period to permit the commencement of development. As such, the application is on target to meet the required timescales, the Affordable Housing Waiver is applicable and affordable housing contribution is not required in this instance.

Planning Obligations

Where developments would place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, Policy I1 (Infrastructure Delivery & Planning Obligations) requires the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. The Council's Developer Obligations Officer consulted with various stakeholders in this regard and, based on their responses and assessment of the proposals against the criteria set out in the Council's supplementary guidance on Planning Obligations, a package of developer contributions was formulated for both indicative schemes, noting that the following sums would be required to mitigate the impacts of the development:

Optimised Illustrative Scheme (115 units)

- Primary Education: £13,175
- Secondary Education: £5,270
- Healthcare Facilities: £45,006
- Open Space: £14,274
- Community Facilities: £142,623
- Sports & Recreation: £19,500

Maximised Illustrative Scheme (140 units)

- Primary Education: £2,635
- Healthcare Facilities: £48,930
- Open Space: £15,518
- Community Facilities: £155,057
- Sports & Recreation: £21,200

In addition to the above, financial contributions are also requested from Roads Development Management to go toward the Car Club scheme and the upgrade of a nearby bus stop. These are

addressed in the following section of the evaluation on Transport and Accessibility.

The applicant has agreed to pay the education, healthcare and transportation obligations in full (based on the indicative amounts of the Optimised Scheme for 115 units). However, following detailed discussions with the applicant and their advisors, the Planning Service has accepted an indicative scheme of localised public realm improvements within and adjacent to the site in lieu of the originally requested obligations towards Open Space, Sports & Recreation and Community Facilities. The full details of the scheme of works would be submitted as part of a Matters Specified in Conditions (MSC) application but would principally include:

- Refurbishment and upgrade of the Seamount Steps to the east of the site, leading down to West North Street (to include realignment of the uneven steps, additional lighting, installation of a bike rail and the re-painting of the handrails);
- Upgrade and widening of the pedestrian footpath between the new buildings and the Gallowgate public car park to the north, including landscaping and benches to create a linear park walkway for use by the wider community;
- Upgrade of the pavement surface on the eastern side of Gallowgate, adjacent to the new western building; and
- Potential to incorporate a canvas for NuArt.

The indicative proposed package of localised public realm upgrades would enhance the existing public realm surrounding the site which is well-used by the existing wider community, particularly the Seamount Steps which lead down to West North Street providing access to the Morrison's supermarket beyond. At present the steps are in a poor state of repair, with uneven step treads, rusting handrails and inadequate lighting making them uninviting and hard to use. The potential for the development to contribute toward the upgrade of the steps was noted by members of the public in the pre-application consultation, referenced in the applicant's PAC report.

In addition to the improvement of the Seamount steps, the upgrade and widening of the pedestrian footpath to the front (north) of the new buildings would represent a significant enhancement upon the existing situation which sees a relatively narrow, featureless hard-landscaped footpath running along the edge of the public car park. The widening of that space, upgrade of the surface materials and the incorporation of landscaping and areas for seating would turn the space into an attractive linear park that could be used by the wider existing community as well as improving the pedestrian linkage between Gallowgate and the Seamount steps. Given the localised scope of the works and the immediate tangible benefits that would be delivered to the existing wider community, in accordance with the aims of the City Centre Masterplan, the proposed scheme of public realm improvements is considered to be an acceptable substitute for the aforementioned developer obligations.

As a fallback position, if all or some of the public realm improvement works were demonstrated not to be feasible at MSC stage for a valid reason, then a payment contribution of up to £85,000 would be secured as part of the Section 75 legal agreement, to be spent on localised public realm improvements, or similar local community scheme to the benefit of the wider community, that would be carried out by the Council.

Transport and accessibility

Sustainable and Active Travel & Car Parking

Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) seek to ensure that new developments '*demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel*' and that they are '*accessible by a range of transport modes, with an emphasis on active and*

sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. The policies also reference the need for proposals to comply with the Council's Transport & Accessibility SG.

The development is located within the city centre, within walking distance of the many amenities and workplaces within the centre, as well as multiple regular public transport bus routes and the city's main rail and bus stations. The site would be easily accessible by a range of different transport modes, including sustainable and active travel. Whilst the SG states a guideline off-street car parking requirement of one space per residential unit in the city centre, it also notes that 'no' and 'low' car developments in highly accessible locations can be supported where circumstances allow and if appropriate mitigation measures are incorporated. The preference for low-levels of car parking in new developments in the city centre is also stated in the CCMP.

With 33 car parking spaces proposed, the number of spaces in relation to the number of units would be low, regardless of the finalised number of units to be determined at MSC stage. This is considered to be acceptable however, given the site's aforementioned highly accessible location in the city centre and subject to appropriate mitigation measures. The indicative floor plans at this stage incorporate communal, secure cycle parking facilities at ground floor level of each of the buildings, providing one space per unit, in accordance with the Council SG guidelines. The SG also notes that where there is a deficit in on-site car parking provision, a financial contribution toward the Car Club can be made in order to mitigate that deficit. The Roads Development Management Team consider in this instance that the provision of two new Car Club vehicles, purchased by the applicant, would (combined with adequate cycle parking provision) satisfactorily mitigate the SG shortfall in on-site car parking. Following consultation with the Car Club and other Council services, it has been confirmed that two new cars could be accommodated within the adjacent Gallowgate public car park, which would allow those cars, and the existing Car Club cars, to be utilised by both the occupants of the new development and the wider public. The applicant is agreeable to covering the cost for the purchase of the two additional cars (£40,177).

Six passive EV charge points are also proposed, further details of which can be secured via condition, along with further details of the aforementioned cycle parking facilities. Additionally, given there would be significantly less car parking spaces than flats, details of how the allocation and utilisation of the car parking spaces would be managed also requires to be addressed via condition.

Bus Stop Upgrade

Roads Development Management, in consultation with the Council's Public Transport Unit (PTU) Team, have confirmed that the proposed development would see an increase in the number of people utilising public transport and that the nearest bus stop, situated on the eastern pavement of Gallowgate approximately 40m to the north of the site, requires to be upgraded in order to mitigate the impacts of the increased usage of the stop. At present the bus stop has only a flagstick sign with no associated shelter or kassel kerbs and a developer contribution of £6,000 has therefore been identified in order to upgrade the bus stop to an appropriate standard for use by the occupants of the new development. This contribution would be secured via the legal agreement.

Development Access

The existing vehicular access to the site is not wide enough to meet current standards and requires to be upgraded. The applicant's proposals for the widening of the access, incorporating alterations to convert the access into a left-in / left-out arrangement, are acceptable and would ensure no issues in respect of road / pedestrian safety.

Local Network Impact

The number of vehicular trips would be relatively small and, due to the lower number of car parking spaces than the car parking provision for the existing office building, would likely represent a reduction in trip generation, without detriment to the local road network.

Residential Travel Pack / Safe Routes to Schools

A finalised Residential Travel Pack requires to be conditioned in order to encourage residents to utilise sustainable and active modes of travel. A Safe Routes to School assessment is also required, in order to identify the most direct routes to local schools and any upgrades required.

Therefore, subject to a legal agreement to secure the Car Club and bus stop upgrade contributions and the submission of further information regarding the aforementioned matters via MSC application(s), it is considered that the development would be appropriately sited and has been suitably designed to encourage sustainable and active travel, in compliance with ALDP Policies T2 and T3 and the corresponding SG.

Flooding & Drainage

Policy NE6 (Flooding, Drainage & Water Quality) states that development will not be permitted if it would increase the risk of flooding to other properties or would itself be at risk of flooding. New developments comprising 5 or more homes are required to be accompanied by a Drainage Impact Assessment which demonstrates how surface water and waste-water would be managed.

Flooding

The application site is positioned on elevated land within the city centre and is not itself at risk of flooding.

Drainage and Water Quality

In accordance with Policy NE6, surface water drainage associated with development must be the most appropriate available in terms of sustainable drainage systems (SUDS) and avoid flooding and pollution both during and after construction.

The applicant's DIA notes that it is indicatively proposed to install a significant amount of porous paving within the parking bays and other areas to adequately treat surface water run-off. Along with new areas of soft-landscaping (public and private areas of external amenity space) and the planting of new trees, the capacity for on-site surface water storage and attenuation would be increased compared to the existing situation. Rainwater would be filtered into the public sewer network at an attenuated rate via a flow control chamber located within the curtilage of the site.

Connection to the public sewer is a prerequisite of all development where this is not already provided. Scottish Water have confirmed that there is sufficient capacity in the local water and waste-water systems to accommodate the proposed development.

The indicative surface and foul water drainage proposals are considered acceptable in accordance with Policy NE6, although further, finalised details are required at MSC stage.

Waste Management

All new developments are required by Policy R6 (Waste Management Requirements for New Development) to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Indicative layout plans show space allocated for internal bin stores on the ground floor levels of each of the buildings. There would be sufficient space for the number of bins indicated as required by the Waste Strategy Team and there would be a large bin store within the Gallowgate-facing building, which would allow all bins to be collected by the Council's Refuse Collection teams from the kerbside, without the need for the bin lorry to enter the site. Subject to further details as part of an MSC application, including how a factoring/management system would be implemented in order for the bins of the central and eastern buildings to be moved to the Gallowgate bin store on collection days, the proposed development would have sufficient

space for the storage and collection of waste in accordance with Policy R6.

Degraded and contaminated land

Policy R2 (Degraded & Contaminated Land) requires all land that is degraded or contaminated to be restored or remediated to a level suitable for its proposed use and may involve undertaking site investigations and risk assessments to identify possible risks to public health and safety or the environment. However, the Council's Environmental Health (Contaminated Land) Team do not consider that there is sufficient risk of land contamination to justify the attachment of conditions, but request that the applicant is advised that should any contamination be discovered, the Planning Authority are notified and a suitable mitigation scheme agreed and implemented. They also recommend that a building asbestos survey is undertaken prior to demolition. Those requests are added as Advisory Notes for the applicant to be aware of.

Natural Heritage, Trees and Landscaping

Policy NE8 (Natural Heritage) requires development to avoid detrimental impacts on any protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. The applicant's Bat Survey found no evidence of bats roosting in the existing building, nor in any trees within the site, therefore the demolition of the building is acceptable. The survey did find evidence of bat activity in the tree belt to the east and recommends that bat boxes be installed on the new buildings and that landscaping, planting and lighting are well considered, in order to provide an opportunity for net biodiversity gain. A condition is attached requiring further details of bat box locations prior to their installation but otherwise the proposals are acceptable in principle, in accordance with Policy NE8.

Policy NE5 (Trees and Woodland) states a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. At present, the site contains 8 trees, all positioned immediately in front of the western elevation of the building, at the back of the Gallowgate pavement. A further four trees lie just outwith the site to the north and south, with the tree belt on the West North Street embankment further to the east.

The Tree Survey identifies that none of the existing trees within or immediately bounding the site are of any great quality, with all considered to be Category C trees of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. The trees do not contribute significantly toward landscape character or local amenity but nevertheless the line of trees to the Gallowgate does help to soften the section of the street that is otherwise dominated by buildings and hard-landscaping. The Tree Survey notes that the retention of the trees within the site would not be compatible with the development, therefore they are all proposed for removal. However, given the trees are not of any significant quality, the principle of their removal is acceptable, subject to appropriate mitigatory replacement planting as part of the finalised scheme. The Proposed Site Plan drawing indicatively incorporates the planting of a new line of four trees to the front of the Gallowgate block, with a further 19 trees to be planted elsewhere throughout the site. The indicative plans at this stage would therefore result in a net increase in trees following the development, without the loss of any trees of any significant quality. The proposals are therefore acceptable in principle, in accordance with Policy NE5, subject to conditions requiring a fully detailed landscaping scheme and a tree protection plan (to preserve the trees immediately bordering the site) to be submitted via an MSC application.

Policy D2 (Landscape) requires developments to have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. The existing site is almost entirely hard-landscaped except for a narrow overgrown grassed area to the east of the building. The

proposed development would incorporate additional trees, private garden ground and soft-landscaped areas of communal external amenity space between the buildings. As a result, the development would enhance the existing setting and increase the amount and quality of soft-landscaping on the site. Therefore, subject to further details as part of a detailed landscaping scheme via an MSC application, the proposals comply with Policy D2.

Air Quality

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 site lies adjacent to the City Centre Air Quality Management Area (AQMA), which includes part of West North Street, declared due to exceedances in concentrations of nitrogen dioxide and particulate matter (PM₁₀) on the road network.

Although 33 car parking spaces are indicatively proposed at this stage, that total is less than the current car parking provision associated to the existing office building, therefore the net volume of private car trips generated by the development is likely to be similar and potentially lower than the existing office use (albeit the site is currently unoccupied). Environmental Health officers have considered the proposal and have confirmed that the number of parking spaces associated with the development would not trigger the requirement for a full air quality assessment, therefore no further consideration is considered to be required in terms of Policy T4.

Sustainability

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) requires all new buildings to meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology in accordance with the associated supplementary guidance.

Policy R7 also requires all new buildings to use water saving technologies and techniques. A statement has been submitted which identifies water saving measures which would achieve gold standard on the Building Standards Sustainability Label.

Conditions can be attached requiring details to be submitted demonstrating that the buildings would comply with these requirements.

Points raised in letters of representation

The matters raised in the representations received are addressed as follows:

- The need/demand for housing of the proposed type and mix is queried, with many flats for sale and rent in the city.

The City Centre Masterplan is fully supportive of increasing the number of people living in the city centre. At this stage the final mix of flat types and sizes has not been finalised and would be subject to further assessment as part of any future MSC applications. Nevertheless, the indicative mixes proposed at this stage are considered to be acceptable given the high-density, city centre nature of the site. Current market provision / demand is not a material planning consideration.

- Some of the flats would have roof terraces which would directly overlook existing flats on Littlejohn Street, to the detriment of privacy.

At this stage the terraces shown are indicative and a full assessment of the implications of any terraces, balconies, or windows on the privacy of existing (and proposed) properties would be undertaken at MSC application stage. Nevertheless, the Planning Authority is satisfied that the development as indicatively proposed would minimise the potential for harmful overlooking of any neighbouring properties, with the majority of windows and terraces likely to overlook the application site and the communal car parking area of the neighbouring development to the south, rather than habitable windows or areas of amenity space.

- Statements made within the applicant's Travel Plan and Impact Assessment are not reflective of the real situation, with bus journeys to locations and time frames stated being idealistic and cycle infrastructure in the city being inadequate. Thus the statement that there will be little to no risk of overspill parking as a result of the development is questionable and understated.

In relation to transport and accessibility, the proposed development is considered to be acceptable for the reasons given in the foregoing evaluation. The policy and guidance intention of supporting low-car parking in the city centre is that car ownership would be lowered due to the lack of car parking and the availability of access to public transport and city centre amenities.

- There is already congestion (backed up traffic) at times on Littlejohn Street, which would be exacerbated by the proposed development.

As noted in the foregoing evaluation, with 33 spaces, the development would result in a net decrease in the amount of car parking spaces compared to the existing office use. Traffic levels would therefore likely remain similar and the development would not result in a significant increase.

- Reference is made in the plans to the demolition and reinstatement of the existing retaining boundary wall between the proposed development and the existing development on Littlejohn Street. Details of those works are minimal and disruption to the existing properties during construction works and the potential for damage to property, car parking spaces, trees and drainage have not been addressed.

Any details of new or replacement boundary treatments would be fully assessed upon the submission of more detail at MSC application stage. Any works to mutually owned property would need the consent of both parties and any damage caused to property would be a civil matter between the two parties, neither of which are material planning considerations. Conditions are attached requiring full details of boundary works, drainage and a tree protection plan, to ensure that boundary works and drainage would be acceptable and that neighbouring trees would not be adversely affected by the works.

- Significant fly-tipping already occurs within the Littlejohn Street development and could be exacerbated by the development.

This is not a material planning consideration as any flytipping/littering is subject to separate legislation.

- It is queried as to what will happen to the two Nuart murals on the western gable wall of the existing building proposed for demolition.

The building is not listed, nor within a conservation area and whilst the recent Nuart murals contribute positively to the existing building and the wider streetscene, they, and the building,

do not have any statutory protection, therefore the building owner is free to remove the murals without gaining any form of consent from the Council. Given the building is proposed for demolition, it is not feasible to retain or relocate the murals, nor is there any legislative requirement for the applicant to replace them in the new development. The applicant has noted in their Pre-Application Consultation (PAC) Report however, that they would be open to incorporating opportunities for new public artworks within the scheme and have noted in the indicative public realm improvement scheme that there may be the opportunity to include canvasses for new public artwork.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the majority of the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted ALDP noted in the foregoing evaluation. The PALDP does however introduce some new policies which either do not directly correlate with existing policies or introduce entirely new matters for consideration. An assessment of the proposed development against these policies is made as follows:

- D2 (Amenity)
Policy D2 seeks to ensure that where new residential properties are proposed, that occupants would benefit from a satisfactory level of amenity and that new developments would not impact detrimentally on the amenity of existing residential properties. The proposed development would create a satisfactory residential environment without unduly impinging on the amenity of any neighbouring properties for the reasons set out in the foregoing evaluation. The proposals are thus compliant with Policy D2.
- D4 (Landscape)
Policy D4 seeks to ensure that new development avoids adversely affecting the character of landscapes which are important for the setting of the city, including important views of the city's townscape, landmarks and features when seen from busy or important publicly accessible vantage points. As noted in the foregoing section of the evaluation on Big Buildings, the applicant has submitted a series of visualisations of the development from key views, including prominent views of the eastern building from West North Street. Subject to finalised and carefully refined details of the external treatments of the new buildings via an MSC application, the new development would not adversely affect the city centre landscape character and would not interrupt any key views, nor harm the setting of any important buildings (such as Marischal College). The proposals are therefore compliant with Policy D4.
- R8 (Heat Networks)
Policy R8 requires new developments within the city centre and/or within an identified heat network zone to connect to an existing heat network where available, in accordance with the guidance set out in the Council's Aberdeen Planning Guidance (APG) on Heat Networks and Energy Mapping. Although that APG has yet to be drafted at the time of writing, Aberdeen Heat and Power (who manage the city's district heating networks) have confirmed that existing pipes run adjacent to the site and that a connection to the new development would be feasible and welcomed. A condition is therefore attached to require further exploration of the potential to connect into the heat network once more details are known at MSC stage.
- T3 (Parking)
Policies T3 of the PALDP predominantly reiterates the content of policies T2 and T3 of the adopted ALDP. However, it does introduce a stricter position toward the provision of car parking in the city centre, noting that the principle of 'zero parking' should be applied with respect to all new development within the city centre. It also notes that where possible, any

parking should preferably be provided at basement level, in order that it does not detract from an active frontage onto a public street, public space or private space. In this regard, although Policy T3 is a material consideration, the current adopted ALDP and supplementary guidance carries more weight. The current policy and parking standards guidance permits parking associated to city centre developments, although it does note that low and zero-parking developments can be supported where appropriate, as noted in the foregoing evaluation. Efforts have been made to minimise the amount of car parking within the development and also to locate it as sympathetically as possible, to the rear of the site, away from public view and without significant detriment to the amount of private open space. The Council would be supportive of a lower number of car parking spaces within the development should that be proposed at MSC stage but based on the current policy and guidance, it is considered on balance that the amount of car parking proposed is acceptable, despite the slight conflict with Policy T3 of the PALDP.

- VC1 (Vibrant City)
Policy VC1 is supportive in principle of new development in the city centre which would support its vibrancy and vitality throughout the day and/or into the evening. The proposed development would increase the amount of housing in the city centre, thus contributing toward its vibrancy and vitality throughout the day, in accordance with Policy VC1.
- VC5 (City Centre Living)
Policy VC5 is a new policy which aims to encourage an increase in city centre living by supporting new residential development in the city centre in principle, provided it can be demonstrated that a suitable residential amenity can be achieved. The foregoing evaluation sets out that an adequate residential amenity could be created for the new occupants, therefore the proposal is fully compliant with Policy VC5.

The proposal is therefore considered to be generally acceptable in terms of both Plans for the reasons previously given, aside from the slight conflict with Policy T3 of the PALDP, which is justified above.

Heads of Terms of any Legal Agreement

A legal agreement would be required to secure the developer obligations outlined earlier in the report.

Time period of development commencement

In order for the development to benefit from the Council's City Centre Affordable Housing Waiver, all pre-commencement Matters Specified in Conditions applications must be approved and any other suspensive conditions discharged and development must commence within 12 months of the date of the decision notice of this application for Planning Permission in Principle. A Direction to this effect is set out below.

RECOMMENDATION

Willingness to approve subject to conditions and a legal agreement to secure developer obligations towards education, healthcare, Car Club and bus stop upgrades.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the Aberdeen Local Development Plan (ALDP) and other material considerations.

The proposed development would deliver additional housing in the city centre, which would comply with the vision of the City Centre Masterplan (CCMP) and thus, by default, with Policy NC1 (City Centre Development – Regional Centre) of the ALDP. It is considered that a satisfactory residential environment could be created whilst avoiding undue conflict with the adjacent land uses, in accordance with the Policies H2 (Mixed Use Areas) and T5 (Noise) of the ALDP, subject to a requirement for finalised details, including a Noise Impact Assessment, to be submitted and assessed via subsequent Matters Specified in Conditions (MSC) applications.

The proposed development is situated in the city centre and would be highly accessible by sustainable modes of transport: close to bus routes, immediately adjacent to city centre amenities and employers, and within walking distance of the central bus and rail stations, in full compliance with Policies T2 and T3 of the ALDP. Taking into account factors such as its sustainable location, and provision of secure cycle spaces it is considered that car ownership levels are likely to be relatively low and the impact of additional pressure on limited on-street parking spaces in the vicinity, is not considered to be a significant concern. There would be a shortfall in off-street car parking but this is to be adequately mitigated by the purchase of two Car Club cars by the applicant. The new vehicular access into the site would not pose any road safety concerns.

The proposal is considered to be comply with relevant ALDP Policies related to Big Buildings (D3), Density and Mix (H3), Waste Management (R6), Built and Natural Heritage (D4, NE8), Trees and Woodlands (NE5), Flooding and Drainage (NE6), Air Quality (T4) and Low and Zero Carbon buildings (R7).

The development qualifies for, and would utilise, the Council's current City Centre Affordable Housing Waiver therefore no affordable housing would be provided in this instance, as would usually be required by ALDP Policy H5 (Affordable Housing).

The applicant is agreeable to paying developer obligations toward education, healthcare and transportation, and a scheme of localised public realm improvements is proposed (subject to further detail at MSC stage) which would deliver immediate tangible benefits to the public realm in and adjacent to the site, to the benefit of the existing community. The proposals are therefore considered to comply with Policy I1 (Infrastructure Delivery and Planning Obligations).

The majority of the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate the aforementioned policies of the adopted ALDP. The PALDP introduces new policies that do not have direct equivalents in the adopted ALDP, however the proposed development is also considered to comply, or not conflict with, Policies: D2 (Amenity), D4 (Landscape), R8 (Heat Networks), VC1 (Vibrant City) and VC5 (City Centre Living). The city centre development would incorporate car parking, which is contrary to the requirements of Policy T3 (Parking), which seeks zero-parking developments in the city centre. However, given the transport and accessibility policies of the adopted ALDP and supplementary guidance permit parking in the city centre and the amount of parking proposed would constitute a low-parking development, the proposal is considered to be acceptable despite the slight conflict with Policy T3 of the PALDP.

Therefore, subject to the submission of further, finalised details in relation to multiple matters as part of subsequent MSC applications, the proposed development is considered to be acceptable in principle, in accordance with the requirements of both the adopted and proposed Local Development Plans.

CONDITIONS

(1) DESIGN AND LAYOUT OF ACCESSES, PATHS AND BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application, including the detailed layout and design of access points, roads, parking areas, buildings and other structures for that particular phase or block, has been submitted to and approved in writing by the planning authority.

The proposed development shall be in accordance with the overarching layout, siting, design, height and massing principles of roads, paths and buildings established by this grant of the planning permission in principle and comprise:

- a) details of existing and proposed site levels (including cross sections);
- b) details of the mix of residential unit numbers, type, size and tenure;
- c) details of layout, design and external appearance of –
 - (i) vehicular and pedestrian access points;
 - (ii) all buildings and ancillary structures, to include improvement and refinement of design elements for all buildings, including to give the easternmost building a slender, vertical emphasis (e.g. by way of creating a tower feature to the eastern block via detailing, recessed and stepped sections to roofs and walls etc.)
 - (iii) vehicular and motorcycle parking;
 - (iv) short and long-term secure cycle parking;
 - (v) storage and collection arrangements for waste and recyclables; and
 - (vi) boundary enclosures around and within the site.

Thereafter the development shall not be implemented other than in full accordance with the approved details.

Reason – to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

(2) LANDSCAPING

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme of hard and soft landscaping covering all areas of public and private open/green space for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

1. Those areas reserved as private space and those areas that will be freely accessible for all residents and the general public;
2. Existing and proposed finished ground levels;
3. Existing landscape features, trees, woodland and vegetation to be retained or removed and a scheme for the protection of all trees to be retained within and immediately adjacent to the site;
4. Existing and proposed services and utilities including cables and pipelines;
5. Proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting.
6. Location, design and materials of walls, fences, gates and street furniture;
7. Arrangements for the management and maintenance of existing and proposed open space, and landscaped areas; and
8. Proposed hard surface finishing materials.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – in order to integrate the development into the surrounding landscape, increasing the biodiversity and recreational value of the site and creating a suitable living environment for future residents.

(3) LOCALISED PUBLIC REALM IMPROVEMENTS

No development shall take place unless a matters specified in conditions application comprising details of the localised improvements to the public realm (as indicatively set out on CDA plan ref: (PL)018) within and adjacent to the site (including the Gallowgate footpath, the footpath between the buildings and the Gallowgate car park and the Seamount steps [within the ownership of Aberdeen City Council]) has been submitted to and approved in writing by the planning authority. Thereafter the works shall take place in accordance with the agreed details.

Reason: In order to ensure that the development enhances the local public realm for the benefit of the development's occupants and the wider existing community, in lieu of Developer Obligations payments toward Open Space, Sports & Recreation and Community Facilities.

(4) NOISE IMPACT ASSESSMENT

No development within any particular phase or block shall take place unless a matters specified in conditions application including a noise impact assessment (NIA) by a suitably qualified noise consultant has been submitted to and approved in writing by the Planning Authority. The NIA is required in order to ascertain the predicted impacts of likely noise sources on residential properties and to suggest necessary mitigation measures. The assessment shall:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- b) Identify the likely sources of noise potentially impacting on the local residences.
- c) Establish the level of noise impact associated with the development through application of relevant guidance.
- d) Detail the noise mitigation measures to reduce noise from the existing noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed residences.
- e) The methodology for the noise assessment should be submitted and agreed in writing with the Council's Environmental Health Service in advance of the assessment.

Reason: In order to ensure that a satisfactory residential environment can be created for the occupants of the proposed development.

(5) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) within any part of the site shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular part of the site has been submitted to and approved in writing by the planning authority. The CEMP shall detail the site-specific management of surface water run-off and pollution prevention through the construction period and measures for final site surface water drainage should be given appropriate consideration through a site-specific Pollution Prevention Plan (PPP), which should be

included within the site-specific CEMP. Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason – to minimise the impacts of necessary demolition / construction works on the environment and on the amenity of neighbouring land uses.

(6) DUST MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any part of the site shall take place unless a matters specified in conditions application comprising a Dust Management Plan has been submitted to and approved in writing by the planning authority. The Dust Management Plan shall include the following;

1. An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant carried out in line with the IAQM 2014 Guidance entitled 'Guidance on the Assessment of Dust from Demolition and Construction' (or equivalent as demonstrated) to predict the likely dust levels and impact on air quality including a determination of its significance; and
2. A plan for dust management produced in line with the aforementioned guidance and based on the outcome of the Dust Risk Assessment, detailing the necessary dust control measures to be implemented.

Reason – to control air pollution from dust associated with the construction of the development and to protect the amenity of neighbouring land uses.

(7) EXTERNAL LIGHTING

No development within any particular phase or block shall take place unless a matters specified in conditions application including details of the external lighting for that particular phase or block has been submitted to and approved in writing by the planning authority. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – to ensure that the site would be adequately lit at night in the interest of safety, and without detriment to the amenity of any neighbouring residential properties or protected species.

(8) SITE WASTE MANAGEMENT

No development shall take place unless a matters specified in conditions application including a Site Waste Management Plan, detailing how construction-phase waste would be minimised and disposed of, has been submitted to and approved in writing by the planning authority.

Reason – in order to minimise waste at source on the construction site, in accordance with Scottish Planning Policy (paragraph 218).

(9) SURFACE WATER DRAINAGE

No development within any particular phase or block shall take place unless a matters specified in conditions application including a detailed scheme for surface water drainage for that particular phase or block has been submitted to and approved in writing by the planning authority.

Reason – in order to ensure adequate protection of the water environment from surface water run-off and to ensure that the site can be adequately drained without increasing flood risk.

(10) SAFE ROUTES TO SCHOOL

No development shall take place unless a matters specified in conditions application, including an assessment of, and scheme for securing, safe pedestrian routes to Aberdeen Grammar and Gilcomstoun Primary School (or such as other school as pupils from the site may be zoned to should circumstances change), has been submitted to and approved in writing by the planning authority. Thereafter no residential unit shall be occupied unless any associated work identified by the approved scheme to create the safe routes has been completed.

Reason - in order to promote sustainable and safe travel and ensure compliance with policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

(11) RESIDENTIAL TRAVEL PACK

No unit shall be occupied unless a matters specified in conditions application including a residential travel pack for that phase or block has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason – in order to reduce dependency on the private car for travel.

(12) ELECTRIC VEHICLE CHARGING POINTS

No unit shall be occupied unless a matters specified in conditions application including: (i) details of the type and location of electric vehicle charging points and bays; (ii) markings and signage to identify the bays; and (iii) a phasing plan for their provision, have been submitted to and approved in writing by the planning authority. Thereafter the charging points and bays shall be provided in accordance with the agreed phasing plan prior to the occupation

Reason – to provide for and encourage the use of electric vehicles.

(13) WATER EFFICENCY STATEMENT

No development within any particular phase or block shall take place unless a matters specified in conditions application including a water efficiency statement for that particular phase or block has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings or BREEAM level 5 for non-domestic buildings. Thereafter the approved measures shall be implemented in the construction of the development.

Reason – in order to help minimise water abstraction from the River Dee.

(14) LOW AND ZERO CARBON BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. Thereafter, each building shall

not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

(15) WASTE-WATER CONNECTIONS

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme for the connection of buildings to the public waste water system for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public waste-water system are in place. Thereafter no building shall be occupied unless connection has been made to the public waste-water network in accordance with the approved details.

Reason – in order to ensure that sewage is satisfactorily treated and disposed of.

(16) BAT SURVEY RECOMMENDATIONS

No development shall take place unless a matters specified in conditions application including details as to how the recommended measures in the approved Bat Survey would be implemented has been submitted to and approved in writing by the planning authority. Thereafter the works shall take place in accordance with the agreed details.

Reason: in order to adequately mitigate the impact of the development on bats, as a protected species.

(17) PROGRAMME OF ARCHAEOLOGICAL WORKS

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority as part of a matters specified in condition application and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

(18) PHOTOGRAPHIC SURVEY

No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Historic Environment Record.

(19) DISTRICT HEAT NETWORK CONNECTION

No development shall take place unless a matters specified in conditions application comprising a scheme for the connection of the development into the Aberdeen Heat and Power district heating network has been submitted to and approved in writing by the planning authority. Thereafter the works shall take place in accordance with the agreed scheme.

Reason: In order to maximise the potential for more sustainable heating provision, in accordance with Policy R8 (Heat Networks) of the Proposed ALDP.

DURATION OF CONSENT – DIRECTION

In accordance with the power granted to it under section 58 of the Town and Country Planning (Scotland) Act 1997, the planning authority direct that section 58(2) shall apply in respect of this planning permission, with the substitution of the period of three years with that of one year.

This planning permission therefore lapses on the expiration of one year, beginning with the date on which the permission is granted, unless the development to which the permission relates is begun before that expiration.

ADVISORY NOTES FOR APPLICANT

(1) REQUIREMENT TO SUBMIT APPLICATIONS FOR MATTERS SPECIFIED IN CONDITIONS

As specified by Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006), and as referenced in the condition wording, all conditions of this planning permission in principle that require the submission of information of any sort for further approval, agreement or consent of the planning authority, require to be subject a formal application for matters specified in conditions.

(2) CONTAMINATED LAND

The applicant is advised that should any contamination of the ground be discovered during development the Planning Authority should be notified immediately. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority, in order to ensure that the site is suitable for use and fit for human occupation

The Council's Environmental Health (Contaminated Land) Service would recommend that a buildings asbestos survey is undertaken prior to demolition. Any asbestos containing materials will require to be removed to a licensed waste management facility by a licensed waste carrier.

(3) CONSTRUCTION HOURS

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works, the following controls are recommended:

- Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

(4) COMBUSTION PROCESSES

Should the development have one or more substantial combustion processes (i.e. centralised heating plant) incorporated within the proposal, the Council's Environmental Health Service (epplanning@aberdeencity.gov.uk) must be notified with the relevant details of the plant for due consideration.

(5) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CONDITION 5)

The Planning Authority and developer should ensure that this site does not cause pollution of the surrounding environment either throughout the development/construction period or through the ongoing use of the site. Pollution prevention through the construction period and measures for final site surface water drainage should therefore be given appropriate consideration by both the developer and Planning Authority through a site-specific Pollution Prevention Plan (PPP) which should be included within the site-specific CEMP. Please refer to [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for further details on how to produce a PPP, the [CIRIA SUDS manual C753](#) and on the [Pollution Control](#) section of SEPA's website.

(6) SEPA - REGULATORY REQUIREMENTS

You will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.

Further details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA, tel no. 01224 266600.

(7) WASTE STORAGE AND COLLECTION

The 140 flats would be provided with:

- 14x 1280l general waste containers
- 14x 1280l co-mingled recycling containers
- 1x food waste container for each bin store (each flat will receive a kitchen caddy, bioliners and associated information)

The following costs would be charged to the developer:

- Each 1280l bin cost £413.60
- Each food waste container cost £514.49

No garden waste would be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

It is pertinent to note that these services will be provided taking account of the following:

Specific points

When the application goes to MSC application stage, the following information / details would need to be provided / adhered to:

- The bin store(s) to be accessible and within 10m from the kerbside of Gallowgate to remove risk from refuse collection vehicles having to enter, manoeuvre and reverse in a confined car park on collection days.
- A bin store diagram demonstrating that there is sufficient space for the number of bins required. Bin sizes are available in the waste supplementary guidance below.
- The bin store/ storage area within 10m of the proposed vehicle collection and within 30m of all residents

General points

- No excess can be stored outwith the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- If the bin store is to be locked and/ or a barrier to the car park, 8 Keys must be provided for each store, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team. Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented. Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact Hannah Lynch (halynch@aberdeencity.gov.uk).

(8) ROADS CONSTRUCTION CONSENT

It should be noted that the proposed works to widen and upgrade the access shall be subject to a Section 56 Roads Construction Consent (RCC) procedure and require to be designed / constructed as per Aberdeen City Council standards. The applicant shall require discussing this matter further with Colin Burnet on (01224) 522409.

(9) PHOTOGRAPHIC SURVEY & ARCHAEOLOGICAL WORKS

The photographic record should consist of general exterior shots and interior shots only of the existing building prior to any demolition. The programme of archaeological works would consist of targeted excavation of any open areas prior to construction, followed by targeted watching-briefs of ground-breaking works not covered by the excavations.

(10) LANDSCAPING

A detailed landscape scheme will be required to make a full assessment of any application for

detailed planning permission. This should include the following:

Tree Planting

- precise locations
- species - full botanical name
- planting size, root stock specification and provenance
- planting distances and densities
- tree staking/anchoring and tying details
- tree planting pit detail
- mulching details
- tree protection

Shrub/Hedge Planting

- precise location of shrub beds
- precise location, extent and distribution of planting
- species, numbers or densities and heights
- grouping arrangements for single species
- shrubs to be retained and removed
- the arrangement and massing of different groups of shrubs in each bed
- species - full botanical name
- planting size, root stock specification and provenance
- planting distances or densities
- mulching details
- shrub protection, if required

Grassed and wildflower areas

- precise location and extent of areas to be grassed;
- precise location of areas of seeding, turf, wildflower plugs or other method of re-vegetating.

Hard landscape elements

The following details shall be given for hard landscape elements - e.g. hard surfacing, drainage, boundary features, gates, water features, structures, seating, lighting, signs, litter bins, planters etc.

- precise location and extent of feature
- description of materials/colours;
- elevations and sections where appropriate for boundary walls/fences, gates, structures, water features, drainage etc.;
- use of sustainable and locally sourced materials;
- manufacturers' information with regard to appearance and method of installation for such items as seats, litter bins, lighting, planters etc.

Construction information

- precise location of temporary access routes, parking, site compounds, fencing and storage areas for materials and spoil/soil heaps;
- precise location, type and details of protection for existing features to be retained. For tree protection requirements see Supplementary Guidance: trees and woodlands

Maintenance and management

A schedule of maintenance will be required to ensure successful establishment and long-term management of soft and hard landscaping to demonstrate that a high standard of landscaping can be achieved. The details to be provided shall include:

- Maintenance objectives - to ensure that soft landscape is maintained and managed in a way which achieves the landscape design objectives
- A schedule of regular maintenance inspections and actions for soft landscaping for a minimum of two years or until successful establishment of plants, whichever is the later. This will include details of all operations and their timing to maintain planting, grass etc., including watering (regular and dry weather arrangements), feeding, weed control, pruning, hedge trimming, pest and disease management, checking and firming plants, mulching, grass cutting, edging, checking of tree supports and plant protection, re-stocking for plant losses, litter picking, bin emptying and dog mess removal.
- A post-establishment management schedule for soft landscaping to achieve the longevity and designed function of plants, for example tree management, hedge maintenance, removal/repairs of protective fencing and tree stakes, restocking of failed or damaged plants, management of SUDs features, weed control, litter picking, bin emptying and dog mess removal.
- A schedule of regular maintenance inspections and actions for hard landscape, replacement and repair of damaged items or surfaces, cleaning and clearing of items and surfaces, drains, grids, and litter picking, bin emptying and dog mess removal.
- Timing of maintenance operations will avoid works which disturb birds during the bird breeding season.

(11) BATS

Bats are legally protected under the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and the applicant should be aware of their obligations under the legislation. The applicant may need to apply for a licence from Scottish Natural Heritage should the development be likely to affect bats or their roosts. <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/bats-and-licensing/bats-licences-development>

In relation to bat licences, Scottish Natural Heritage can be contacted at:

- Tel: 01463 725 364
- Email: licencing@nature.scot

This page is intentionally left blank

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

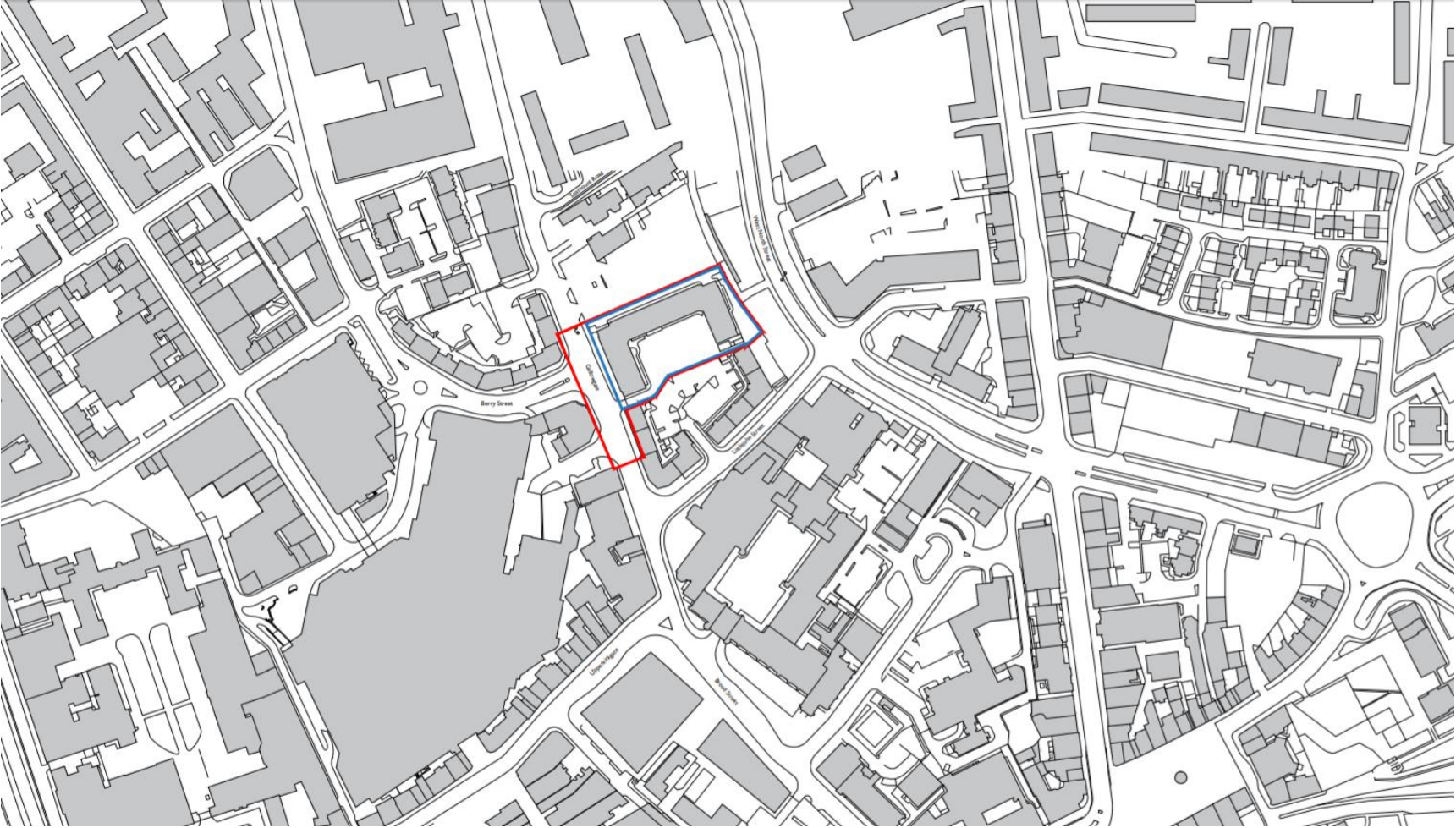


Residential development (circa 140 units)
including demolition of existing building and
associated access, parking, landscaping and
infrastructure

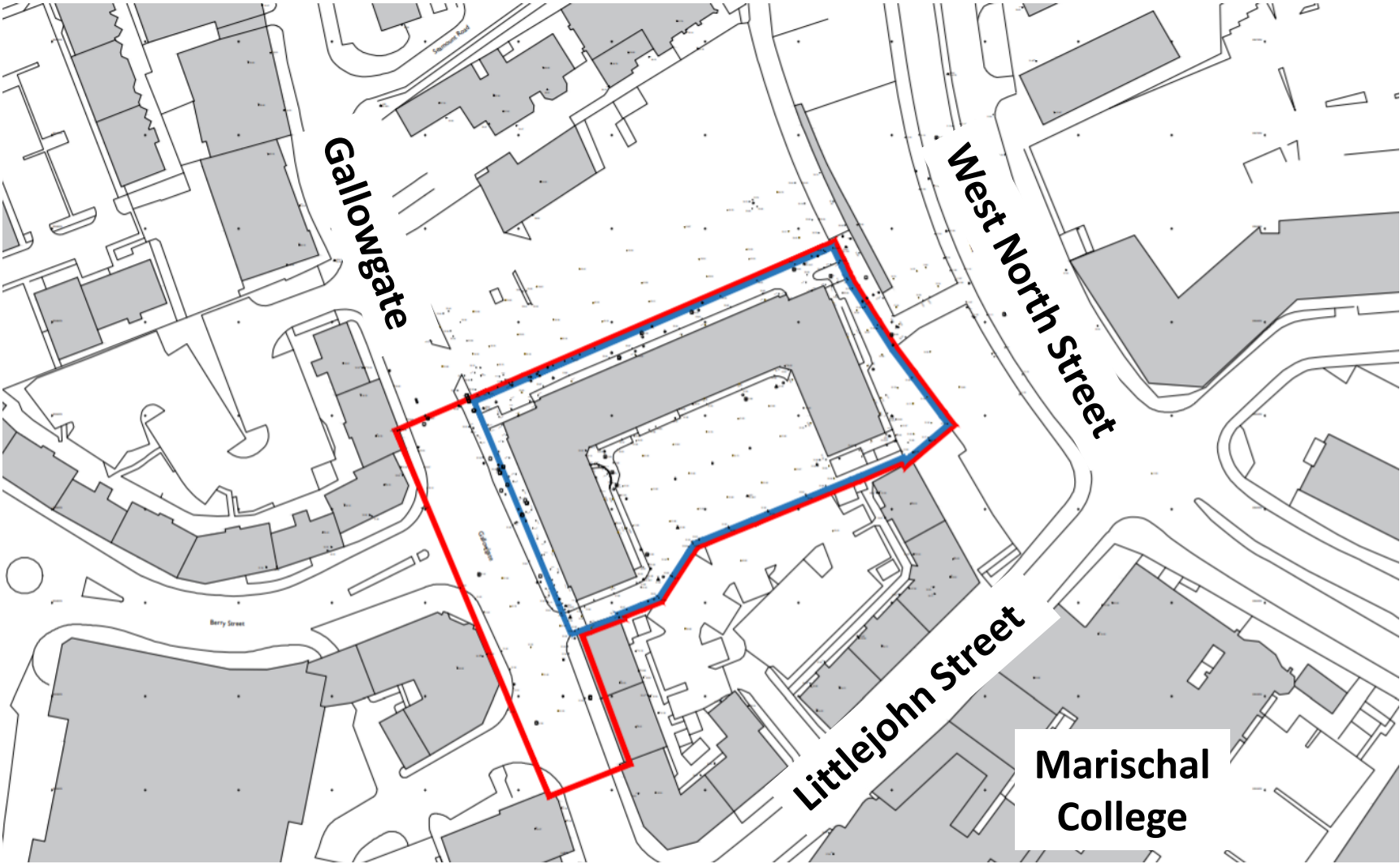
Greyfriars House, 54 Gallowgate

Planning Permission in Principle
200246/PPP

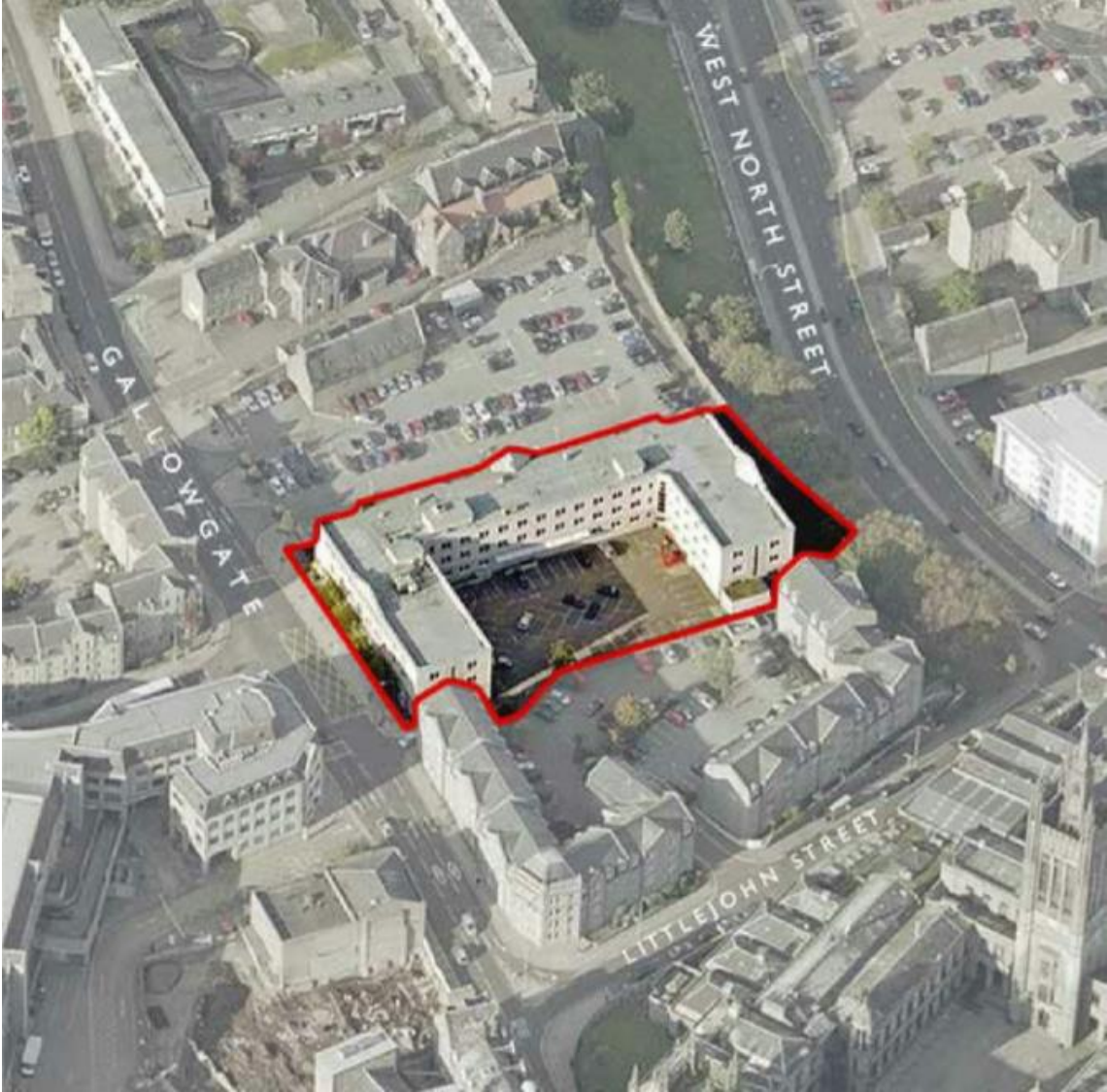
Location Plan



Existing Site Plan



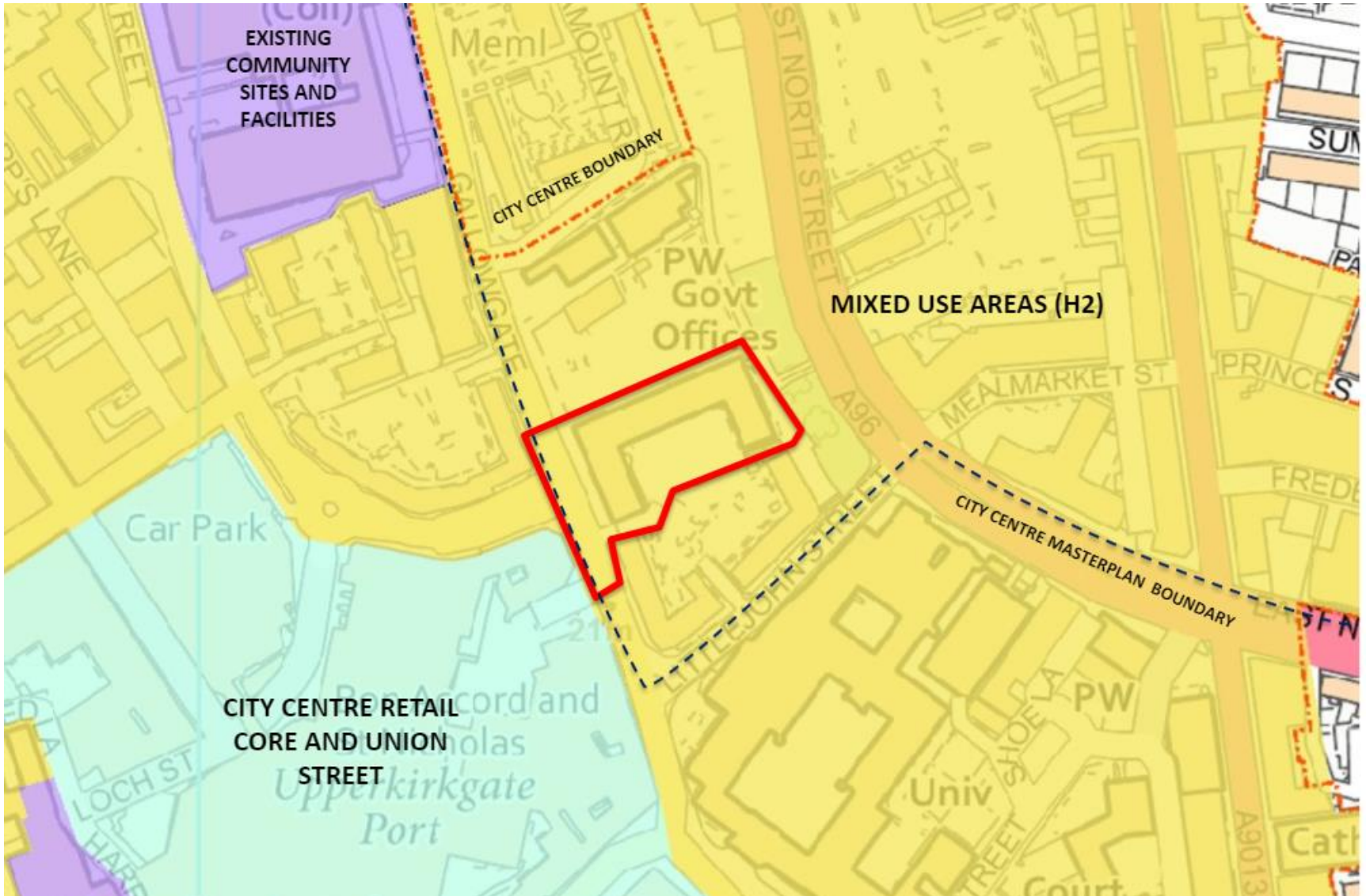
Aerial Photo – As existing



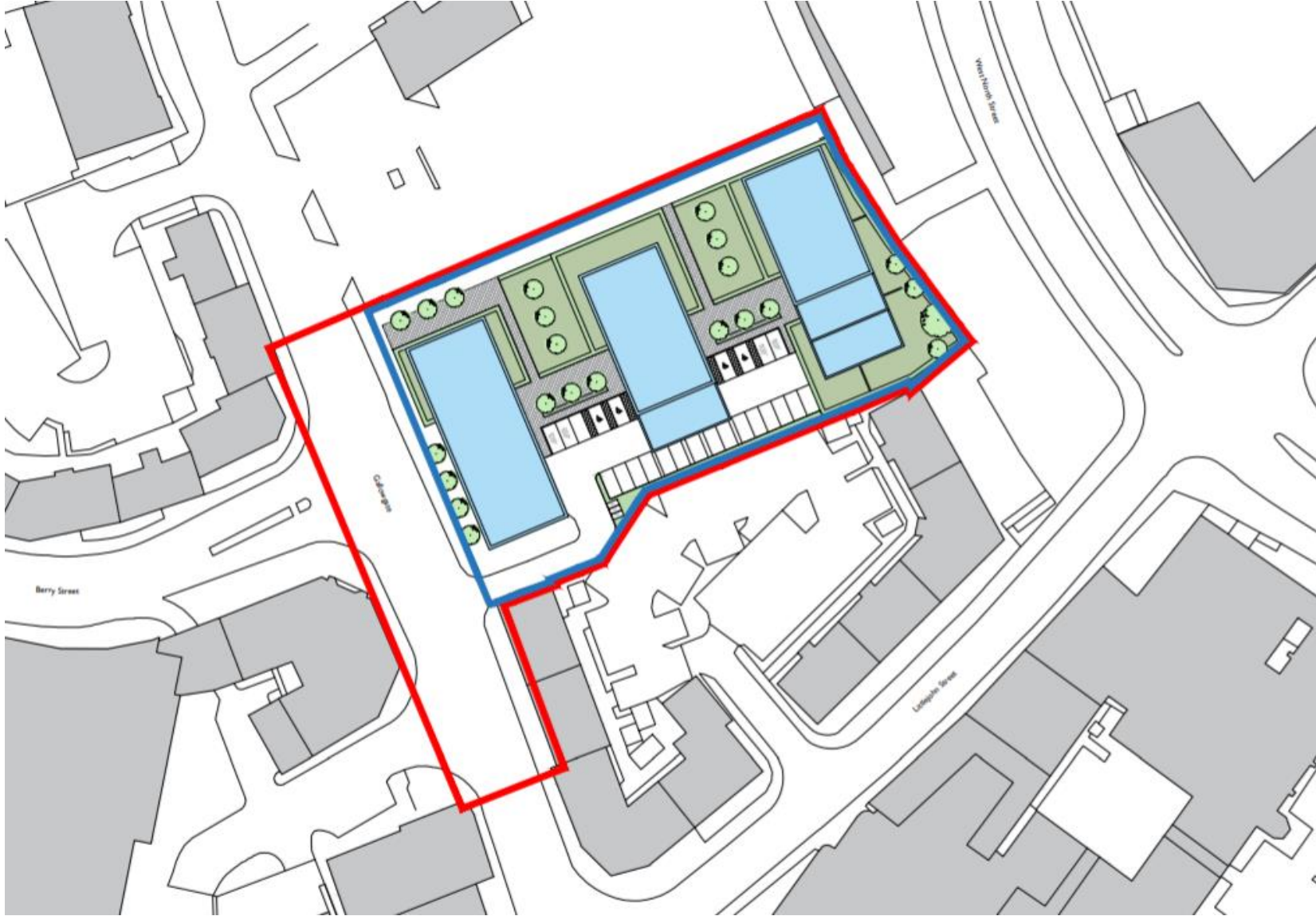
Existing Building – Site Photos



ALDP Zoning



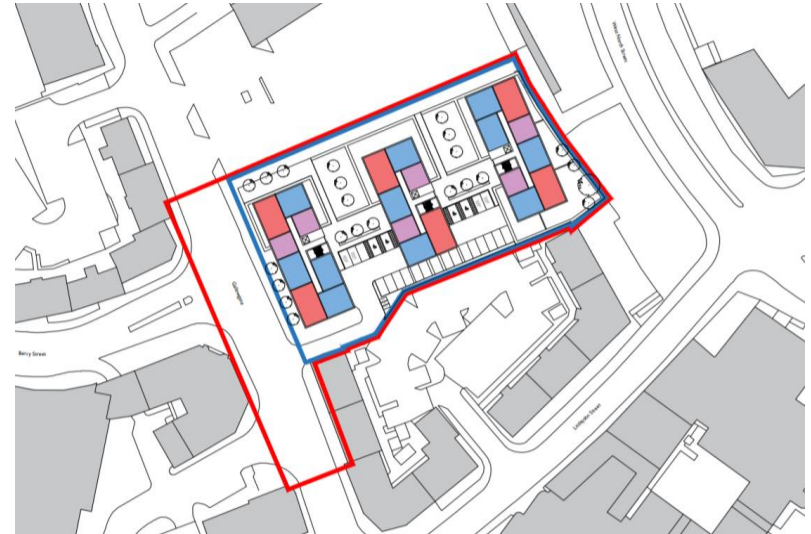
Proposed Site Plan



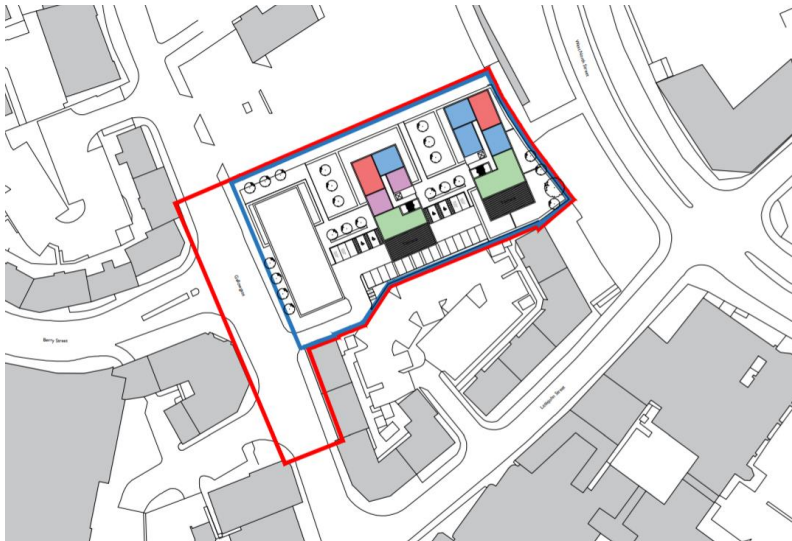
Optimised Scheme – Indicative Floor Plans



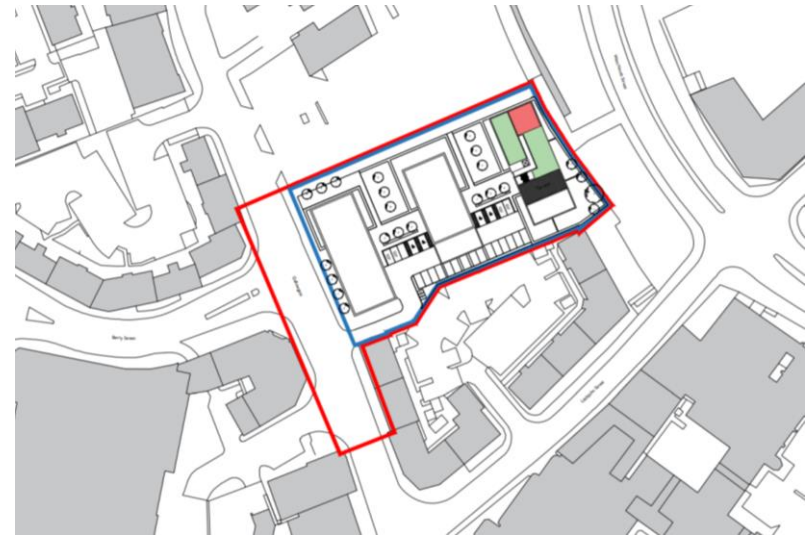
Ground Floor



1st – 4th Floors



5th Floor



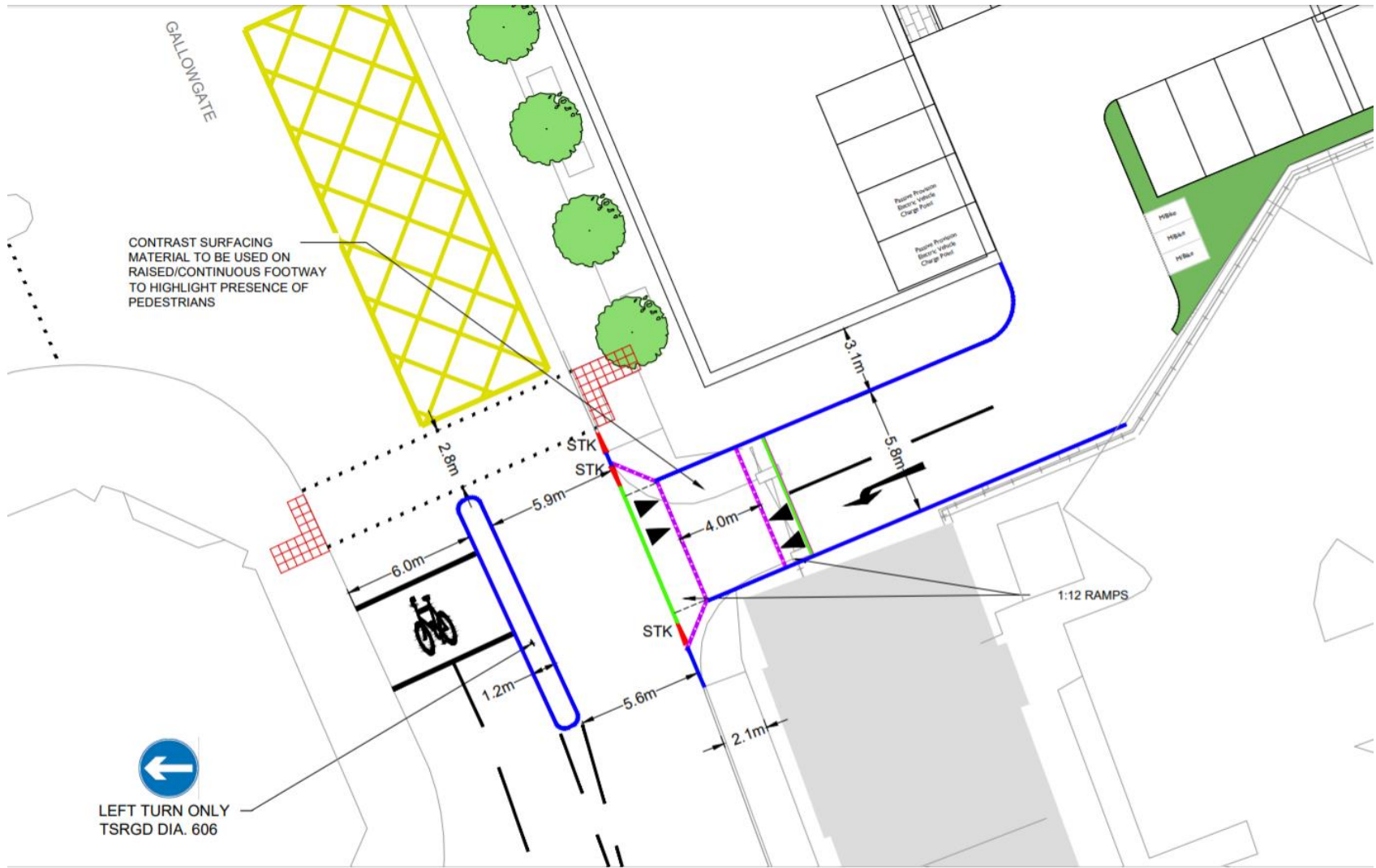
6th Floor

Indicative Urban Realm Improvement Scheme



For Illustrative
Purposes Only

Indicative road access

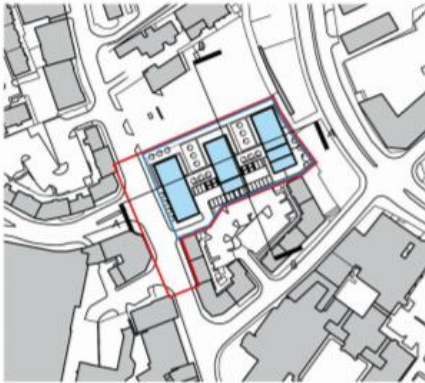
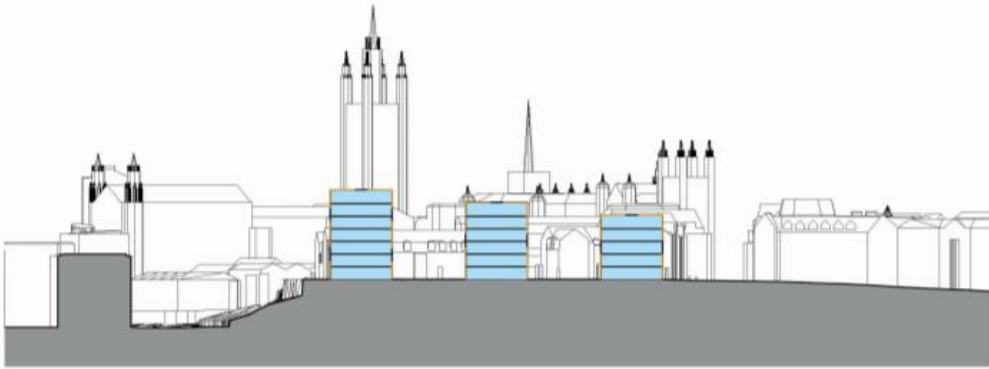
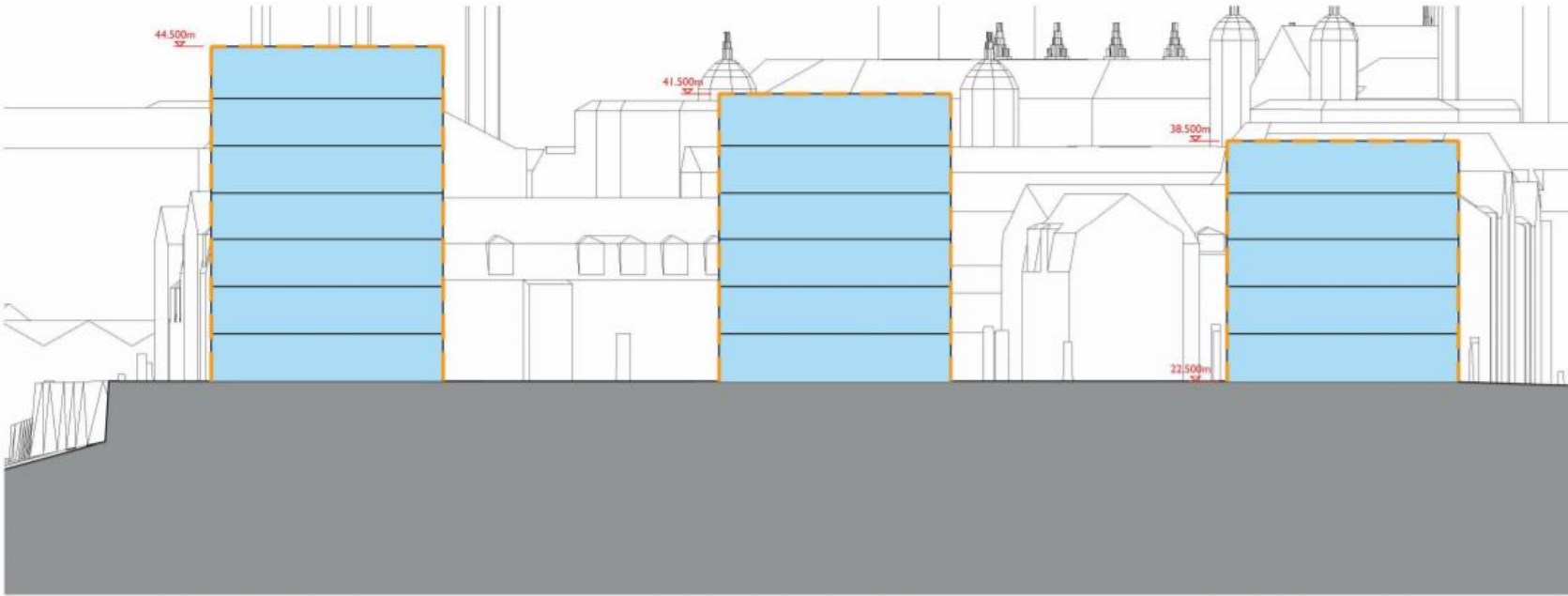


Indicative massing – aerial view



Sections – Looking South from Gallowgate car park

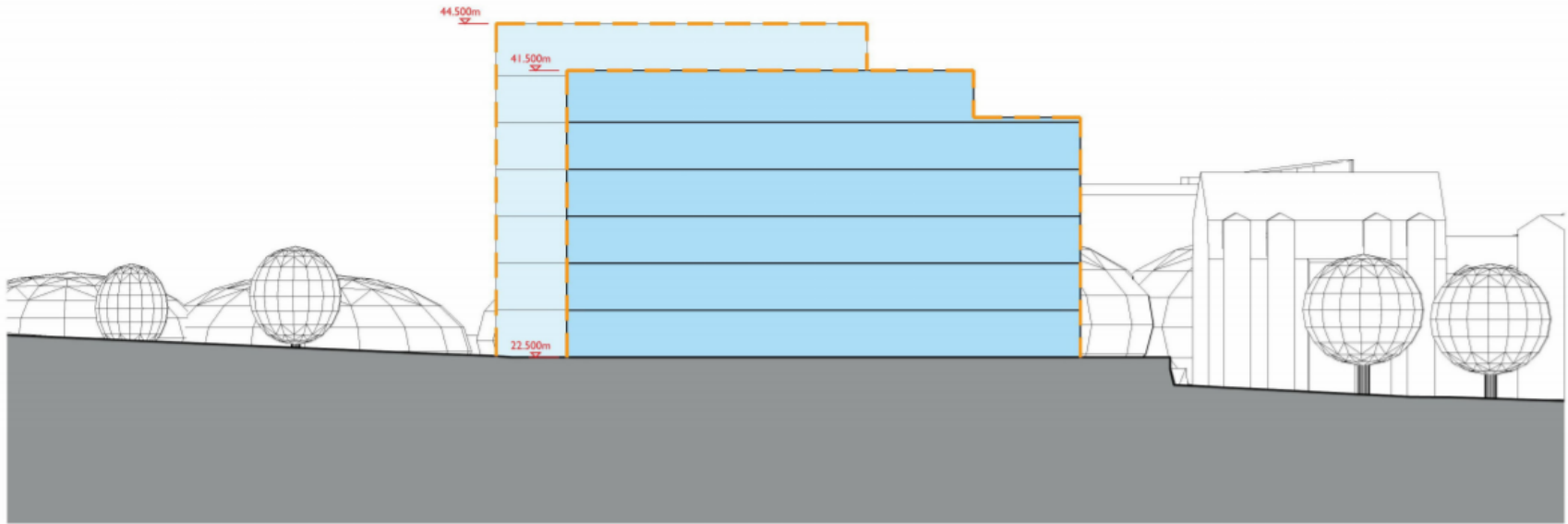
Page 80



Proposed Section A-A



Sections – Looking east at central & eastern blocks



Page 81



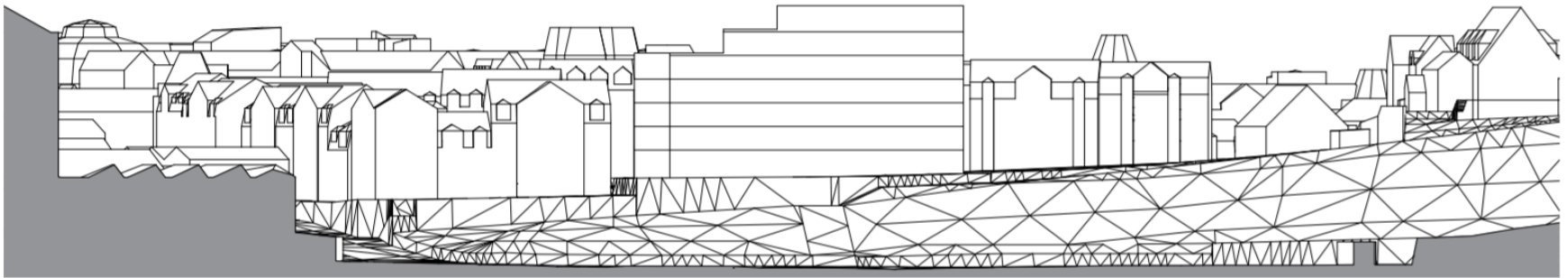
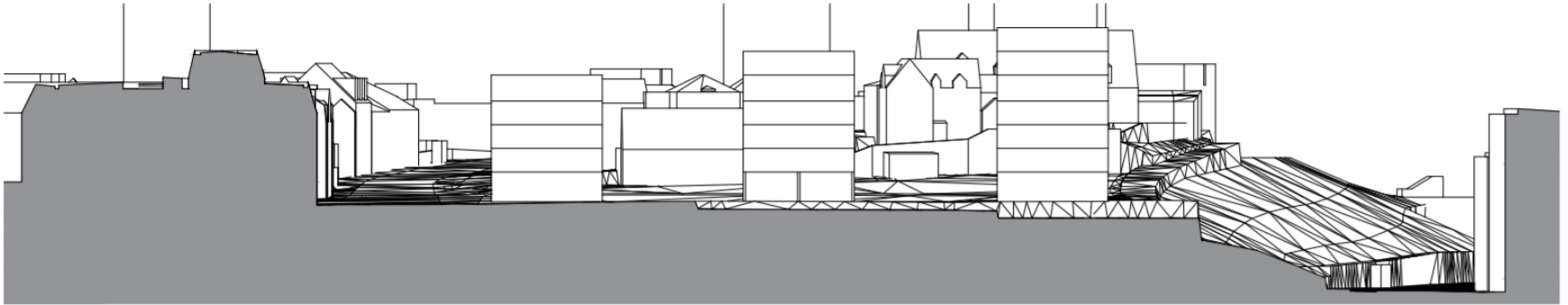
Proposed Section B-B

Comprehensive Design Architects 54 Gallowgate, Aberdeen



E1912 / 40

Sections – Looking north and west



Indicative massing – View from Gallowgate (South)



Indicative massing – View from Gallowgate (North)

Page 84



Indicative massing – View from Mealmarket Street



Indicative massing – View from Morrisons car park



Indicative massing – View from Berry Street

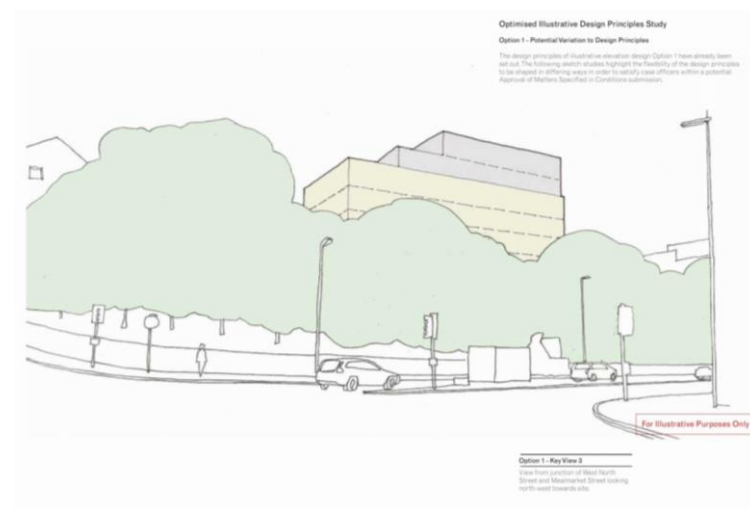
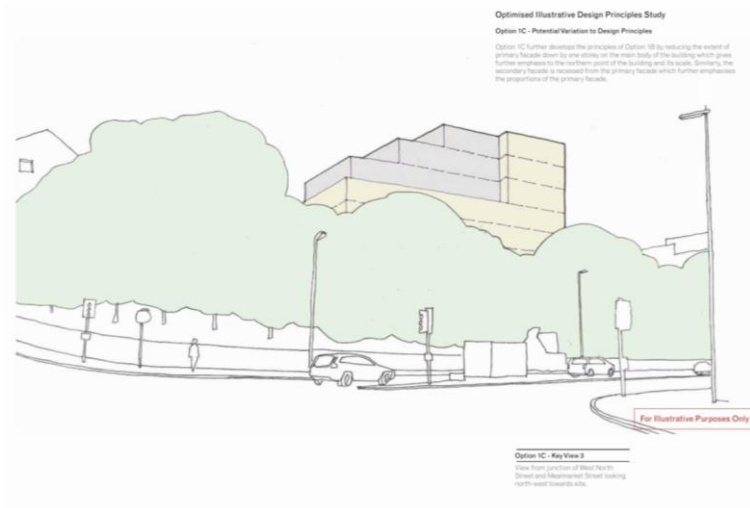
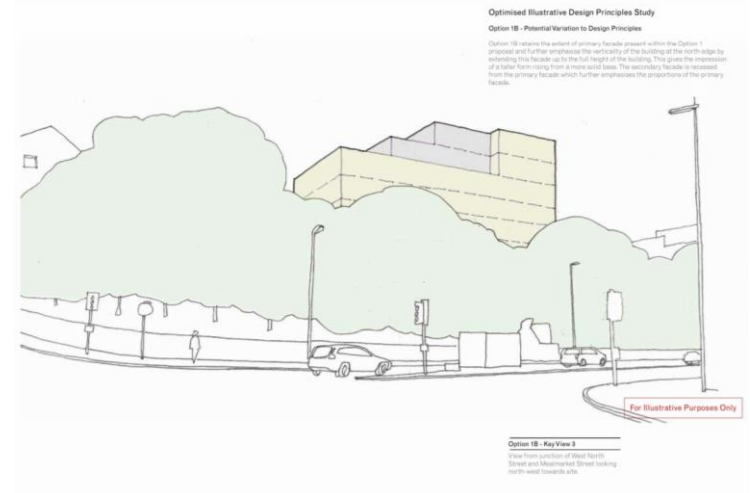
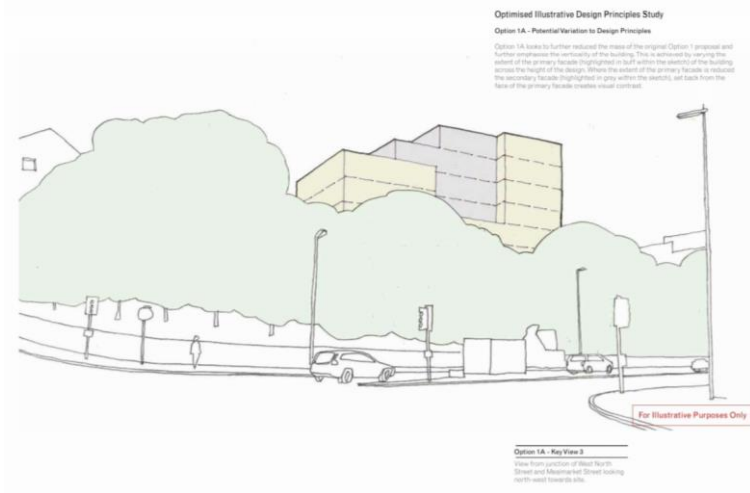


Indicative elevational treatments



For illustrative

Indicative design variations to demonstrate how vertical emphasis could be achieved to Eastern block



This page is intentionally left blank

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

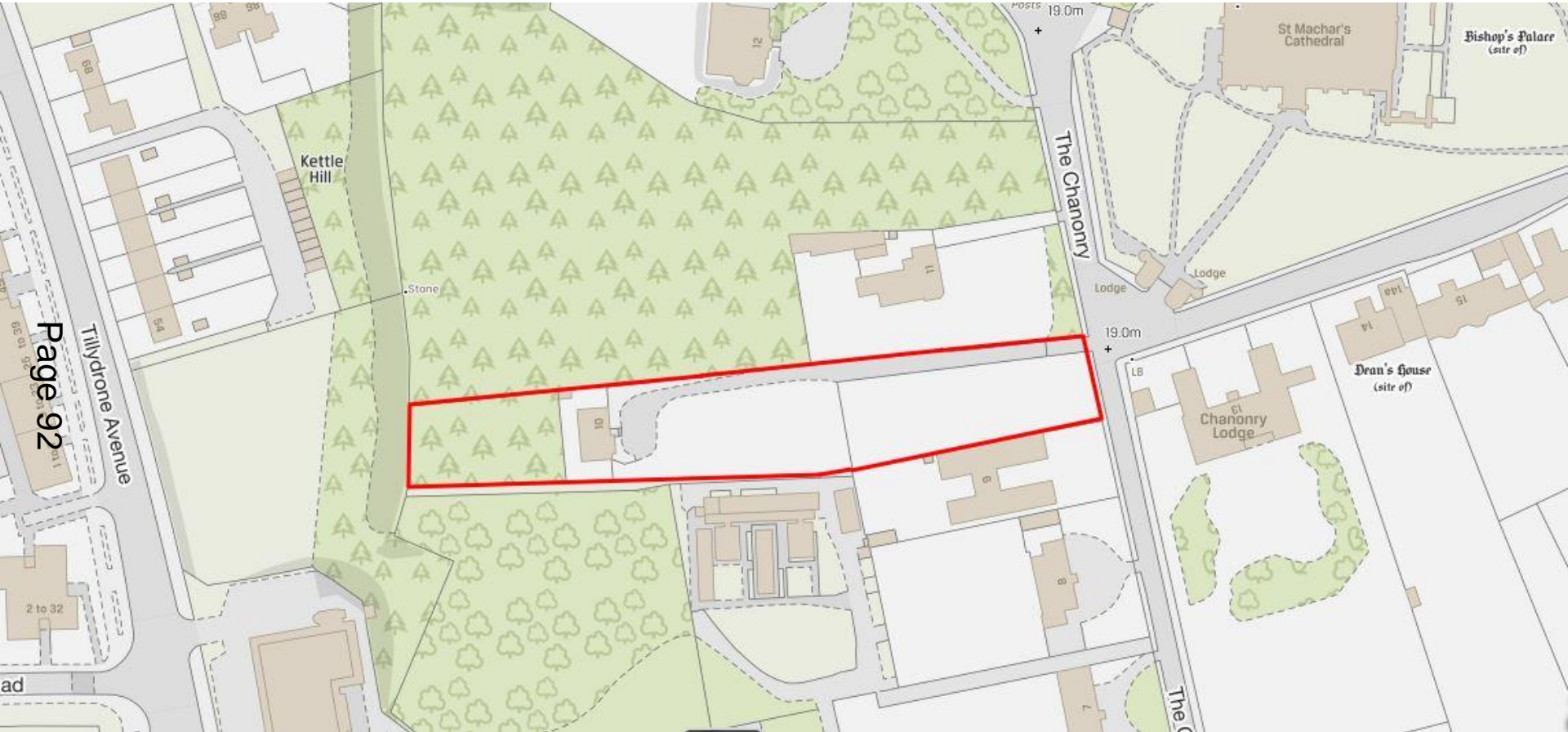


Alterations to convert to a single dwelling;
erection of single storey extension and installation
of rooflights to rear; alterations to windows and
doors; alterations to boundary wall; internal
alterations to doors and partitions with associated
works

10 The Chanonry, Aberdeen

Detailed Planning Permission
200391/DPP

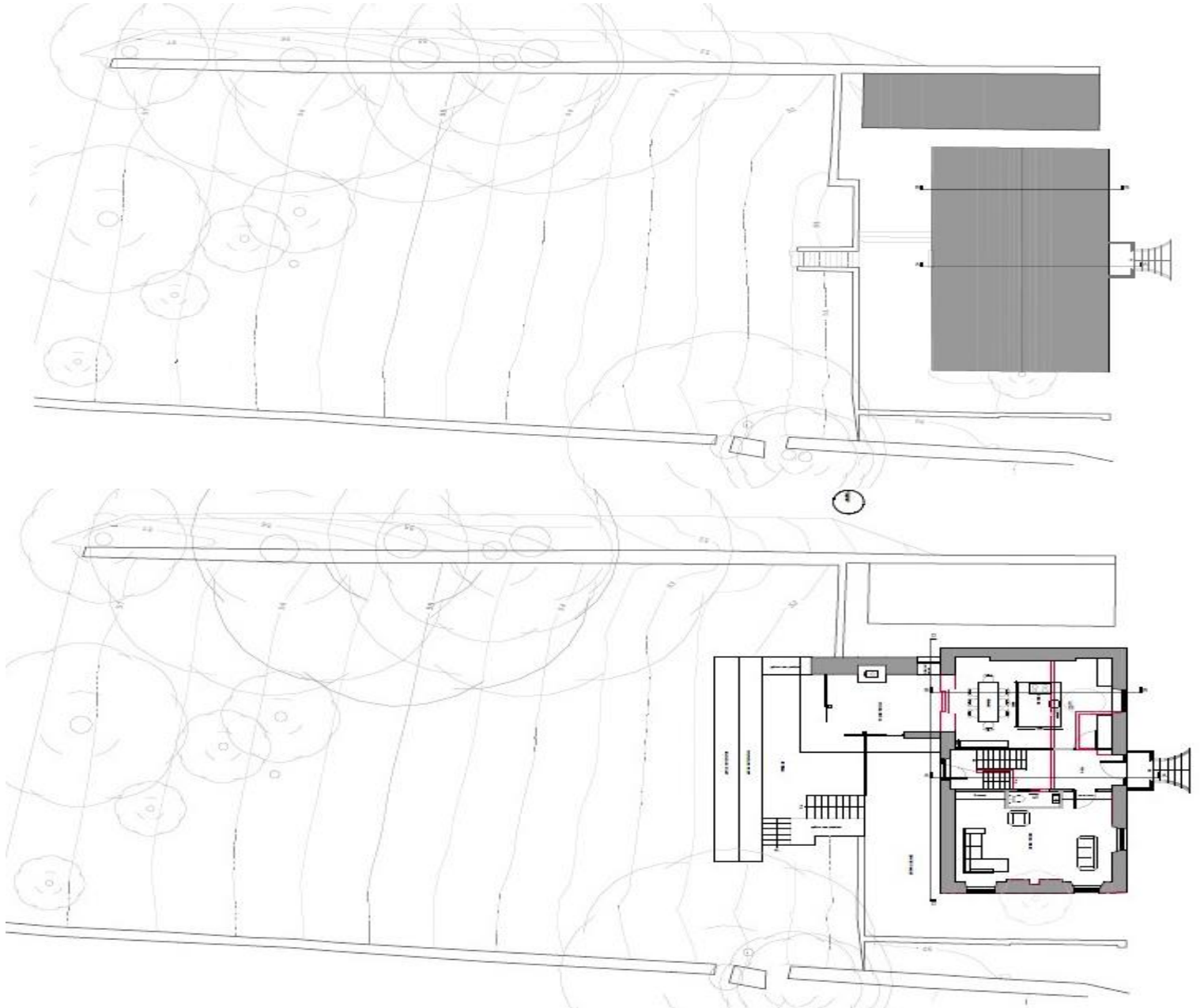
Location Plan



Aerial Image

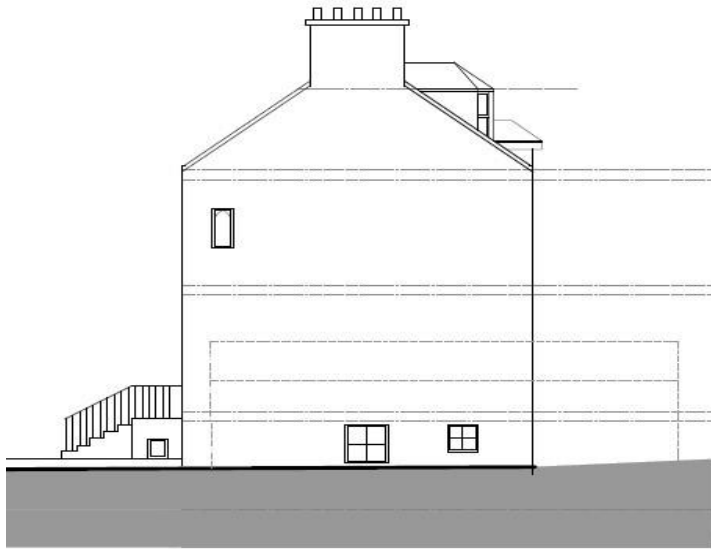


Existing and Proposed Site Plans

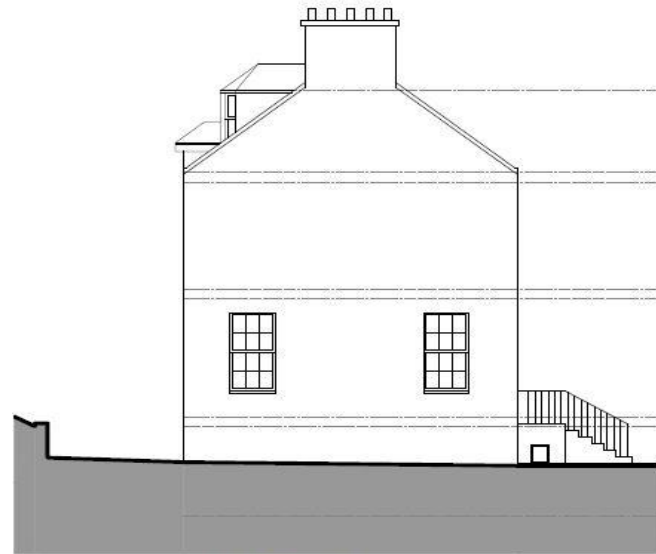


Existing Elevations

Page 95



North Elevation



South Elevation

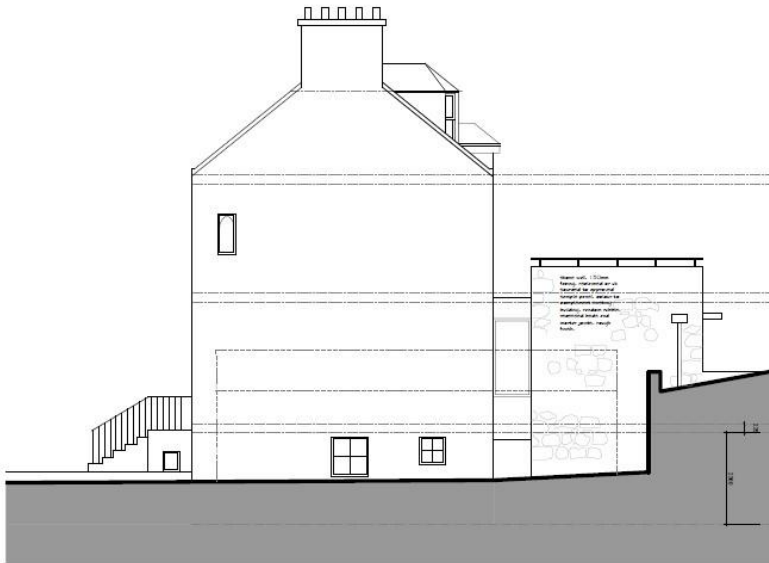


East Elevation



West Elevation

Proposed Elevations



North Elevation



South Elevation



East Elevation

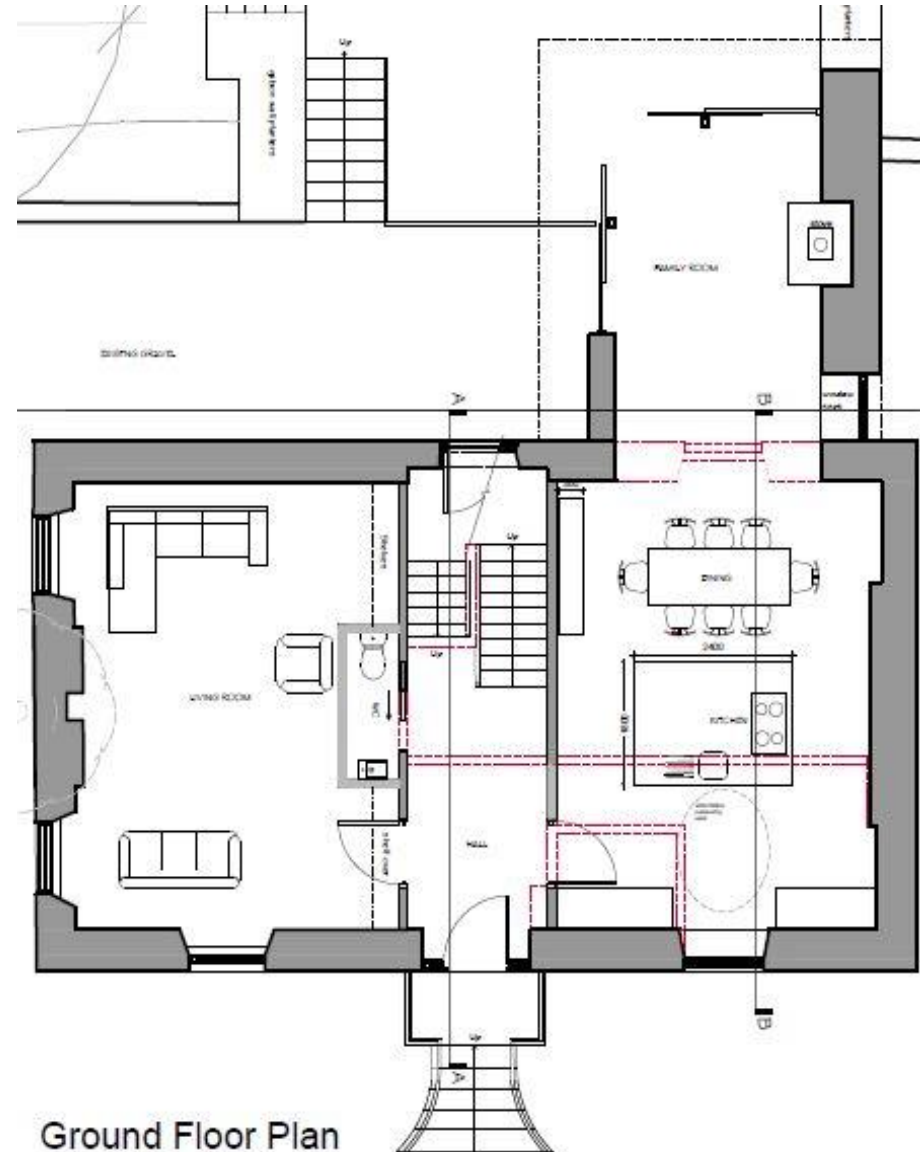
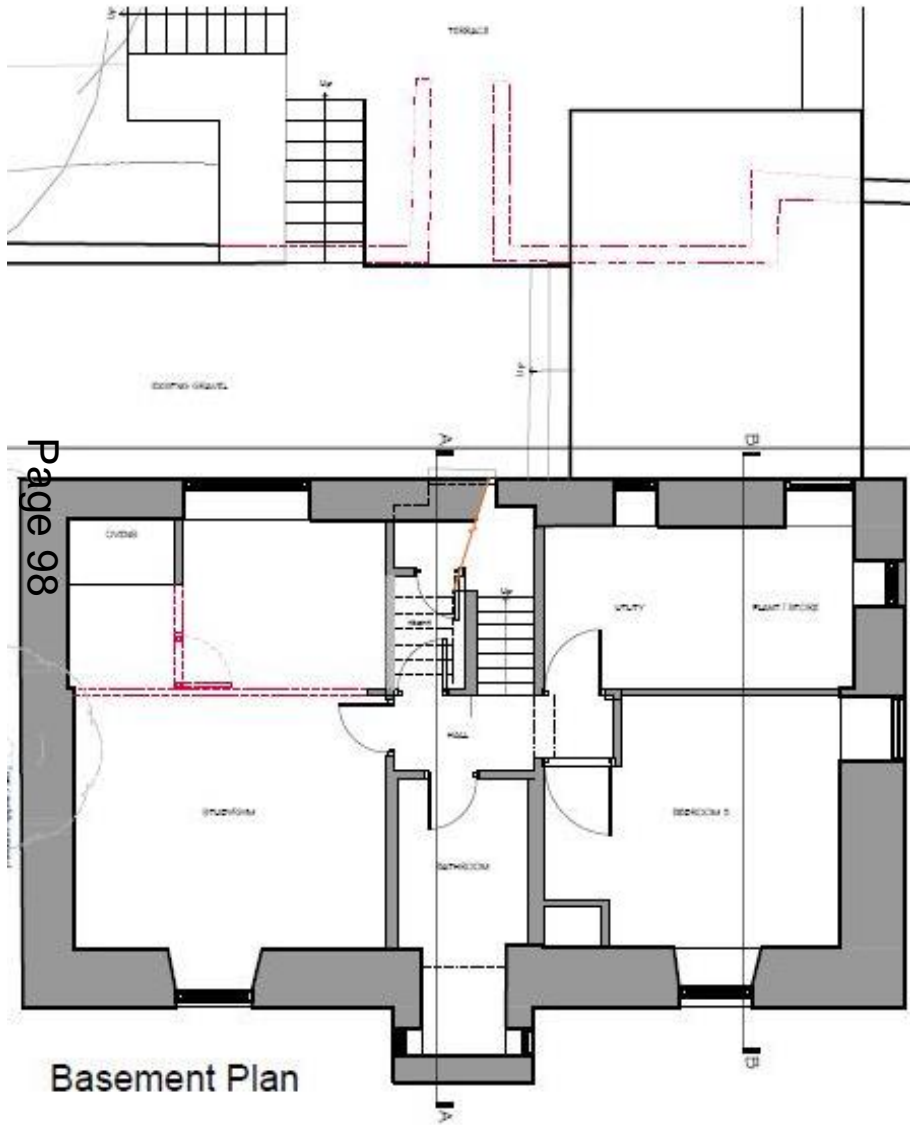


West Elevation

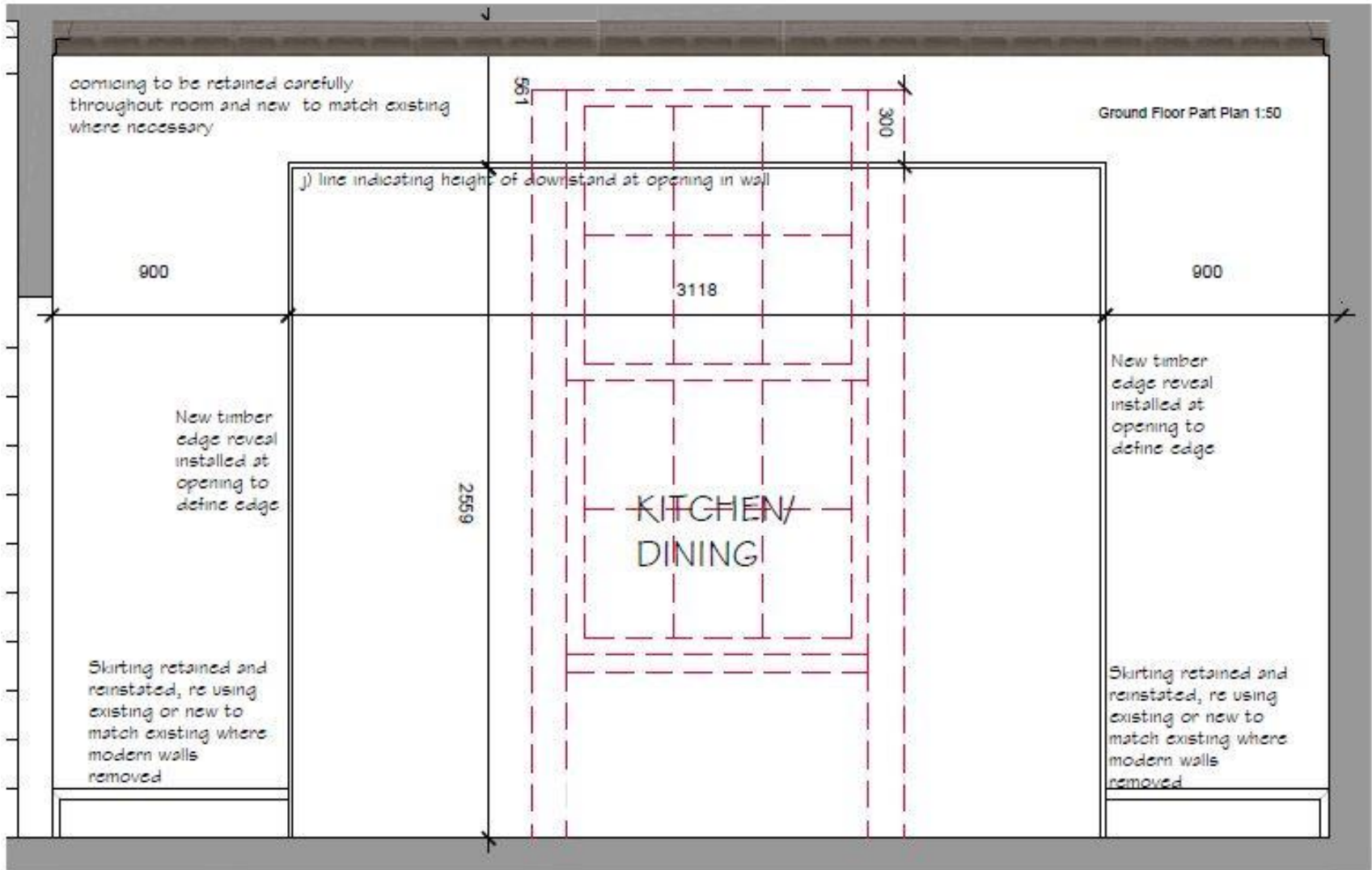
Proposed Visualisation



Proposed Floor Plans



Elevation of proposed new slapping



Site Photos – Rear elevation looking east



Site Photos – Rear elevation looking north



This page is intentionally left blank

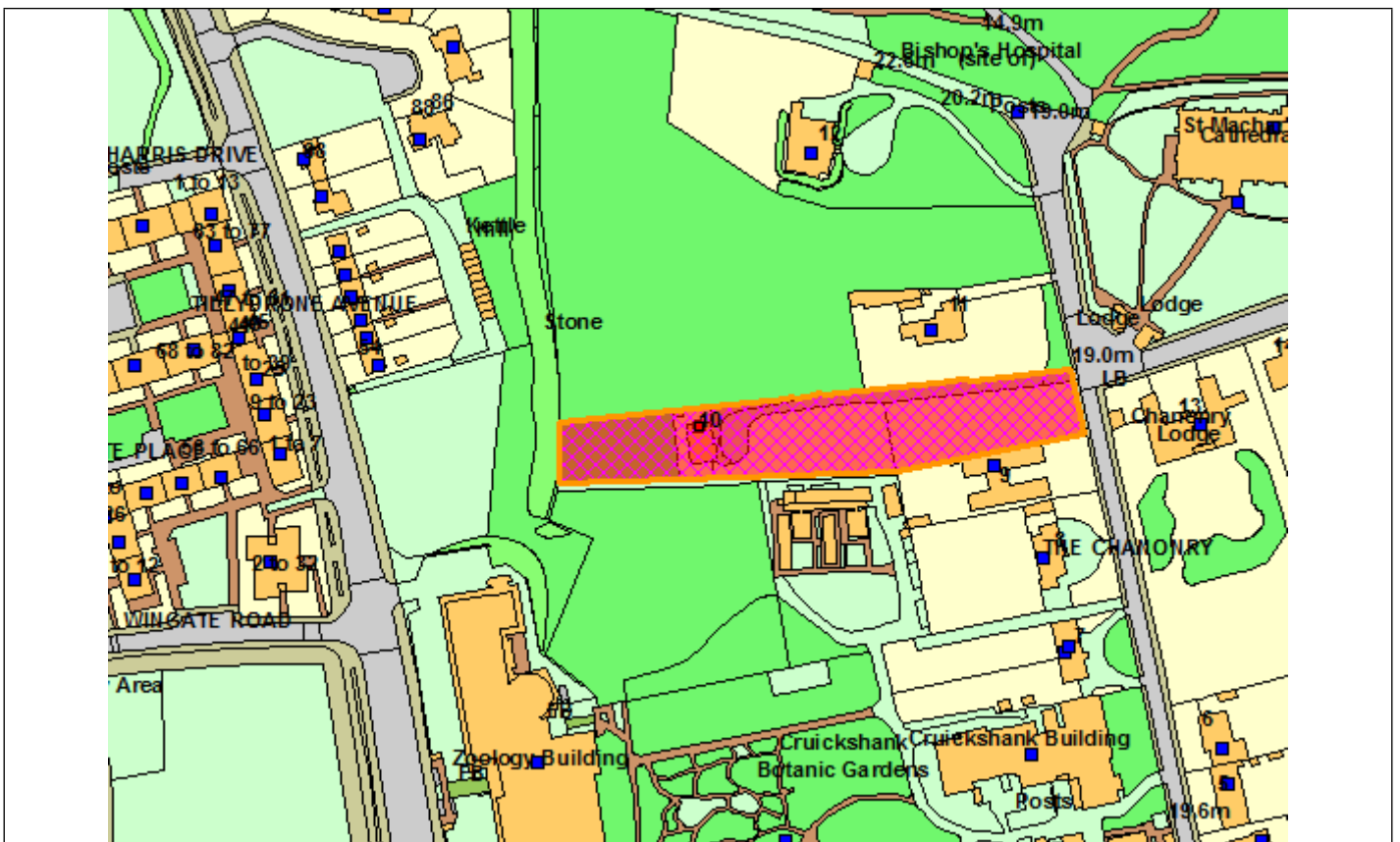


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 2nd July 2020

Site Address:	10 The Chanonry, Aberdeen, AB24 1RN
Application Description:	Alterations to convert to a single dwelling; erection of single storey extension and installation of rooflights to rear; alterations to windows and doors; alterations to boundary wall; internal alterations to doors and partitions with associated works
Application Ref:	200391/DPP
Application Type	Detailed Planning Permission
Application Date:	27 March 2020
Applicant:	Mr and Mrs Chris and Laura Finnigan
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Jemma Tasker



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Approve Conditionally.

APPLICATION BACKGROUND

Site Description

The application property is located on the western side of The Chanonry, at the junction with St. Machar's Cathedral, and comprises a late 18th century, two storey (with attic and basement) detached dwellinghouse, listed as Category B. The dwelling is of traditional construction, with granite, rubble stone and cement rendered walls, pitched slate roof and sash and case windows; much of the interior has been previously altered. The property has been previously split and, most recently, has seen the basement level used as a separate flat.

The site lies within the Old Aberdeen Conservation Area and the c. 4285sqm plot incorporates large garden grounds to the front and the rear of the property. The rear garden slopes steeply upwards towards the western boundary of the site and is screened by a brick wall and mature trees and shrubbery.

The dwelling has an east facing principal elevation, facing towards The Chanonry. A driveway extends along the north of the site, providing access to the dwelling which sits some c. 120m back from The Chanonry. The property is bound to the south by both a neighbouring dwelling (No. 9 The Chanonry) and the old Mitchell Hospital. To the west lies the Cruickshank Botanic Gardens, maintained by the University of Aberdeen at the northern edge of their Old Aberdeen campus, and to the north is the Arboretum.

Relevant Planning History

Application Number	Proposal	Decision Date
200392/LBC	Alterations to convert to a single dwelling; erection of single storey extension and installation of rooflights to rear; alterations to windows and doors; alterations to boundary wall; internal alterations to doors and partitions with associated works	Status: Pending Consideration.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for: the erection of a single storey extension and installation of rooflights to the rear (west elevation); alterations to windows and doors; alterations to the boundary wall; and removal of cement render from the rear elevation.

The proposed extension would project a maximum 5.4m from the rear (west) elevation of the dwelling, measuring approximately 4.4m in width, to form a new family room. The extension would bridge across from the ground floor of the existing dwelling to the slope of the rear garden. Its roof would be flat at a height of 4.1m from ground floor level, incorporating a sheltered overhang of approximately 0.8m. However, due to level changes, the northern wall of the extension which incorporates the chimney would have a maximum overall height of 5.9m from garden level. The extension would be finished with stone – reclaimed or UK sourced random rubble – and zinc, and would be extensively glazed. Fully-glazed corner sliding doors finished in grey aluminium are proposed on the south elevation at c. 3.5m wide and on the west elevation at c. 3.3m wide, and a 1m wide window on the north elevation.

The extension would lead out to a terraced area incorporating gabion stone walls with planting and a frameless glazed balustrade. This would involve the removal of a section of the boundary wall and the relocation of the external stairs.

Other alterations to the rear include the installation of two 0.5m wide rooflights and one 0.8m wide rooflight on the western roofslope, all of a conservation style. At basement level, it is proposed to replace the existing external door with a glazed door and install a new 1.9m wide slot window, both alu-clad in graphite grey.

The proposal further sees the removal of the cement render on the rear elevation to expose the stone beneath.

Internal works are also proposed, but these will be considered under the tandem Listed Building Consent application, 200392/LBC.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7HUMLBZGWD00>

Design Heritage Statement, Rev B by Hyve Architects (March, 2020) – provides historic context for the site, a policy context for the application and information relating to the design of the proposal.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 6 timeous letters of objection have been received and thus falls out with the Council's Scheme of Delegation.

CONSULTATIONS

Historic Environment Scotland – Note that the proposal has the potential to affect St. Machar's Cathedral and graveyard – both Listed Building and Scheduled Monument – therefore, suggest seeking advice from the archaeology and conservation service.

Archaeology Service – The archaeology service note that the proposal will unlikely have a negative impact upon the setting of the surrounding designated sites owing to the lack of visibility between the two and have no further comment to make on the setting. However, with regard to the foundations for the extension, and the other ground-breaking works associated with the proposal, note that there may be potential to disturb archaeological features; therefore, request that a condition is attached to the grant of consent.

ACC - Environmental Health – No objection; have requested the insertion of an informative relating to the operation of the stove appliance.

Old Aberdeen Community Council – Do not object to the application; however, have submitted comments. No objection to the principle of extending to the rear; however, have concerns in relation to the design and choice of materials. It is asked that consideration should be given to the adoption of more traditional materials and proportions. It is further wondered if the low elevation of chimney exit on a single story extension is a practicable solution. The proposal might not comply 'BS EN 15287-1 Design, Installation and Commissioning of Chimneys'.

REPRESENTATIONS

A total of 7 timeous objections were received, the matters raised can be summarised as follows:

1. The extension will be visible from publicly accessible areas in the Cruickshank Gardens.
2. The extension will not be reversible due to slapping a large opening through the west elevation of the original dwelling, including the loss of a window, which is much larger than it needs to be.
3. It would be better if an opening was formed by removal of the cill beneath the window which would be less intrusive and result in less removal of historic fabric.
4. All materials to be used should be clearly specified and justified, to allow considered judgement.
5. The design is not sympathetic to the ethos of building conservation in this sensitive area.
6. It is not clear what effect the other changes intended for this house might have on the proportions of original rooms or features of architectural or historic interest.
7. The application provides little detail about the present character of the interior of the house and the survival of period features.
8. The proposed rear extension raises questions about the structural integrity of the rear elevation.
9. No information has been provided about the enlarged window which is to be formed in the rear elevation of the house at basement level.
10. Concerns relating to the proposed alterations to the classic proportions of the room to the south of the hallway, with the introduction of a 'boxed-in' WC, with a door of unspecified dimensions or design.
11. The Chanonry is not characterised by modern extensions of the kind envisaged in this application, and this would be very much out of context for this character area.
12. The materials proposed - zinc, plate-glass and aluminium door and window framing - would not be in keeping with, or sympathetic to, the character of 10 The Chanonry or the surrounding area.
13. The design of the extension proposed is at odds with, and unsympathetic to, the original house; therefore, damaging its special architectural and historic interest.
14. The roof of the extension would reach almost to the window of the second floor, further obscuring the west elevation.
15. If consent is granted for the proposal, it could set a precedent which would cumulatively be detrimental to both the character and appearance of the Old Aberdeen Conservation Area, and to the many listed dwellinghouses.

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 (SPP)

Historic Environment Policy for Scotland (HEPS)

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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy D5 – Our Granite Heritage

Policy H1 – Residential Areas

Proposed Aberdeen Local Development Plan (2020) (PALDP)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. Policies of relevance include:

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy D6 – Historic Environment
Policy D7 – Our Granite Heritage
Policy D8 – Windows and Doors
Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)
The Replacement of Windows and Doors

Other Material Considerations

Historic Environment Scotland's Managing Change in the Historic Environment: Extensions and Roofs

Aberdeen City Council's Conservation Area Character Appraisal and Management Plan: Old Aberdeen (December, 2015)

EVALUATION

Principle of Development

The application site is located within a residential area as identified in the ALDP. The proposal would comply with this policy in principle if it does not constitute overdevelopment; the character and amenity of the surrounding area is not adversely affected; and it complies with the relevant Supplementary Guidance. These issues are discussed in the evaluation below.

Design and Scale

To determine the effect the proposal will have on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy states that all development must ensure high standards of design and have a strong and distinctive sense of place, which is a result of: context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Rear Extension

In terms of scale, the proposal is considered acceptable in that at 24sqm in area, the increase in footprint would be considerably under the maximum 100% increase permitted on the original footprint, with a minor rise in site coverage, taking the overall plot coverage to 3% which would retain a very low level of development and sufficient usable garden space, which would not be at odds with the context of the immediate area. Therefore, the extension would not constitute overdevelopment and would be acceptable in terms of scale of both the plot size and the surrounding area.

In terms of design, the scale of the resultant structure would ensure that it plays a subordinate role to the original building; it would make an acceptable contribution to its setting, neither masking nor overwhelming the original dwellinghouse with the roof of the extension lining through with first floor level of the original dwelling; therefore, positioned considerably below the eaves. It would be of a contemporary design; materials would be relatively limited and offer a contemporary contrast to the traditional materials which would act as an 'deferential contrast' (as described in Managing Change in the Historic Environment: Extensions Section 3.7) to the traditional form of the original dwelling. As such, the proposal would result in a modest extension that would be well detailed using appropriate materials of the highest quality (zinc, stone and grey aluminium glazed frames) which would sit well with the existing building, read clearly as a modern addition and define the timing of this later extension. The extension would be located to a secondary elevation in a discreet location and given the level of existing screening, in addition to the sloping nature of the site resulting in the dwelling siting considerably below the rear garden level, the extension would be limitedly visible from a public viewpoint. The proposed extension reads clearly as a high quality complimentary addition to the existing building.

The proposed extension would therefore be compliant with the principles contained in HES Managing Change Document – Extensions, as it would be subordinate in scale and form; located to a secondary elevation; designed in a high-quality manner using appropriate materials; and would protect the character, setting and appearance of this building. The proposed extension would therefore, be of a design and scale which would not adversely affect the special historic and architectural character of this B-Listed Building, in accordance with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design) and D4 (Historic Environment); and Managing Change in the Historic Environment: Extensions.

Rooflights

The proposed new rooflights are considered to be appropriately sited not to disrupt the historic character and appearance of the dwellinghouse. They would not dominate the roofplane, would be sited on a secondary elevation, would be of a conservation style and therefore would not unduly detract from the historic character and appearance of the roof.

Alterations to Boundary Wall

The proposal involves alterations to the existing boundary wall within the rear garden to accommodate the extension and terraced area. This would represent a minor alteration within the rear garden ground and would have a negligible impact upon the character and appearance of the Listed Building or Conservation Area.

External Window and Door

At basement level, it is proposed to replace the existing non-original external door with a glazed door and install a new 1.9m wide slot window, both alu-clad in graphite grey. These works are to a secondary elevation; would cause little disruption to any formal symmetry; and would not disrupt the characteristics of the surrounding external and internal context.

To ensure the new window would be of suitable quality, a condition is proposed to the grant of consent seeking 1:10 elevation, horizontal and vertical sectional drawings of the window to be installed.

Removal of Cement Render

The proposal involves the removal of the cement render from the west elevation to expose the stone beneath. Any cement mortar will be removed from the mortar joints, replaced with a suitable hot lime mix mortar, formulated using analysis of samples of the existing lime mortar found in the wall. The principle of this is accepted; however, a condition is proposed to the grant of consent relating to the finalised wall finish.

Loss of Historic Fabric

Policy D5 (Our Granite Heritage) advises that the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features and that where the retention and re-use of a granite feature, in whole or part, is unviable then the visible re-use of as much of the original granite as is practically possible as a building material within the development site is required.

The integration of the new extension and opening of the new window at basement level would result in a loss of historic fabric on the rear (west) elevation through the loss of granite and the removal of windows. This loss has been justified by the applicant stating that the extension is the minimum size required to make the new extension function to its full potential by creating a relatively small and subservient extension. It is accepted that the loss of historic fabric is allowing for the construction of a high quality, modest extension. The applicant has confirmed that downtakings will be suited to becoming a feature of an element of the gabion wall that is proposed as part of the terrace. To ensure that granite is reused within the proposal, it is proposed that a condition is attached to the grant of consent to achieve this. Additionally, the windows to be removed on the west elevation have been stated to be removed and then stored on site for

possible future use. Subject to the aforementioned condition, the proposal will be in compliance with Policy D5 (Our Granite Heritage).

Impact on the Historic Environment

Policy D4 (Historic Environment) of the ALDP states that the Council should protect, preserve and enhance the historic environment in line with Scottish Planning Policy (SPP). The extension would involve alterations to a secondary elevation and would result in an extension that would be of acceptable materials and design; would neither mask nor majorly remove any features of historical significance; and would not impact negatively on the visual amenity and character of either the Conservation Area or the Listed Building and its setting. Additionally, the rooflights, window, door, alteration to the boundary wall and removal of cement render on the rear elevation are considered to have minimum impact on the historic fabric and character of the dwelling and the wider area, further details of the window will be secured via a condition to ensure its suitability. While being somewhat visible from the botanical gardens, the rear extension would not be excessively visible from a public viewpoint, and the impact to the principal elevation is considered to be insignificant; therefore, the visual amenity and character of the Old Aberdeen Conservation Area would be preserved.

With regard to the foundations for the extension, and the other ground-breaking works associated with the proposal such as within the basement, it is noted that there may be potential to disturb archaeological features. Amongst these would be structures and remnants of one of the medieval manses associated with the cathedral. Therefore, a condition is proposed to the grant of consent in order to safeguard and record the archaeological potential of the area.

Therefore, subject to the above condition, impact to the historic environment would be within an acceptable level and the proposal would be in compliance with Policy D4 of the ALDP and the guidance contained in the Managing Change documents.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity enjoyed by others. Given the distance to neighbouring properties and the level of existing boundary screening, there would be no adverse impact on neighbouring daylight levels, privacy or any adverse increase in overshadowing as a result of the proposal. Therefore, current levels of residential amenity would be retained, in compliance with Policy H1 and the HDG.

Proposed Aberdeen Local Development Plan (2020) (PALDP)

In relation to this particular application, the Policies D1, D2, D6, D7, D8 and H1 in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the Adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

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

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal, the proposed development is not considered to be strategically or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Matters Raised by the Community Council

No objection to the principle of extending to the rear; however, have concerns in relation to the design and choice of materials. It is asked that consideration should be given to the adoption of more traditional materials and proportions. It is further wondered if the low elevation of chimney exit on a single story extension is a practicable solution. The proposal might not comply ‘BS EN 15287-1 Design, Installation and Commissioning of Chimneys’.

The proposal involves the use of high quality materials which would act as a 'deferential contrast' to the dwelling, having limited impact on the surrounding area. The proposed materials and proportions are addressed in the foregoing evaluation: 'Design and Scale'. In terms of the proposal complying with 'BS EN 15287-1', this is not a planning consideration and therefore, cannot be taken into account during the assessment of this application. This matter will be covered at building warrant stage.

Matters Raised in Letters of Representation

1. The extension will be visible from publicly accessible areas of the Cruickshank Gardens.

The proposal will not be excessively visible from this viewpoint unless standing in particular points of the gardens. Where the extension may be visible, the impact on the visual amenity of the area would be limited.

2. The extension will not be reversible due to slapping a large opening through the west elevation of the original dwelling, including the loss of a window, which is much larger than it needs to be.

The proposed slapping has been justified by the applicant and is considered an acceptable alteration to the Listed Building.

3. It would be better if an opening was formed by removal of the cill beneath the window which would be less intrusive and result in less removal of historic fabric.

The loss of historic fabric has been justified by the applicant who have stated that it will be reused or stored on site for future reuse.

4. All materials to be used should be clearly specified and justified, to allow considered judgement.

All materials of the proposal have been specified to a satisfactory degree. A condition is proposed to the grant of consent requiring samples of materials to be submitted to, and approved by, the Planning Authority.

5. The design is not sympathetic to the ethos of building conservation in this sensitive area.

The design is considered as a 'deferential contrast' and this aspect is addressed in the foregoing evaluation: 'Design and Scale'

6. It is not clear what effect the other changes intended for this house might have on the proportions of original rooms or features of architectural or historic interest.

The internal alterations are not considered or assessed as part of this planning application and are addressed within the tandem Listed Building Consent.

7. The application provides little detail about the present character of the interior of the house and the survival of period features.

The interior of the dwelling is not considered or assessed as part of this planning application and is addressed within the tandem Listed Building Consent.

8. The proposed rear extension raises questions about the structural integrity of the rear elevation.

No evidence has been provided by the objector to substantiate the assertion that the structural integrity would be affected.

9. No information has been provided about the enlarged window which is to be formed in the rear elevation of the house at basement level.

The principle of the installation of this window is accepted; however, a condition is proposed requiring details of the window to be submitted to, and approved in writing by, the Planning Authority.

10. Concerns relating to the proposed alterations to the classic proportions of the room to the south of the hallway, with the introduction of a 'boxed-in' WC, with a door of unspecified dimensions or design.

The internal alterations are not considered or assessed as part of this planning application and are addressed within the tandem Listed Building Consent.

11. The Chanonry is not characterised by modern extensions of the kind envisaged in this application, and this would be very much out of context for this character area.

The proposal is considered to be in line with local, national guidance and appropriate in relation to the existing dwelling and suitable within the context of the area given its discreet location.

12. The materials proposed - zinc, plate-glass and aluminium door and window framing - would not be in keeping with, or sympathetic to, the character of 10 The Chanonry or the surrounding area.

The proposal involves the use of high quality materials which would act as a 'deferential contrast' to the dwelling, having limited impact of the surrounding area. The proposed materials are addressed in the foregoing evaluation: 'Design and Scale'. Further, a condition is proposed to the grant of consent requiring samples of the materials to be submitted to, and approved in writing by, the Planning Authority.

13. The design of the extension proposed is at odds with, and unsympathetic to, the original house; therefore, damaging its special architectural and historic interest.

The proposed extension reads as a high quality complementary addition to the existing building, having an acceptable impact on the original dwelling. The design of the extension is addressed in the foregoing evaluation: 'Design and Scale'.

14. The roof of the extension would reach almost to the window of the second floor, further obscuring the west elevation.

The scale of the extension, including height, is considered to be acceptable, ensuring it remains subordinate to the original dwelling. The scale of the extension is addressed in the foregoing evaluation: 'Design and Scale'.

15. If consent is granted for the proposal, it could set a precedent which would cumulatively be detrimental to both the character and appearance of the Old Aberdeen Conservation Area, and to the many listed dwellinghouses.

Each application is assessed on its own merits and in this instance the proposal is found to be acceptable given the location, scale, design of the extension and its impact on upon the Conservation Area.

RECOMMENDATION

Approve Conditionally.

REASON FOR RECOMMENDATION

The proposal is considered satisfactory in terms of design, scale and appearance. The proposed extension would result in a small loss of historic fabric; however, as this is allowing for an extension of high design and historic features will be reused or stored, the loss has been accepted and a condition applied ensuring that the granite is reused. The rooflights, window, door, alteration to the boundary wall and removal of cement render on the rear elevation are considered to have minimum impact on the historic fabric and character of the dwelling and the wider area. The proposal has been designed to respect the character and form of the Category B Listed Building

and would not detract from its appearance, setting or integrity. Current residential amenity would be retained and there would be neutral impact on both the visual amenity of the streetscape and on the character of the Old Aberdeen Conservation Area. The proposal therefore shows due regard for its context relative to the character of the associated dwellinghouse, in compliance with Policies D1 (Quality Placemaking by Design), D4 (Historic Environment), D5 (Our Granite Heritage) and H1 (Residential Areas) of the Adopted Aberdeen Local Development Plan; Policies D1, D2, D6, D7, D8 and H1 of the Proposed Aberdeen Local Development Plan; and meets the aims of Scottish Planning Policy, Historic Environment Policy for Scotland, Managing Change in the Historic Environment: Extensions and Roofs, and the Householder Development Guide. On the basis of the above and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of Planning Permission in this instance.

CONDITIONS

1. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

2. No window installation shall take place until such time as the detail of the window on the west elevation at basement level, indicated on Drawing: A1466 02 05 REV E, in all its detail including 1:10 elevations, vertical and horizontal sections, has been submitted to and agreed in writing by the Planning Authority, thereafter the works carried out in accordance with the agreed details.

Reason: To ensure an appropriate design in the interest of preserving the special character and setting of the Listed Building and Conservation Area.

3. Construction of the hereby approved rear extension shall not begin unless a sample of all materials to be used on the external walls and roof of the extension has been submitted to and agreed in writing by the Planning Authority. Thereafter, the extension shall be constructed utilising the agreed materials, or others as agreed in writing by the Planning Authority.

Reason: In the interest of preserving the special character and setting of the Listed Building and Conservation Area.

4. That no development shall take place unless details of the finalised external wall finishes on the west elevation of the dwelling, after the removal of the cement render, have been submitted to and agreed in writing by the Planning Authority. Thereafter, development shall be carried out in accordance with the agreed details.

Reason: In the interest of preserving the special character and setting of the Listed Building

and Conservation Area.

5. Prior to commencement of the following works, a detailed methodology for the formation of all new slappings should be submitted to and approved in writing by the Planning Authority. Thereafter, works shall be carried out in accordance with the agreed details.

Reason: In the interests of safeguarding the building's special architectural and historical interest.

6. That the removal of sections of granite wall from the rear elevation shall not be undertaken unless finalised details of the re-use of the granite on the site has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the details so agreed.

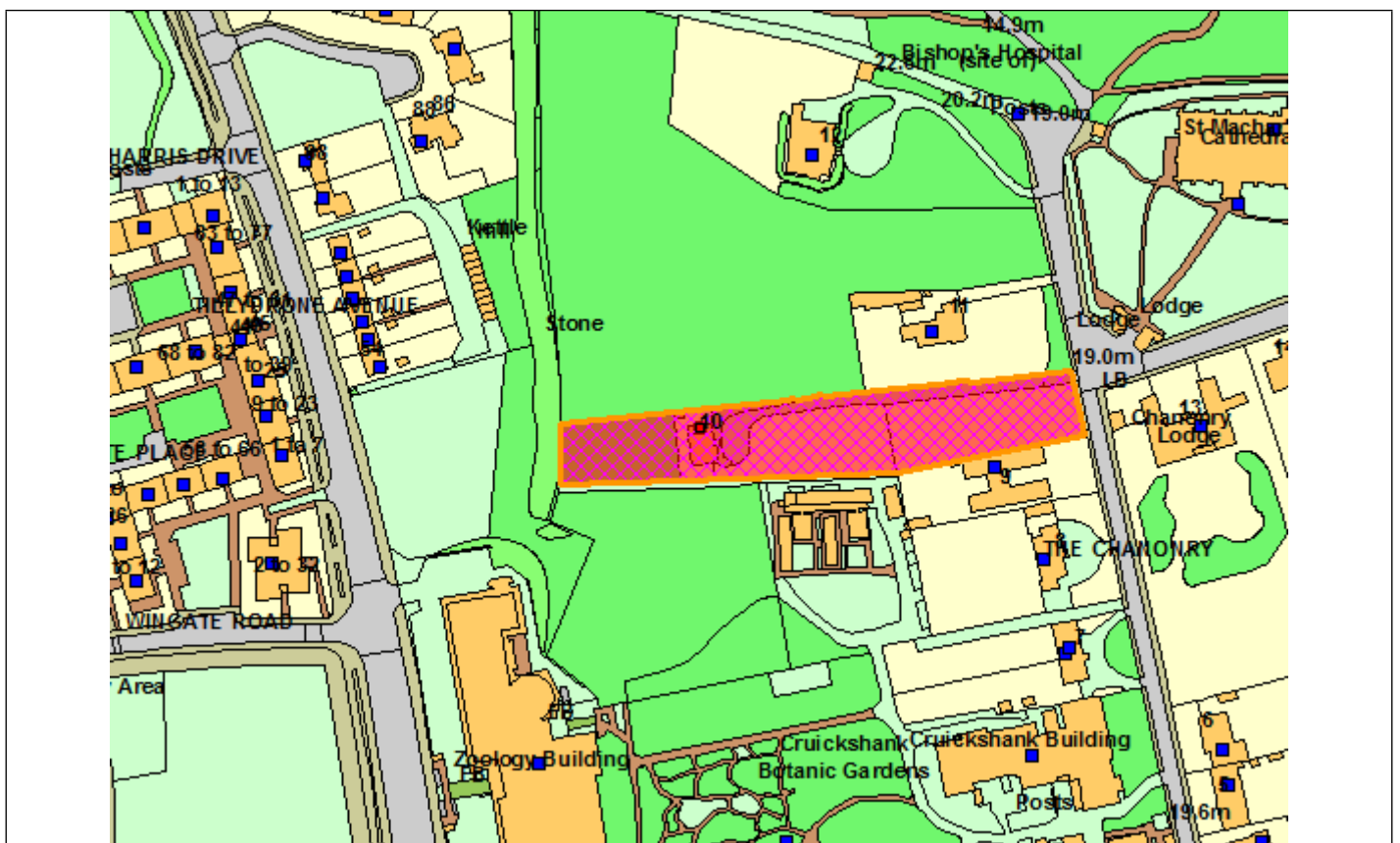
Reason: In the interests of retaining historic granite on the site and to ensure the special architectural and historic interest of the Listed Building would not be adversely affected.

ADVISORY NOTES FOR APPLICANT

Any stove appliance installed is to be operated in line with the manufactures operating, cleaning and maintenance instructions. Improper use, including use of inappropriate fuel resulting in unreasonable smoke/fume emissions likely to impact on amenity of neighbours are to be prevented.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 2nd July 2020</p>
---	--

Site Address:	10 The Chanonry, Aberdeen, AB24 1RN
Application Description:	Alterations to convert to a single dwelling; erection of single storey extension and installation of rooflights to rear; alterations to windows and doors; alterations to boundary wall; removal of cement render; and internal alterations to doors and partitions with associated works
Application Ref:	200392/LBC
Application Type	Listed Building Consent
Application Date:	27 March 2020
Applicant:	Mr and Mrs Laura and Chris Finnigan
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Jemma Tasker



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Approve Conditionally.

APPLICATION BACKGROUND

Site Description

The application property is located on the western side of The Chanonry, at the junction with St. Machar's Cathedral, and comprises a late 18th century, two storey (with attic and basement) detached dwellinghouse, listed as Category B. The dwelling is of traditional construction, with granite, rubble stone and cement rendered walls, pitched slate roof and sash and case windows; much of the interior has been previously altered. The property has been previously split and, most recently, has seen the basement level used as a separate flat.

The site lies within the Old Aberdeen Conservation Area and the c. 4285sqm plot incorporates large garden grounds to the front and the rear of the property. The rear garden slopes steeply upwards towards the western boundary of the site and is screened by a brick wall and mature trees and shrubbery.

The dwelling has an east facing principal elevation, facing towards The Chanonry. A driveway extends along the north of the site, providing access to the dwelling which sits some c. 120m back from The Chanonry. The property is bound to the south by both a neighbouring dwelling (No. 9 The Chanonry) and the old Mitchell Hospital. To the west lies the Cruickshank Botanic Gardens, maintained by the University of Aberdeen at the northern edge of their Old Aberdeen campus, and to the north is the Arboretum.

Relevant Planning History

Application Number	Proposal	Decision Date
200391/DPP	Alterations to convert to a single dwelling; erection of single storey extension and installation of rooflights to rear; alterations to windows and doors; alterations to boundary wall; internal alterations to doors and partitions with associated works	Status: Pending Consideration.

APPLICATION DESCRIPTION

Description of Proposal

Listed Building Consent is sought for: the erection of a single storey extension and installation of rooflights to the rear (west elevation); alterations to windows and doors; alterations to the boundary wall; removal of cement render from the rear elevation; and internal alterations to doors and partitions with associated works.

The proposed extension would project a maximum 5.4m from the rear (west) elevation of the dwelling, measuring approximately 4.4m in width, to form a new family room. This would involve the removal of a window at ground floor level and the formation of a 3.1m wide slapping. The extension would bridge across from the ground floor of the existing dwelling to the slope of the rear garden. Its roof would be flat at a height of 4.1m from ground floor level, incorporating a sheltered overhang of approximately 0.8m. However, due to level changes, the northern wall of the extension which incorporates the chimney would have a maximum overall height of 5.9m from garden level. The extension would be finished with stone – reclaimed or UK sourced random rubble – and zinc, and would be extensively glazed. Fully-glazed corner sliding doors finished in grey aluminium are proposed on the south elevation at c. 3.5m wide and on the west elevation at c. 3.3m wide, and a 1m wide window on the north elevation.

The extension would lead out to a terraced area incorporating gabion stone walls with planting and a frameless glazed balustrade. This would involve the removal of a section of the boundary wall

and the relocation of the external stairs.

Other alterations to the rear include the installation of two 0.5m wide rooflights and one 0.8m wide rooflight on the western roofslope, all of a conservation style. At basement level, it is proposed to replace the existing external door with a glazed door and install a new 1.9m wide slot window, both alu-clad in graphite grey.

Internally, alterations at basement level include the removal of a partition and door to create a large studio/gym. At ground floor level a partition and door would be removed to create an open hallway and a new stud wall installed to create a W/C. The partition between the existing kitchen and dining area would be removed to create an open plan kitchen and dining area, leading through to the proposed extension. At first and second floor levels, various small sections of partitions and doors would be removed, and a new stud wall installed between bedroom 1 and the dressing room.

Consent is further sought for the installation of wood fibre insulation within the existing roof and the removal of cement render from the west elevation to expose the stone beneath.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7HUNBBZGWG00>

Design Heritage Statement, Rev B by Hyve Architects (March, 2020) – provides historic context for the site, a policy context for the application and information relating to the design of the proposal.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 6 timeous letters of objection have been received and thus falls out with the Council's Scheme of Delegation.

CONSULTATIONS

Historic Environment Scotland – Response received but no specific comments provided.

Archaeology Service – The archaeology service note that the proposal will unlikely have a negative impact upon the setting of the surrounding designated sites owing to the lack of visibility between the two and have no further comment to make on the setting. However, with regard to the foundations for the extension, and the other ground-breaking works associated with the proposal, note that there may be potential to disturb archaeological features; therefore, request that a condition is attached to the grant of consent.

ACC - Environmental Health – No objection; have requested the insertion of an informative relating to the operation of the stove appliance.

Old Aberdeen Community Council – Do not object to the application; however, have submitted neutral comments. No objection to the principle of extending to the rear; however, have concerns in relation to the design and choice of materials. It is asked that consideration should be given to the adoption of more traditional materials and proportions. It is further wondered if the low elevation of chimney exit on a single story extension is a practicable solution. The proposal might not comply 'BS EN 15287-1 Design, Installation and Commissioning of Chimneys'.

REPRESENTATIONS

A total of 7 timeous objections have been received, the matters raised can be summarised as follows:

1. The extension will be visible from publicly accessible areas of the Cruickshank Gardens.
2. The extension will not be reversible due to slapping a large opening through the west elevation of the original dwelling, including the loss of a window, which is much larger than it needs to be.
3. It would be better if an opening was formed by removal of the cill beneath the window which would be less intrusive and result in less removal of historic fabric.
4. All materials to be used should be clearly specified and justified, to allow considered judgement.
5. The design is not sympathetic to the ethos of building conservation in this sensitive area.
6. It is not clear what effect the other changes intended for this house might have on the proportions of original rooms or features of architectural or historic interest.
7. The application provides little detail about the present character of the interior of the house and the survival of period features.
8. The proposed rear extension raises questions about the structural integrity of the rear elevation.
9. No information has been provided about the enlarged window which is to be formed in the rear elevation of the house at basement level.
10. Concerns relating to the proposed alterations to the classic proportions of the room to the south of the hallway, with the introduction of a 'boxed-in' WC, with a door of unspecified dimensions or design.
11. The Chanonry is not characterised by modern extensions of the kind envisaged in this application, and this would be very much out of context for this character area.
12. The materials proposed - zinc, plate-glass and aluminium door and window framing - would not be in keeping with, or sympathetic to, the character of 10 The Chanonry or the surrounding area.
13. The design of the extension proposed is at odds with, and unsympathetic to, the original house; therefore, damaging its special architectural and historic interest.
14. The roof of the extension would reach almost to the window of the second floor, further obscuring the west elevation.
15. If consent is granted for the proposal, it could set a precedent which would cumulatively be detrimental to both the character and appearance of the Old Aberdeen Conservation Area, and to the many listed dwellinghouses.

MATERIAL CONSIDERATIONS

Legislative Requirements

Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of

preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017) (ALDP)

Policy D4 – Historic Environment

Policy D5 – Our Granite Heritage

Proposed Aberdeen Local Development Plan (2020) (PALDP)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report;
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. Policies of relevance include:

Policy D6 – Historic Environment

Policy D7 – Our Granite Heritage
Policy D8 – Windows and Doors

Supplementary Guidance

The Householder Development Guide (HDG)

Other Material Considerations

Managing Change in the Historic Environment: Extensions, Interiors and Roofs

EVALUATION

Rear Extension

In terms of scale, the proposal is considered acceptable in that at 24sqm in area, the increase in footprint would be considerably under the maximum 100% increase permitted on the original footprint, with a minor rise in site coverage, taking the overall plot coverage to 3% which would retain a very low level of development and sufficient usable garden space, which would not be at odds with the context of the immediate area. Therefore, the extension would not constitute overdevelopment and would be acceptable in terms of scale of both the plot size and the surrounding area.

In terms of design, the scale of the resultant structure would ensure that it plays a subordinate role to the original building; it would make an acceptable contribution to its setting, neither masking nor overwhelming the original dwellinghouse with the roof of the extension lining through with first floor level of the original dwelling; therefore, positioned considerably below the eaves. It would be of a contemporary design; materials would be relatively limited and offer a contemporary contrast to the traditional materials which would act as an 'deferential contrast' (as described in Managing Change in the Historic Environment: Extensions Section 3.7) to the traditional form of the original dwelling. As such, the proposal would result in a modest extension that would be well detailed using appropriate materials of the highest quality (zinc, stone and grey aluminium glazed frames) which would sit well with the existing building, read clearly as a modern addition and define the timing of this later extension. The extension would be located to a secondary elevation in a discreet location and given the level of existing screening, in addition to the sloping nature of the site resulting in the dwelling sitting considerably below the rear garden level, the extension would be limitedly visible from a public viewpoint. The proposed extension reads clearly as a high quality complementary addition to the existing building.

The proposed extension would therefore be compliant with the principles contained in the Householder Development Guide and HES Managing Change Document – Extensions, as it would be subordinate in scale and form; located to a secondary elevation; designed in a high-quality manner using appropriate materials; and would protect the character, setting and appearance of this building. The proposed extension would therefore be of a design and scale which would not adversely affect the special historic and architectural character of this B Listed Building.

Rooflights

The proposed new rooflights are considered to be appropriately sited not to disrupt the historic character and appearance of the dwellinghouse. They would not dominate the roofplane, would be sited on a secondary elevation, would be of a conservation style and therefore would not unduly detract from the historic character and appearance of the roof.

External Window and Door

At basement level, it is proposed to replace the existing non-original external door with a glazed door and install a new 1.9m wide slot window, both alu-clad in graphite grey. These works are to a secondary elevation; would cause little disruption to any formal symmetry; and would not disrupt

the characteristics of the surrounding external and internal context.

To ensure the new window would be of suitable quality, a condition is proposed to the grant of consent seeking 1:10 elevation, horizontal and vertical sectional drawings of the window to be installed.

Internal alterations

Historic Environment Scotland 'Managing Change in the Historic Environment: Interiors' identifies that an important defining feature of the character and special interest of a historic building can be its interior. The interest, experience and enjoyment of a historic interior can be derived from a number of factors including its design, structural plan and layout, the quality of its decorative scheme, materials and craftsmanship, and fixtures and fittings.

Any alteration to the interior of a Listed Building should protect its character. The proposal includes the removal of walls separating a number of rooms throughout the dwelling, the formation of a W/C and the installation of replacement doors. These works are considered to be minor in nature, with no significant historic architectural detailing to be removed or masked given that most downtakings are later, modern additions; would have minimal impact on the internal character of the dwellinghouse; and the original floor plan would remain relatively intact. Historic doors, dado rails and skirtings will be carefully removed and reused within the proposal. In instances where they are not reused in the works they will be stored for use in future repairs. These alterations have all been designed with due consideration for the context of the building, with many alterations relating deliberately to later, modern additions to the dwelling. A condition is proposed requiring the submission of a methodology statement for the formation of all new slappings to ensure that they minimise disruption to architectural features and detailing and would not impact upon the special character of the building.

Alterations to Boundary Wall

The proposal involves alterations to the existing boundary wall within the rear garden to accommodate the extension and terraced area. This would represent a minor alteration within the rear garden ground and would have a negligible impact on the special interest of the Listed Building.

Roof Insulation

It is proposed to re-insulate the existing roof with wood fibre insulation. This will extend to the whole roof to the front and rear and include the dormers where possible; the existing roof slate and timber sarking will remain. A methodology statement has been provided which is considered satisfactory, having negligible impact on the historic character of the Listed Building.

Removal of Cement Render

The proposal involves the removal of the cement render from the west elevation to expose the stone beneath. Any cement mortar will be removed from the mortar joints, replaced with a suitable hot lime mix mortar, formulated using analysis of samples of the existing lime mortar found in the wall. The principle of this is accepted; however, a condition is proposed to the grant of consent relating to the finalised wall finish.

Impact on the Historic Environment

Policy D4 (Historic Environment) of the ALDP states that the Council should protect, preserve and enhance the historic environment in line with Scottish Planning Policy (SPP). The extension would involve alterations to a secondary elevation and would result in an extension that would be of acceptable materials and design; would neither mask nor majorly remove any features of historical significance; and would not impact negatively on the visual amenity and character of the Listed Building and its setting. Additionally, the rooflights, window, door, alteration to the boundary wall and removal of cement render on the rear elevation are considered to have minimum impact on

the historic fabric and character of the dwelling and the wider area, further details of the window will be secured via a condition to ensure its suitability. While being somewhat visible from the botanical gardens, the rear extension would not be excessively visible from a public viewpoint, and the impact to the principal elevation is considered to be insignificant; therefore, the visual amenity and character of the Old Aberdeen Conservation Area would be preserved.

With regard to the foundations for the extension, and the other ground-breaking works associated with the proposal such as within the basement, it is noted that there may be potential to disturb archaeological features. Amongst these would be structures and remnants of one of the medieval manses associated with the cathedral. Therefore, a condition is proposed to the grant of consent in order to safeguard and record the archaeological potential of the area.

Historic Environment Policy for Scotland's, Policy HEP 2 states that changes affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations. The conversion of this property into a single dwelling will ensure its future use as a family dwelling while respecting the unique character of the dwelling and the surrounding area.

Therefore, subject to the above condition, impact to the historic environment would be within an acceptable level and the proposal would be in compliance with Policy D4 of the ALDP and the guidance contained in the Managing Change documents.

Loss of Historic Fabric

Policy D5 (Our Granite Heritage) advises that the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features and that where the retention and re-use of a granite feature, in whole or part, is unviable then the visible re-use of as much of the original granite as is practically possible as a building material within the development site is required.

The integration of the new extension and opening of the new window at basement level would result in a loss of historic fabric on the rear (west) elevation through the loss of granite and the removal of windows. This loss has been justified by the applicant stating that the extension is the minimum size required to make the new extension function to its full potential by creating a relatively small and subservient extension. It is accepted that the loss of historic fabric is allowing for the construction of a high quality, modest extension. The applicant has confirmed that doughtings will be suited to becoming a feature of an element of the gabion wall that is proposed as part of the terrace. To ensure that granite is reused within the proposal, it is proposed that a condition is attached to the grant of consent to achieve this. Additionally, the windows to be removed on the west elevation have been stated to be removed and then stored on site for possible future use. Subject to the aforementioned condition, the proposal will be in compliance with Policy D5 (Our Granite Heritage).

Proposed Aberdeen Local Development Plan (2020) (PALDP)

In relation to this particular application, the Policies D6, D7 and D8 in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the Adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

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

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal, the proposed development is not considered to be strategically or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Matters Raised by the Community Council

No objection to the principle of extending to the rear; however, have concerns in relation to the design and choice of materials. It is asked that consideration should be given to the adoption of more traditional materials and proportions. It is further wondered if the low elevation of chimney exit on a single story extension is a practicable solution. The proposal might not comply 'BS EN 15287-1 Design, Installation and Commissioning of Chimneys'.

The proposal involves the use of high quality materials which would act as a 'deferential contrast' to the dwelling, having limited impact on the surrounding area. The proposed materials and proportions are addressed in the foregoing evaluation: 'Rear Extension'. In terms of the proposal complying with 'BS EN 15287-1', this is not a planning consideration and therefore, cannot be taken into account during the assessment of this application. This matter will be covered at building warrant stage.

Matters Raised in Letters of Representation

1. The extension will be visible from publicly accessible areas of the Cruickshank Gardens.

The proposal will not be excessively visible from this viewpoint unless standing in particular points of the gardens. Where the extension may be visible, the impact on the visual amenity of the area would be limited.

2. The extension will not be reversible due to slapping a large opening through the west elevation of the original dwelling, including the loss of a window, which is much larger than it needs to be.

The proposed slapping has been justified by the applicant and is considered an acceptable alteration to the Listed Building as explained in the above evaluation.

3. It would be better if an opening was formed by removal of the cill beneath the window which would be less intrusive and result in less removal of historic fabric.

The loss of historic fabric has been justified by the applicant who have stated that it will be reused or stored on site for future reuse.

4. All materials to be used should be clearly specified and justified, to allow considered judgement.

All materials of the proposal have been specified to a satisfactory degree. A condition is proposed to the grant of consent requiring samples of materials to be submitted to, and approved by, the Planning Authority.

5. The design is not sympathetic to the ethos of building conservation in this sensitive area.

The design is considered as a 'deferential contrast' and this aspect is addressed in the foregoing evaluation: 'Design and Scale'

6. It is not clear what effect the other changes intended for this house might have on the proportions of original rooms or features of architectural or historic interest.

The impact of the internal alterations on the special interest of the dwelling have been addressed in the foregoing evaluation: 'Internal Alterations'.

7. The application provides little detail about the present character of the interior of the house and the survival of period features.

A site visit was carried out by the Planning Authority in which the interior of the house was assessed. Additionally, the applicant has submitted further photographs of the interior of the dwelling since original submission, showing the present character of the interior.

8. The proposed rear extension raises questions about the structural integrity of the rear elevation.

No evidence has been provided by the objector to substantiate the assertion that the structural integrity would be affected.

9. No information has been provided about the enlarged window which is to be formed in the rear elevation of the house at basement level.

The principle of the installation of this window is accepted; however, a condition in proposed requiring details of the window to be submitted to, and approved in writing by, the Planning Authority.

10. Concerns relating to the proposed alterations to the classic proportions of the room to the south of the hallway, with the introduction of a 'boxed-in' WC, with a door of unspecified dimensions or design.

This aspect is considered relatively minor and is not considered to significantly alter the original plan form of the dwelling. The existing cornicing will be retained and the new W/C will read as a small pod with minimal projection into the room (projection of less than a metre - 930mm) and minimal height (same as the existing doors). The door is specified as being a 'flush pocket door'.

11. The Chanonry is not characterised by modern extensions of the kind envisaged in this application and would be very much out of context for this character area.

The proposal is considered to be in line with local, national guidance and appropriate in relation to the existing dwelling and suitable within the context of the area given its discreet location.

12. The materials proposed - zinc, plate-glass and aluminium door and window framing - would not be in keeping with, or sympathetic to, the character of 10 The Chanonry or the surrounding area.

The proposal involves the use of high quality materials which would act as a 'deferential contrast' to the dwelling, having limited impact of the surrounding area. The proposed materials are addressed in the foregoing evaluation: 'Rear Extension'. Further, a condition is proposed to the grant of consent requiring samples of the materials to be submitted to, and approved in writing by, the Planning Authority.

13. The design of the extension proposed is at odds with, and unsympathetic to, the original house; therefore, damaging its special architectural and historic interest.

The proposed extension reads as a high quality complementary addition to the existing building, having an acceptable impact on the original dwelling. The design of the extension is addressed in the foregoing evaluation: 'Rear Extension'.

14. The roof of the extension would reach almost to the window of the second floor, further obscuring the west elevation.

The scale of the extension, including height, is considered to be acceptable, ensuring it remains subordinate to the original dwelling. The scale of the extension is addressed in the foregoing evaluation: 'Rear Extension'.

15. If consent is granted for the proposal, it could set a precedent which would cumulatively be detrimental to both the character and appearance of the Old Aberdeen Conservation Area, and to the many listed dwellinghouses.

Each application is assessed on its own merits and in this instance the proposal is found to be acceptable given the location, scale and design of the extension and its impact on upon the Category B Listed Building.

RECOMMENDATION

Approve Conditionally.

REASON FOR RECOMMENDATION

The proposed extension, rooflights and alterations are considered to have been designed to respect the character and form of the Category B Listed Building and would not detract from its character, setting or integrity, being of acceptable scale, design and materials. The proposed extension would result in a loss of historic fabric; however, as this is allowing for an extension of high design and the fabric being lost will be re-used where possible, the loss is therefore accepted. The proposed internal works would relate to many of the later additions to the dwelling and would not result in a significant loss of the original plan form. The proposal shows due regard for its context relative to the character of the associated dwellinghouse, in compliance with Policies D4 (Historic Environment) and D5 (Our Granite Heritage) of the Adopted Aberdeen Local Development Plan; Policies D6, D7 and D8 of the Proposed Aberdeen Local Development Plan; and meets the aims of Scottish Planning Policy, Historic Environment Policy for Scotland, Managing Change Guidance (Extensions, Roofs and Interiors) and the Householder Development Guide. On the basis of the above and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

CONDITIONS

1. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

2. No window installation shall take place until such time as the detail of the window on the west elevation at basement level, indicated on Drawing: A1466 02 05 REV E, in all its detail including 1:10 elevations, vertical and horizontal sections, has been submitted to and agreed in writing by the Planning Authority, thereafter the works carried out in accordance with the agreed details.

Reason: To ensure an appropriate design in the interest of preserving the special character and setting of the Listed Building and Conservation Area.

3. Construction of the hereby approved rear extension shall not begin unless a sample of all materials to be used on the external walls and roof of the extension have been submitted to and agreed in writing by the Planning Authority. Thereafter, the extension shall be constructed utilising the agreed materials, or others as agreed in writing by the Planning Authority.

Reason: In the interest of preserving the special character and setting of the Listed Building and Conservation Area.

4. That no development shall take place unless details of the finalised external wall finishes on the west elevation of the dwelling, after the removal of the cement render, have been

submitted to and agreed in writing by the Planning Authority. Thereafter, development shall be carried out in accordance with the agreed details.

Reason: In the interest of preserving the special character and setting of the Listed Building and Conservation Area.

5. Prior to commencement of the following works, a detailed methodology for the formation of all new slappings shall be submitted to and approved in writing by the Planning Authority. Thereafter, works shall be carried out in accordance with the agreed details.

Reason: In the interests of safeguarding the building's special architectural and historical interest.

6. That the removal of sections of granite wall from the rear elevation shall not be undertaken unless finalised details of the re-use of the granite on the site has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the details so agreed.

Reason: In the interests of retaining historic granite on the site and to ensure the special architectural and historic interest of the Listed Building would not be adversely affected.

ADVISORY NOTES FOR APPLICANT

Any stove appliance installed is to be operated in line with the manufactures operating, cleaning and maintenance instructions. Improper use, including use of inappropriate fuel resulting in unreasonable smoke/fume emissions likely to impact on amenity of neighbours are to be prevented.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

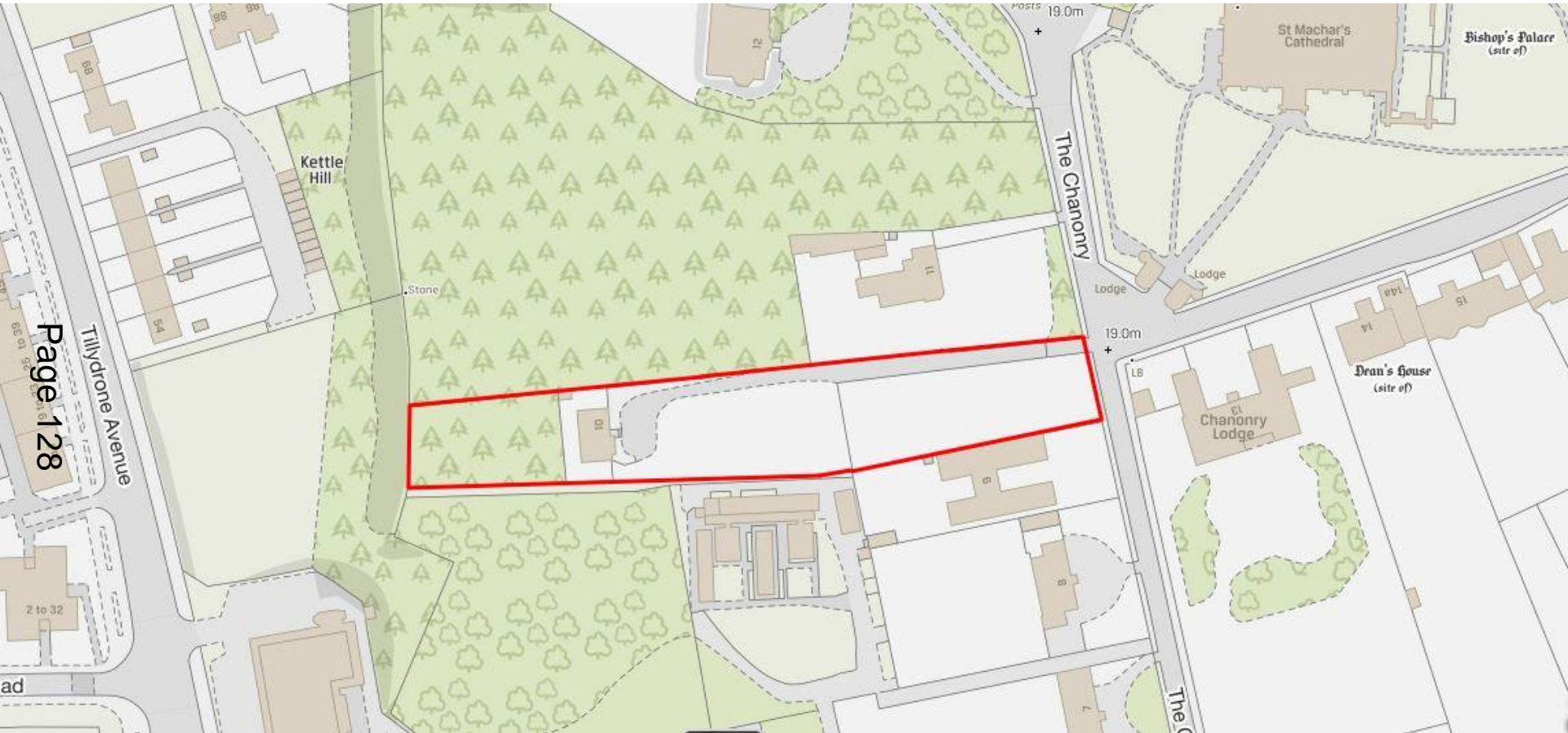


Alterations to convert to a single dwelling;
erection of single storey extension and installation
of rooflights to rear; alterations to windows and
doors; alterations to boundary wall; internal
alterations to doors and partitions with associated
works

10 The Chanonry, Aberdeen

Listed Building Consent
200392/LBC

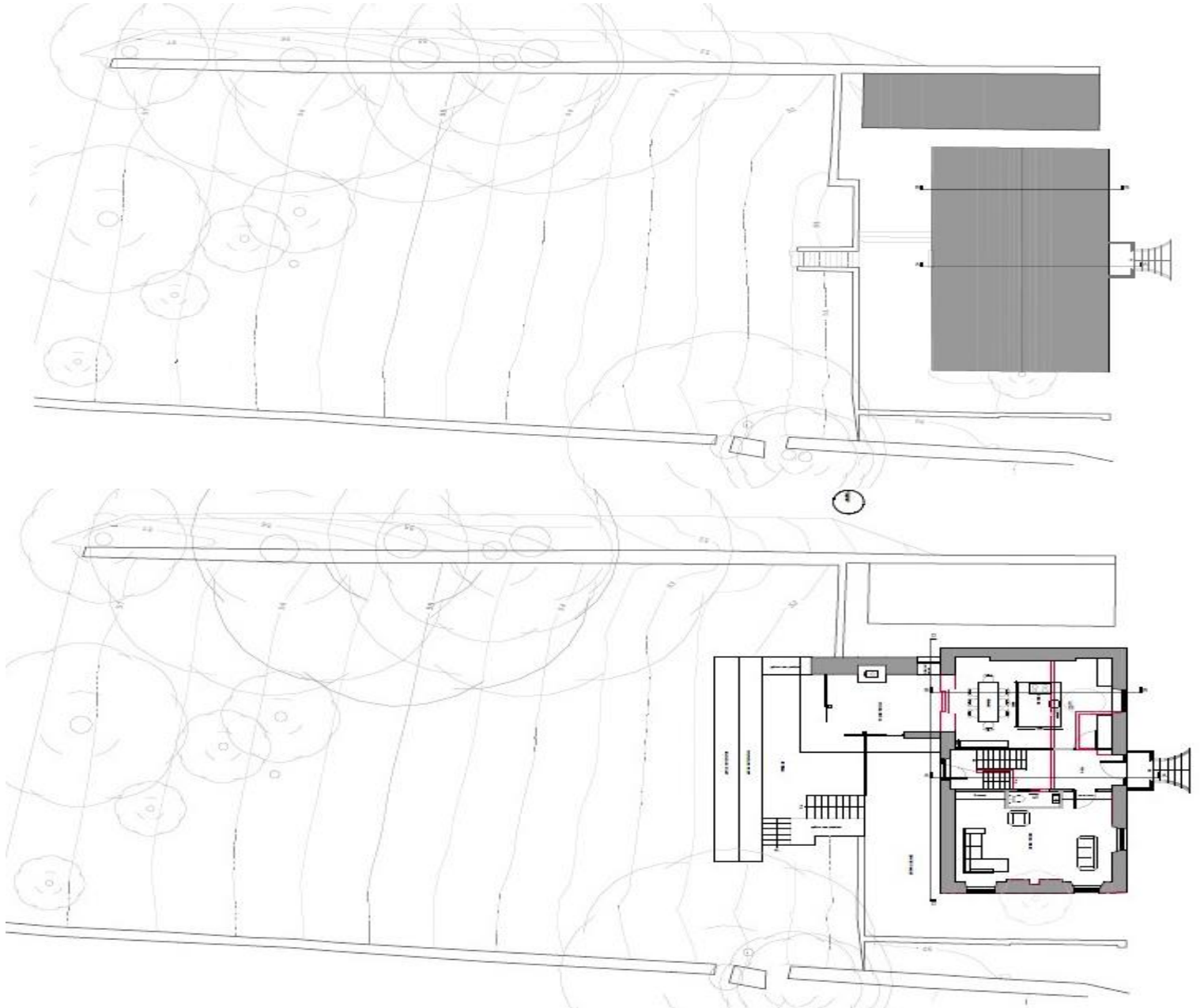
Location Plan



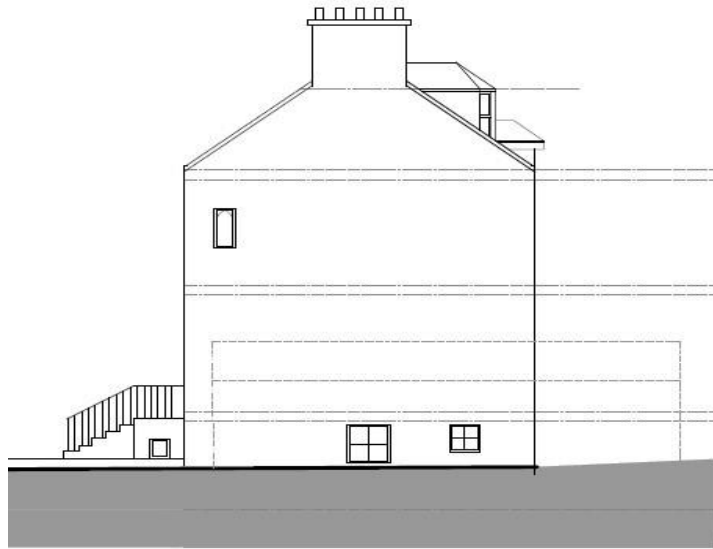
Aerial Image



Existing and Proposed Site Plans



Existing Elevations



North Elevation



South Elevation

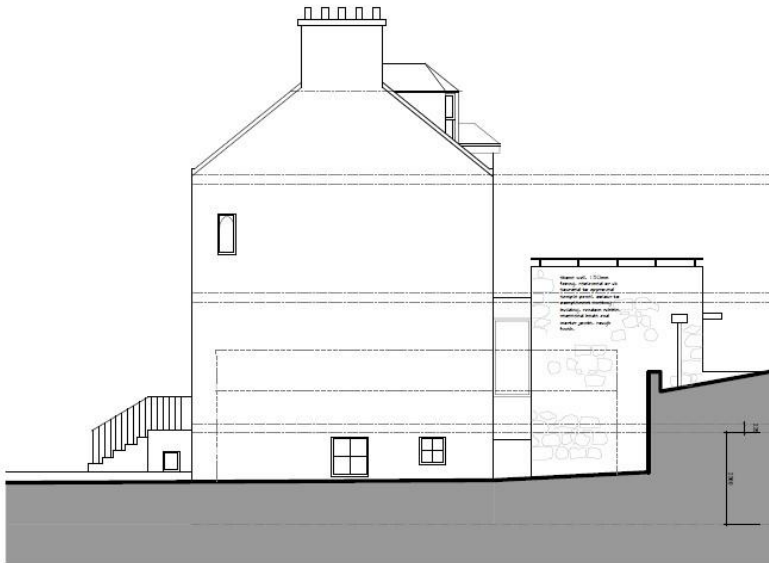


East Elevation



West Elevation

Proposed Elevations



North Elevation



South Elevation



East Elevation

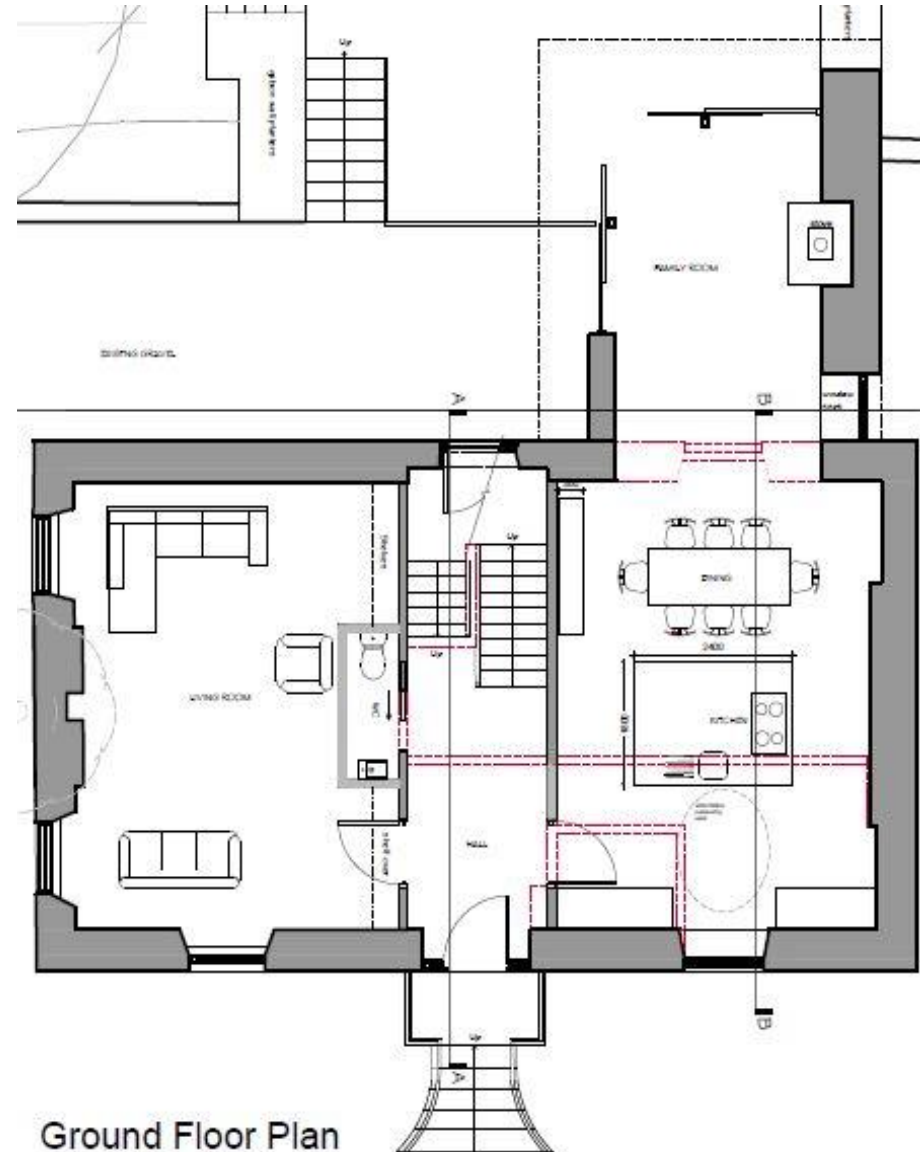
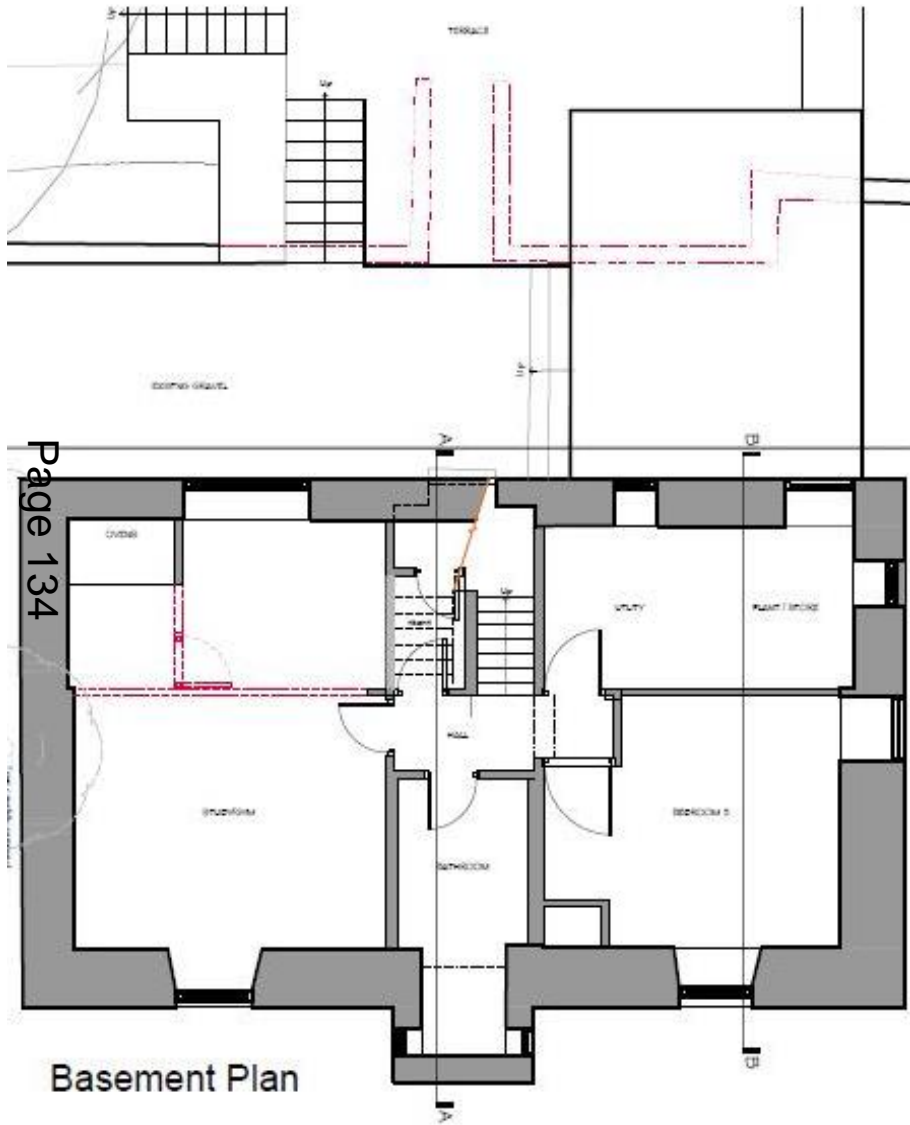


West Elevation

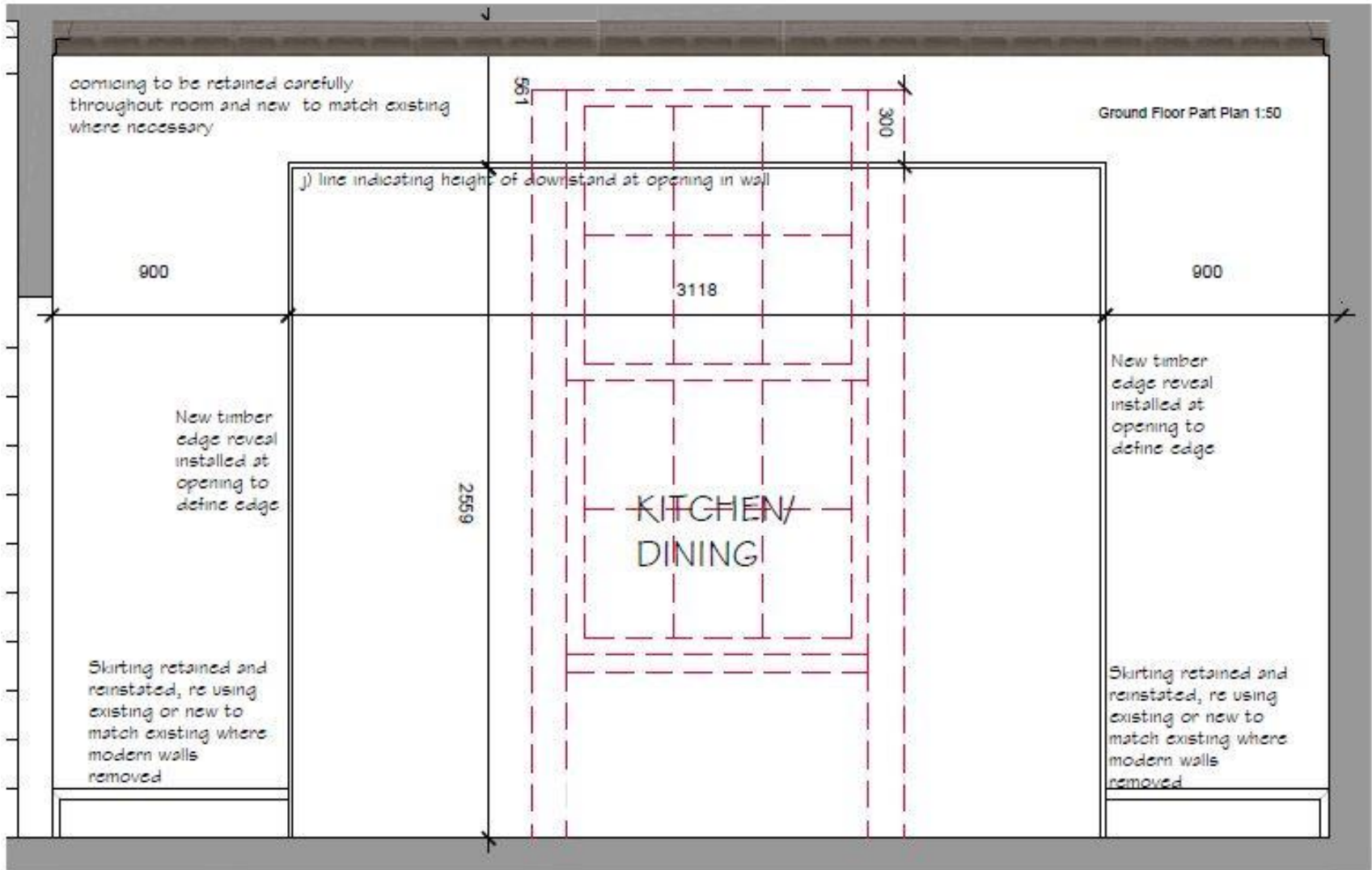
Proposed Visualisation



Proposed Floor Plans



Elevation of proposed new slapping



Site Photos – Rear elevation looking east



Site Photos – Rear elevation looking north



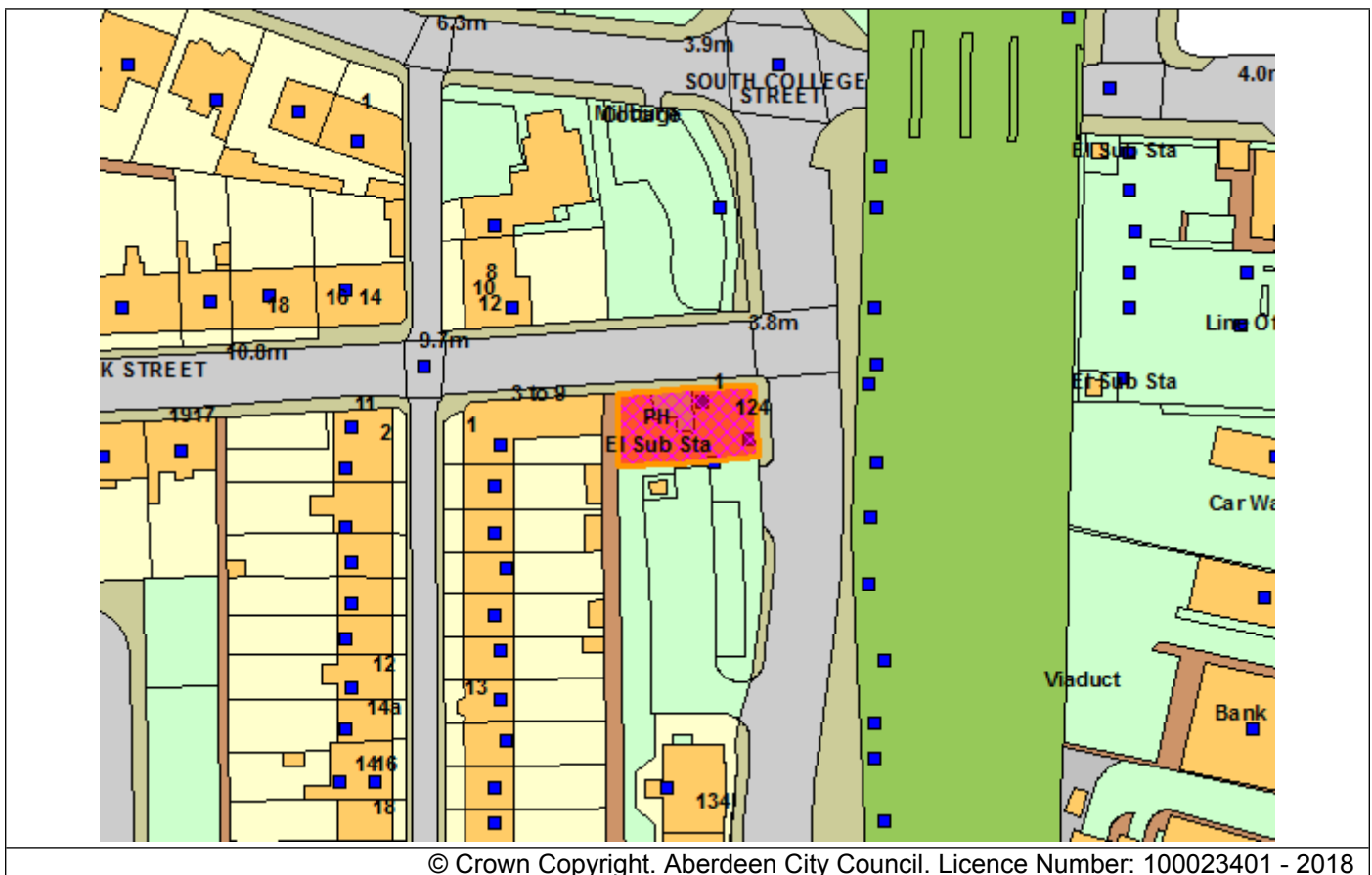


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 2 July 2020

Site Address:	Ferryhill Tavern, 124 South College Street, Aberdeen, AB11 6LA
Application Description:	Change of use from public house (sui generis) to hot food takeaway (sui generis) alterations to shop front and installation of ventilation and extraction system
Application Ref:	200094/DPP
Application Type	Detailed Planning Permission
Application Date:	27 January 2020
Applicant:	Papa John's (GB) Ltd
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Case Officer:	Dineke Brasier



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

A 2½ storey traditional granite building with pitched slated roof and dormers to the front and rear located on the corner of South College Street and Bank Street. The ground floor was previously in use as a public house but has been vacant for a significant period of time, with the upper floors divided in residential flats. The building has a large flat roofed part single/part two storey extension, which is not part of this current application, but was previously in use as the Devanha Tavern.

It is set in a residential area with traditional tenement buildings along Bank Street to the west; commercial units in the railway arches across South College Street to the east; two areas of rough land that are used as private car parks to the north and south. This part of South College Street, not including the site itself, but including the two rough areas to the north and south and the junction with Bank Street itself is incorporated under the land safeguarded for the South College Street improvements project.

Relevant Planning History

- 200012/ADV – Installation of 1 illuminated fascia sign and 1 illuminated projecting sign – Approved on 5th June 2020;
- 171224/DPP – Change of use from public house (sui generis) to a restaurant and associated function room (class 3) with rear extension – Approved on 14th December 2017;
- 160531 – Change of use of public house (sui generis) to shop (class 1), partial replacement of rear extension, installation of plant equipment to roof and installation of new shopfront – Refused on 16th June 2016 and subsequently dismissed on appeal;
- 151865 – Change of use from public house (sui generis) to convenience store (class 1), partial replacement of rear extension, installation of plant equipment to roof and installation of new shop front – Withdrawn
- 141523 – Change of use from public house (sui generis) to 10 serviced apartments (sui generis) - Withdrawn

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the vacant public house 'The Ferryhill Tavern' (sui generis) to a hot food takeaway (sui generis). The proposal includes installation of a new shopfront and an extraction/ventilation system with outlets on the north elevation and west elevation.

The shopfront would comprise two near full-height windows, with a near fully glazed door with fan light above. It would incorporate an area above the windows suitable for fascia signage as approved under 200012/ADV. The window and door frames would be finished in black sprayed aluminium.

Two extract grilles would be installed in the north elevation, in the position of two existing openings. A further third condenser unit would be installed in the west elevation, opposite the tenement block at 3 Bank Street.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q4KHTHBZMVP00>

Noise and Odour Impact Assessment by Grosle Environmental Services, dated 11th June 2020, setting out proposed mitigation measures in relation to noise and odour control required in association with the proposed use of the ground floor of the building as a hot food takeaway.

Planning Statement by Turley, dated January 2020, setting out background details to the application, key factors that should be taken into account, and assessment against relevant planning policies.

Transport Statement and Car Parking Appraisal by Cameron and Ross, dated May 2020, provides a car parking survey dated 2016 and details of proposed parking and servicing arrangements.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because a total of six timeous letters of objection were received.

CONSULTATIONS

ACC - Roads Development Management Team – Recommends refusal of the application. The site is on a busy street, straddling a junction, next to two private parking areas. The proposed use is comparable to the refused application for a convenience store (160531) in that the customers are likely to have relatively quick visits to the premises to order and pick up pizzas. In this previous refused application, a lack of available parking spaces and the risk of indiscriminate parking could have a significant detrimental impact on the amenity of people living in Bank Street. In addition, it was considered that the parking spaces in the adjacent streets could not necessarily be deemed available for customers, and that the proposal could increase the use of parking spaces on the east side of South College Street, which could be detrimental to pedestrian and vehicular safety due to the busy nature of South College Street.

It is considered that these issues would all be relevant for the proposed use. The unit would be eligible for two parking permits, and the applicant states that these permits could be shared by up to five delivery drivers at the weekend. This would not be a workable situation.

The applicant highlights that comparing the previous use (public house) with the proposed (hot food takeaway) would result in a requirement of one less on-site parking space. However, even though this is the case on paper, it is considered that the proposed is more likely to result in an increase in short duration trips, which can't be quantified in terms of parking provision – i.e. people 'nipping in' to grab their food. If there is no allocated parking, it is unlikely that someone will drive laps looking for a space while their food gets cold, and are more likely to park indiscriminately. The proposed location has little scope for preventing that.

The 2016 parking survey submitted as part of this application shows that there are a handful of spaces available on Bank Street, which the applicant indicates can be used for servicing. A servicing vehicle is 10.9m long and the standard car parking space is 5m, so a service vehicle will need c.3 adjacent spaces to park. There is no guarantee or method to ensure that these spaces will either be available or adjacent to one another. If this is not the case, then the servicing strategy falls apart. The section of road closes to the site is double yellow line, and the rest of the street is parking bays. There is a very real chance that service vehicles will regularly be unable to get parked. This is deemed to be an unrealistic and not robust strategy. Deliveries are proposed twice a week between 6am and 8am, when parking is likely at its busiest due to residents still being at home.

In conclusion, the parking appraisal document submitted on behalf of the applicant has not quelled the concerns of ACC Roads officers, and it is felt that the site is not suited to the proposed use due

to lack of parking, lack of space for servicing, and particularly due to the sites' location – a heavily trafficked road, on a junction.

This site has previously been deemed unfeasible for a shop, but was approved for a restaurant. It is felt that the proposed use is much more similar in nature to a shop than a restaurant in terms of the number of short-duration vehicular trips as opposed to long-stay trips. As such, the same concerns with the shop application are present here.

For the above reasons, Roads would recommend this application for refusal.

ACC - Environmental Health – The submitted Noise and Odour report does not consider the noise emissions from operating activities, including kitchen activities, takeaway deliveries and patron noise and their impact on neighbouring sensitive receptors above. Due to the absence of the above information there is insufficient demonstration that the proposal will provide acceptable conditions for residents, this Service is unable to accept the report and its outcome currently, and can therefore not support the application in its current form.

Ferryhill And Ruthrieston Community Council – None received

REPRESENTATIONS

Six timeous letters of objection and fourteen letters of support were received. The letters of support originated from various areas both within and outside the city. Matters raised were the following:

1. Increase in traffic on surrounding streets caused by customers, delivery drivers and service vehicles will have a significantly negative impact on surrounding streets such as South College Street and Bank Street;
2. Insufficient parking in the surrounding area;
3. The use of Bank Street for servicing/unloading seems inappropriate;
4. Issues raised in previous applications in relation to parking and servicing are not addressed;
5. Customers and delivery drivers will ignore existing parking restrictions and park on double yellow lines;
6. Proposal will put a strain on traffic flow and management in an already poorly managed area;
7. Additional bike parking should be provided for residents;
8. Quiet and residential area and 'fast' food shop is not needed;
9. Adverse impact on residential amenity caused by smells and noise. Likely to result in an increase in sea gulls;
10. Location of proposed bin store would impede access to lane serving 3 and 5 Bank Street. No details of bin store provided, this could result in smells to 3 and 5 Bank Street and gardens of properties on Prospect Terrace that back onto the proposed bin store;
11. Great investment in the area and would create needed jobs;
12. Proposal would bring a derelict site back into use;
13. Facility would be in a convenient location for both local residents and visitors to the shops;

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.

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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017)

H1: Residential Areas

D1: Quality Placemaking by Design

T1: Land for Transport

T2: Managing the Transport Impact of Dev

T5: Noise

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

WB3: Noise

D1: Quality Placemaking

D2: Amenity

D9: Shopfronts

H1: Residential Areas

T1: Land for Transport

T2: Sustainable Transport

T3: Parking

Supplementary Guidance (SG)

Harmony of Uses
Shops and Signs

EVALUATION

Principle of Development

The site is located in a residential area, and policy H1 applies. This policy sets out that non-residential development would only be acceptable if:

- a. They are considered complementary to the residential use; or
- b. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In this case, the property can be used as a public house and the proposed use would be a hot food takeaway. This is the kind of use that can be expected – up to a certain extent – within residential areas, and as such could be considered in principle to comply with this part of the policy. However, the impact of the proposed change of use on the residential amenity of neighbouring properties and compliance with other ALDP policies and supplementary guidance are important considerations and will be assessed below. Before doing so, an assessment of the proposed physical changes to the building is made under 'Scale and Design'.

Scale and Design

Policy D1 sets out that not all development will be of a scale to make a significant placemaking impact. However, all good design and detail adds to the attractiveness of the built environment, and careful consideration is crucial.

External alterations comprise the installation of a new shopfront, two extract grilles to the side elevation and condenser unit to the rear elevation. The two extract grilles would be located within existing openings, and are therefore not considered to have a detrimental impact on the character and appearance of the existing building. Similarly, the condenser unit would be contained to the rear and would be attached to the modern, single storey extension, where it would not be visible from the public realm. Given this structure would be required for the running of the hot food takeaway, this would be the most discrete place to install this structure, its impact on visual amenity and the character and appearance of the existing building would be acceptable.

The proposed new shopfront would consist of two near full height windows either side of a nearly fully glazed door with a plywood signage zone above. Both windows and door would be framed in black painted aluminium. The overall height of the shopfront would be c.3.2m, with the signage zone measuring c.0.6m. This would equate to c.19% of the entire height of the shop front, in line with guidance as set out by the SG on Shops and Signs. The use of aluminium framed windows and door, and the proportions of window with a low stall riser (c.0.4m) underneath are in compliance with guidance contained within the SG and generally considered to be sympathetic to this traditional building and the surrounding area.

Taking the above in consideration, the proposed external alterations are considered to be in compliance with policy D1 and Supplementary Guidance on Shops and Sign. However, the acceptability of these physical alterations do not outweigh the harm arising from the proposal as explained in the remainder of this report.

Impact on Residential Amenity

Supplementary Guidance on Harmony of Uses sets out that having a mix of uses can create a vibrant setting. However, it should be ensured that the mix does not impact negatively on existing uses. It provides specific guidance on, amongst other uses, the location of hot food takeaways and

public houses. In this SG, it is recognised that these specific uses can raise sensitive amenity issues for neighbouring properties in relation to noise, smell and litter, and that the protection of living conditions of residents in close proximity to any proposed hot food takeaways should form a major consideration in assessing application of this nature. Some of the major issues are in relation to noise and vibrations generated from cooking and essential extraction equipment in hot food takeaways, along with increased levels of customer movement. As such, the guidance is clear in that it is not usually considered acceptable to locate a hot food takeaway directly underneath or adjacent to residential properties. The SG states further *“Applications within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibration, odour, traffic disturbance, litter or hours of operation as a result of the proposed premises”*.

In this case, there are three flats on the upper floors, and as such, the proposal would be contrary to this element of the Supplementary Guidance. However, it is accepted that the previous use of the building was as a public house, which could be reinstated without further planning permission. This use in itself could result in some level of disturbance of residential amenity, especially in relation to noise rising up to the upper floors of the building.

However, each application requires to be assessed on its own merits, and in this case, the proposal is for a change of use to a hot food takeaway. To ensure there would be no further impacts arising from this change of use to a hot food takeaway, the applicant submitted a Noise and Odour Impact Assessment and proposed extraction and ventilation details. Officers in Environmental Health assessed this report. They concluded that even though the proposed extraction system would be acceptable for cooking odours, it did not address noise emissions from operating activities (including, kitchen activities, takeaway deliveries and patron noise) satisfactorily, and as such cannot support the application in its current form as it has not demonstrated that the proposal would not have an adverse impact on the occupiers of the upper floor flats. In addition, proposed deliveries would be early in the morning, with likely delivery times being between 6am and 8am. The proposed parking area for servicing vehicles would be immediately adjacent to a residential tenement, and this could result in noise disturbance through rattling of cages etc and movements between the delivery vehicle and the entrance into the premises. This is a further issue similarly raised by the Reporter in the decision notice for the appeal for the previous application for the convenience store.

As such, the proposal has the potential to have a significant adverse impact on the residential amenity of the occupants of the upper flats, and would be contrary to this part of H1, and the Supplementary Guidance on Harmony of Uses.

Parking and servicing

Parking

The planning application refused in 2016 for a change of use to Class 1 (Shops) raised parking and servicing issues that are similar to those arising from this proposal. That application was refused on the grounds that (1) due to the combination of insufficient parking, the inherent issues of using Bank Street for deliveries due to its residential nature and steep and narrow layout and the nature of South College Street as an important and busy thoroughfare between the city centre and the south of Aberdeen, the proposal could result in severe congestion and would have a detrimental impact on road and pedestrian safety, and (2) the proposed location of a loading bay would be in front of a residential building on Bank Street, which due to their nature, deliveries of goods would result in an unacceptable increase in noise, potentially early in the morning, which would have an acceptable impact on residential amenity. The Reporter, in her decision letter on dismissing the appeal stated *“I consider that, because of the lack of off-street parking and the likelihood that service deliveries would disturb nearby residents there would be a significant detrimental impact on those living locally...”* She continued by stating *“the proposal does not comply with local development plan policy T2 because of the lack of parking and with policy H1 because of the conflict with residential amenity.”*

Although the current proposal for is for a hot food takeaway, this appeal decision is nevertheless a significant material consideration as similar issues arise with regard to the lack of parking and the impact of deliveries on road safety and residential amenity.

The site is located on the corner of South College Street and Bank Street, and would provide no off-street parking. South College Street itself is a busy arterial route between the city centre and the south of the city. To the east of South College Street are commercial units set within the Railway Arches. This part of Bank Street is a residential street with resident permit parking and short term pay and display. To the north and south are two areas of rough land that are used for parking. However, these areas are private, and cannot be considered available for parking of staff, delivery vehicles or customers, or be used for servicing.

A Transport Statement has been submitted by the application setting out the parking and servicing strategy for the proposed use. This document is further supported by a 2016 parking survey undertaken for a previous application for a change of use to a class 1 retail unit (160571) as, due to Covid-19 restrictions it was unfeasible to commission a new parking survey, and, as during the lockdown the results of such a survey could have been skewed and thus unreliable, as it is likely that most residents living in the surrounding area would have stayed at home and the businesses in the Arches would predominantly be closed. However, as there has been no significant additional residential or commercial developments in the surrounding area, it is considered that this parking survey would still give a relatively accurate reflection of the 'normal' situation.

The Transport Statement sets out that the two permits would be shared by the up to 5 delivery drivers and that a notice in the shop window would remind drivers not to park inconsiderately. However, it is considered that this would not be a practical solution as it is unlikely that the sharing of the permits would be a workable solution if drivers only come in to pick up the next delivery, and that it is extremely unlikely that customers would move their cars once they have entered the premises, if parked indiscriminately.

The Parking Survey covers an area including the entire length of Bank Street and Prospect Terrace, and the east side of South College Street between its junctions with Palmerston Place and the A956 just to the west of the railway line – a total stretch of c.520m, with the furthest spaces being c.200m from the application property. In reality, it is considered that customers would be most likely to park in the stretch of Bank Street between South College Street and Prospect Terrace – nearest the application property. Furthermore, certain stretches of both the western end of Bank Street and the southern end of Prospect Terrace are resident permit parking only, and are therefore not available to the general public, or like the northern end of Prospect Terrace, carry parking restrictions and are therefore unavailable for general use for a set period of time.

The parking survey shows that the spaces most often unavailable are those on the eastern end of Bank Street – nearest the application site. It is unlikely that people wanting to pick up a pizza would circle the surrounding streets to find an available and lawful parking space, and the proposal could therefore result in an increase in indiscriminate parking, including on double yellow lines on junctions, especially the main junction at South College Street/Bank Street. This would have a detrimental impact on existing road safety conditions. In addition, the increased pressure on parking spaces and potential increase in indiscriminate parking would have a significant adverse impact on the residential amenity of people living in Bank Street.

In addition, it is considered unsafe to park on the eastern side of South College Street as this is a busy arterial route linking the city centre to the A956, which serves the south of the city and beyond. To the front of the commercial units in the Arches are some parking spaces, that, even though generally considered to be part of the commercial units, are not controlled. These spaces are officially for parallel parking, although in general are used for end-on parking. Whilst it technically increases the number of parking spaces in the immediate area, due to their unauthorised nature,

they cannot be counted towards the number of parking spaces as, due to the relative narrow depth of the spaces, especially in the section immediately opposite the application site, they would result in cars blocking the pavement – an unsafe situation that should not be further encouraged. Furthermore, due to the busy nature of the road, it is considered that further turning movements associated with vehicles parking for a short period of time and reversing in and out of spaces would give rise to a safety hazard on this very busy and congested part of the road network.

Furthermore, the nearest safe pedestrian crossing point is located on the junction of South College Street with Millburn Street and Palmerston Place at a distance of c.50m from the application property. It is unlikely that people who would park their car on the eastern side of South College Street would walk up to that pedestrian crossing, wait for a 'green man', cross over the road and then walk back down the street to visit the premises. It would be much more likely for customers to quickly dash across the road. This would have an additional adverse impact on pedestrian and vehicular safety.

Taking account of the above, it is not considered that it has been satisfactorily demonstrated that parking demand for both customers and delivery drivers can be accommodated in the immediate area surrounding the Ferryhill Tavern. There would be an inherent risk of cars parking on double yellow lines, including on the busy arterial road of South College Street, which would have an unacceptable impact on road and pedestrian safety. As noted above, these were issues similarly recognised by the Reporter in the appeal that was dismissed for the previous application 160531 for the proposed change of use of the building to a convenience store. Furthermore, and importantly, when compared with the previous approved restaurant use (171224/DPP) and the extant permission for a public house, the type of customer would be different. In this case, customers would only visit the premises to order and pick up food, and as such these would be short visits, whereas for both the public house and the restaurant, visits would be longer, and more often planned in advance. As such, people would be more likely to find an acceptable parking space. Furthermore, both types of use could result in customers consuming alcohol on the premises, and as such would be more likely to car share, or not use a car at all.

Servicing

Similarly, the applicant is reliant on the availability of on-street parking spaces on Bank Street nearest the application site for deliveries of ingredients and other materials. A size of 10.9m is specified for delivery vehicles, which would equate to three parallel parking spaces in a row. Taking account of the results of the parking survey, it would be unlikely that these three spaces would necessarily be available for deliveries at the required times, with the most likely time for deliveries specified as being between 6am and 8am in the morning twice a week. As such, it is likely that delivery vehicles will either stop on double yellow lines, and thus obscuring visibility on the junction with South College Street, or in the middle of the street providing an obstruction for other traffic. This would not be considered acceptable, and would raise another concern in relation to the potential impact of the proposal on local highway conditions.

As such, it is considered that the proposal would not be compliant with policy T2 and SG on Transport and Accessibility as it would provide insufficient parking, and lack of space for servicing. This is mainly due to the proposed use of the building as a hot food takeaway and associated short, but frequent visits, and due to the site's location which is immediately adjacent to a busy, heavily trafficked road and on a junction.

Waste

The proposed site plan shows that a bin store would be located to the rear of the building in an existing lane running between the Ferryhill Tavern and 3/5 Bank Street. It is unclear whether there will be a route through the building towards this bin store, or whether staff would need to walk round along Bank Street to access the bins. However, the proposed bin store is in the same position as that previously accepted under 171224/DPP and as such is acceptable.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

Policies D2 (Amenity), D9 (Shops and Signs) and T3 (Parking) are new policies. Policy D2 (Amenity) is aimed at safeguarding residential amenity. As set out above, the proposal is considered to have a detrimental impact on the residential amenity of neighbouring properties, and in particular the flats on the upper floors of the building. The proposal is therefore considered not to comply with this additional policy.

Furthermore, policy T3 (Parking) is aimed at ensuring sufficient parking is provided for development proposals. Again, for the reasons given above, it is considered that this proposal does not comply with this policy.

Finally, policy D9 (Shops and Signs) is a replication of current SG on Shops and Signs. As set out above, it is considered that the proposed replacement shop front would be of a satisfactory design, proportions and materials and the proposal would therefore comply with this policy.

Matters raised in letters of objection

1. Increase in traffic on surrounding streets caused by customers, delivery drivers and service vehicles will have a significantly negative impact on surrounding streets such as South College Street and Bank Street – *This has been addressed above;*
2. Insufficient parking in the surrounding area – *This has been addressed above;*
3. The use of Bank Street for servicing/unloading seems inappropriate – *This has been addressed above;*
4. Issues raised in previous applications in relation to parking and servicing are not addressed – *Each application is assessed on their own merits. These issues however are addressed above;*
5. Customers and delivery drivers will ignore existing parking restrictions and park on double yellow lines – *Road safety and concerns related to parking are discussed above;*
6. Proposal will put a strain on traffic flow and management in an already poorly managed area – *This has been addressed above;*
7. Additional bike parking should be provided for residents – *Even though supporting information sets out that three additional bike racks will be provided as part of the development, these are likely intended to be for clients and staff. The proposed development would be too small to require additional infrastructure for the surrounding area;*
8. Quiet and residential area and 'fast' food shop is not needed – *The impact of the proposal on the residential amenity of the surrounding area is discussed above. The need for a 'fast' food shop in the surrounding area is not a material consideration;*
9. Adverse impact on residential amenity caused by smells and noise. Likely to result in an increase in sea gulls – *The impact of the proposal on residential amenity is discussed above;*
10. Location of proposed bin store would impede access to lane serving 3 and 5 Bank Street. No details of bin store provided, this could result in smells to 3 and 5 Bank Street and gardens of properties on Prospect Terrace that back onto the proposed bin store – *Details of the bin store could be secured by condition. The position of the bin store is discussed above;*
11. Great investment in the area and would create needed jobs – *Even though the proposal would represent some investment in the surrounding area, it is considered that the detrimental impact on residential amenity and on parking and road safety would outweigh this;*
12. Proposal would bring a derelict site back into use – *Each application is assessed on a site-by-site basis, and it is considered that this proposal would not represent an acceptable use for this building and the surrounding area;*
13. Facility would be in a convenient location for both local residents and visitors to the shops – *It is*

acknowledged that the proposed hot food takeaway would be located within a residential area and would be easily accessible for nearby residents, it is considered that the implications on residential amenity and on parking and road safety would outweigh these benefits.

Suggested potential conditions:

The proposal is recommended for refusal, however, if the Planning Committee is minded to approve, then the following conditions would be suggested:

1. Submission of details of a service/delivery management plan;
2. Submission of a further Noise Impact Assessment considering emissions from operating activities including kitchen activities, takeaway deliveries and patron noise and their impact on flats on the upper floors, and implementation of any mitigation measures recommended in this report;
3. Control on opening hours

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Due to the combination of insufficient parking for both delivery drivers and customers, and servicing vehicles, and steep and narrow layout of Bank Street, and the nature of South College Street as an important and busy thoroughfare between the city centre and the south of Aberdeen, the proposal could result in severe, unacceptable levels of congestion and would have a detrimental impact on road and pedestrian safety. This would be contrary to the requirements of policy T2 (Managing the Transport Impact of Development), H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan, and policies H1 (Residential Areas), T2 (Sustainable Transport) and T3 (Parking) of the 2020 Proposed Aberdeen Local Development Plan and the Transport and Accessibility Supplementary Guidance.
2. It has not been satisfactorily demonstrated that the proposal would not have an adverse impact on the residential amenity of neighbouring properties, in particular the flats on the upper floors, through noise disturbance from the extraction system and, for the nearest tenement on Bank Street, deliveries early in the morning. As such, the proposal is considered not to have demonstrated compliance with policy H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan, and policies H1 (Residential Areas) and D2 (Amenity) of the 2020 Proposed Local Development Plan.

This page is intentionally left blank

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



Change of use from public house (sui generis) to hot food takeaway (sui generis) alterations to shop front and installation of ventilation and extraction system

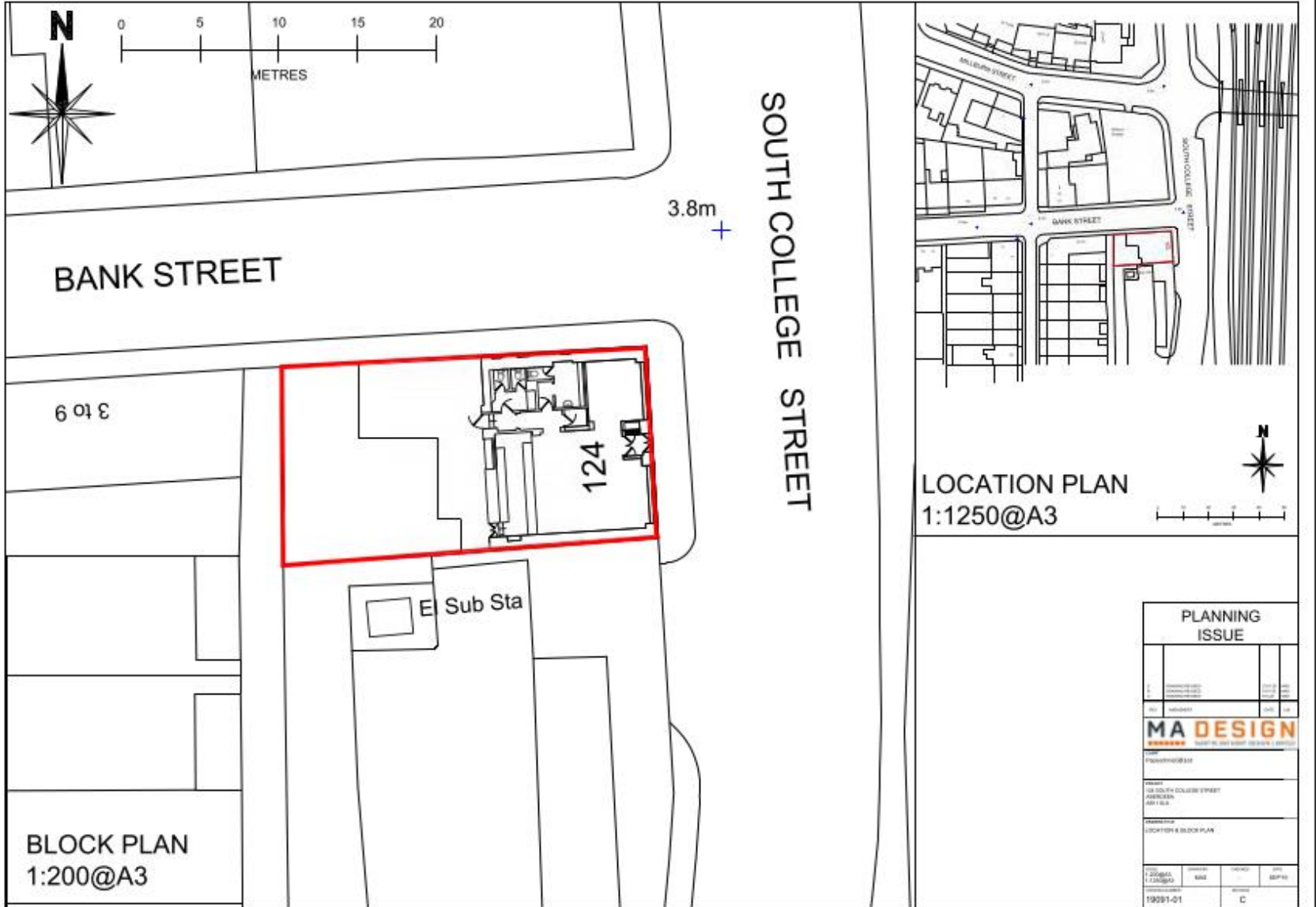
Ferryhill Tavern, 124 South College Street,
Aberdeen

Detailed Planning Permission
200094/DPP

Location Plan



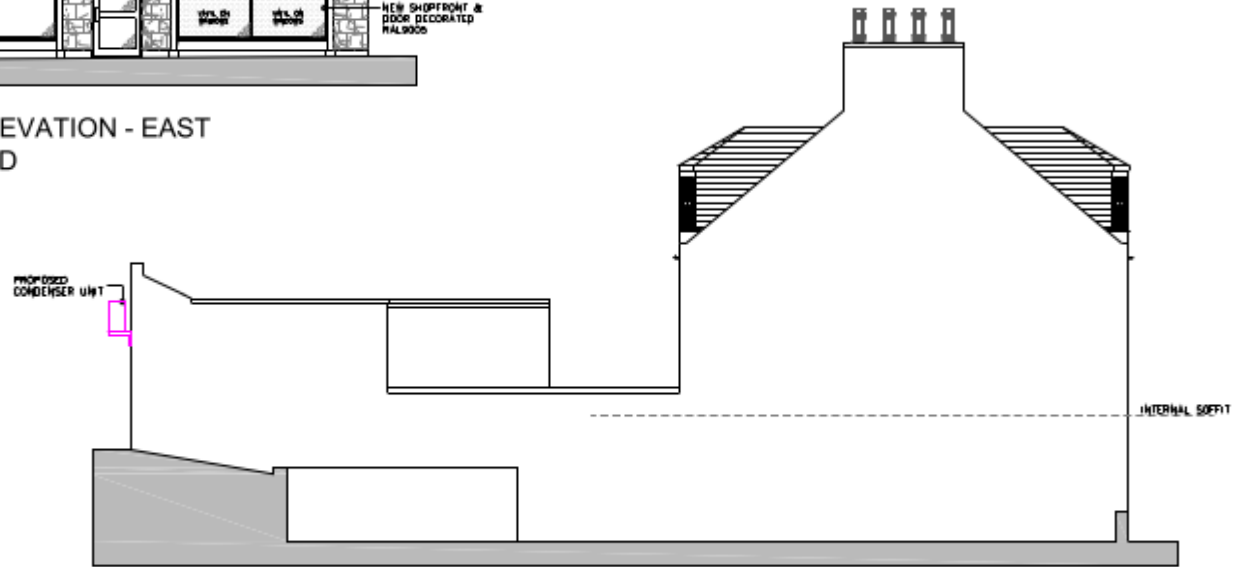
Site Plan



Elevations



FRONT ELEVATION - EAST
PROPOSED



SIDE ELEVATION - SOUTH
PROPOSED

Elevations

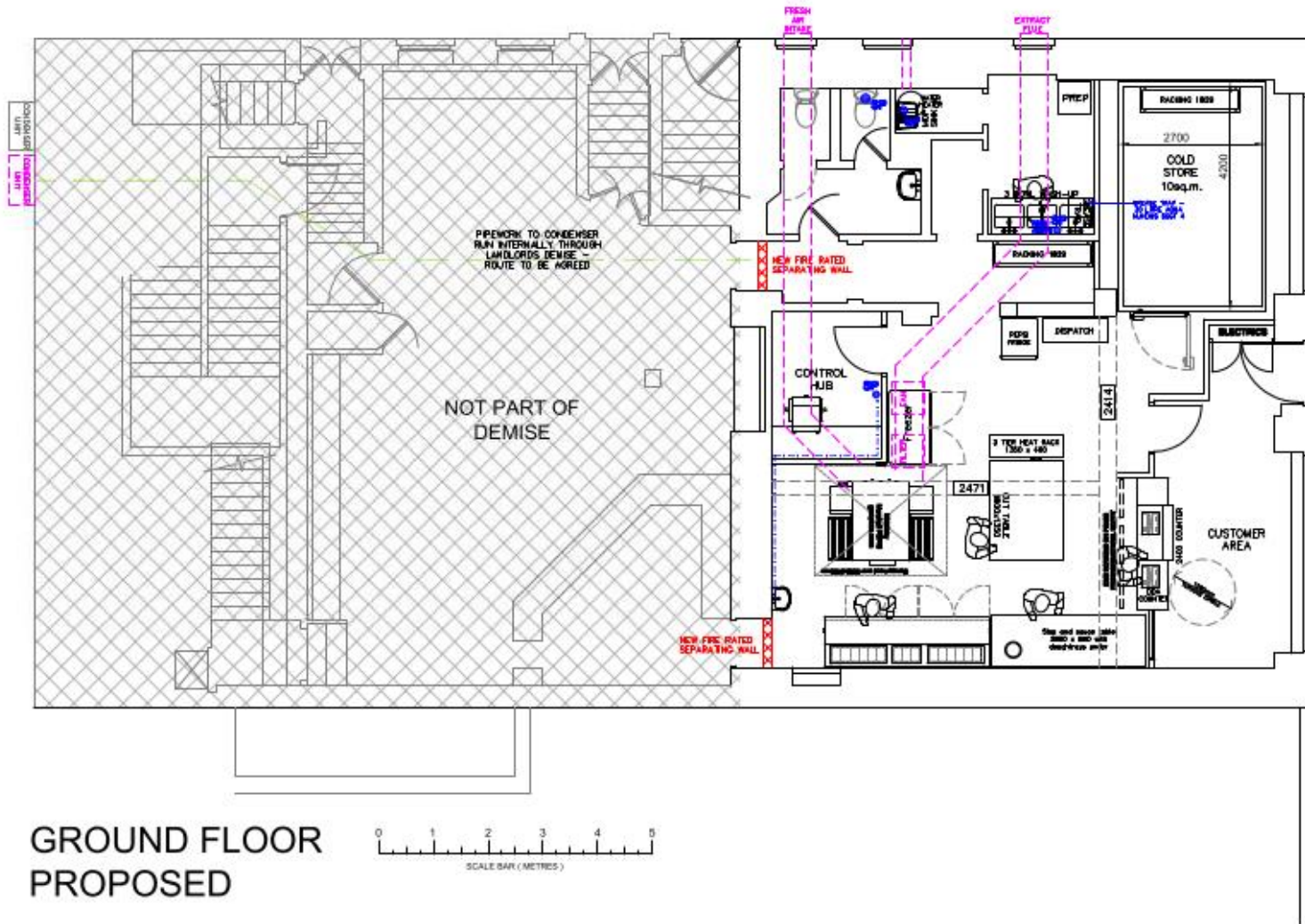


REAR ELEVATION - WEST PROPOSED



SIDE ELEVATION - NORTH PROPOSED

Proposed floorplan



NEW INTERNAL DOORS WILL HAVE A MINIMUM 900MM CLEAR OPENING, NO THRESHOLDS, AND A 300MM UNOBSTRUCTED SPACE NEXT TO THE LEADING EDGE OF THE OPENING FACE OF THE DOOR LEAF. DOORS ACROSS CIRCULATION ROUTES WILL HAVE A GLAZED VISION PANEL.

THE LOW LEVEL ACCESSIBLE TOA COLUMN IS APPROXIMATELY 750MM ABOVE FLOOR LEVEL WITH A KNEE ROOMS BELOW OF AT LEAST 500MM DEEP AND 700MM HIGH AND A CLEAR CUSTOMER AREA MANOEUVRING SPACE IN FRONT OF THE SURFACE OF AT LEAST 1200MM DEEP. COUNTER TO BE AT LEAST 900MM WIDE.

Site photo



Plan/Image Description

Plan/Image Description

Plan/Image Description