

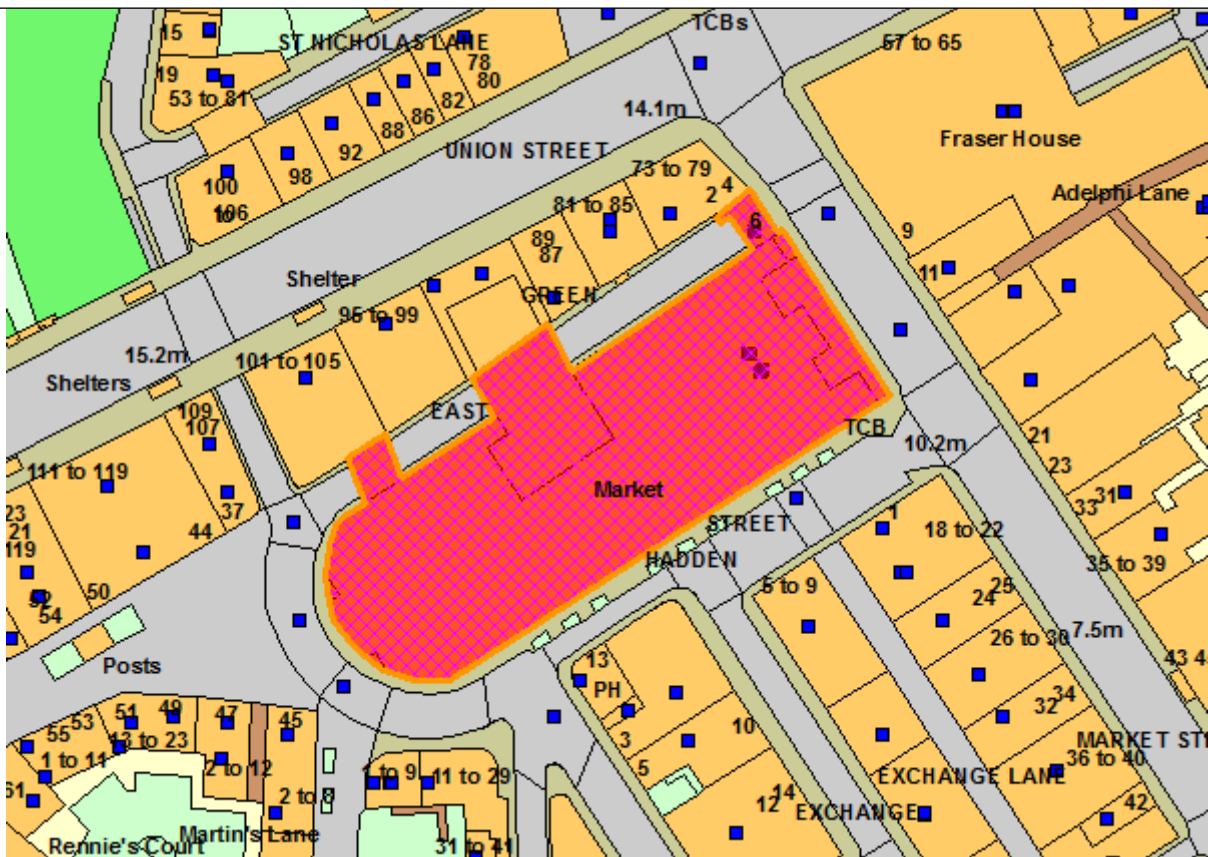


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30 April 2020

Site Address:	Aberdeen Market, Market Street, City Centre, Aberdeen
Application Description:	Major development consisting of demolition and redevelopment of the existing site to form a mixed use office-led development (Class 4) (circa 18,000 sqm), with retail (Class 1), financial and professional (Class 2), food and drink (Class 3), public house (Sui Generis) and assembly and leisure (Class 11) uses (circa 750sqm), landscaping, public realm, car parking and associated works
Application Ref:	190312/DPP
Application Type	Detailed Planning Permission
Application Date:	26 February 2019
Applicant:	PATRIZIA
Ward:	George Street/Harbour
Community Council:	City Centre
Case Officer:	Matthew Easton



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RECOMMENDATION

Approve Conditionally and withhold consent until a legal agreement is secured to deliver developer obligations towards core paths, open space and provision of a car club vehicle.

APPLICATION BACKGROUND

Site Description

The application relates to the Aberdeen Market building which is situated between Market Street, Hadden Street and The Green. The building was designed by Robert Matthew, Johnson-Marshall & Partners (RMJM) and built in 1971. It features characteristics of the Brutalist and modernist architectural styles and is set over four and five stories, with taller elements at the stair and service cores. It is finished in a mixture of concrete panels, blockwork and louvred elements.

Although best known for accommodating the indoor market across its lower two floors, the upper two floors are a separate retail unit which was until August 2016 occupied by British Home Stores (BHS). It has since been vacant. The indoor market has around 500sqm of stalls and around 40 businesses within it, providing a wide range of products from health and beauty and household items to fresh meat and fish. There are also several food and drink premises.

Two link structures which connect the market building across East Green to 91–93 Union Street (part of the former BHS retail premises) and 101–105 Union Street (a retail unit and access to the Indoor Market from Union Street) are also included within the application. Similarly, 6 Market Street (a retail unit) is also included.

The site is within the Union Street Conservation Area. Several buildings in the vicinity are listed, predominately category C and some category B.

Relevant Planning History

- Detailed planning permission (060876) and listed building consent (060871) were granted in September 2006 for alterations to the Aberdeen Market building, as part of a wider scheme to increase the floor space of it and adjacent buildings. These consents were not implemented and expired in September 2011.
- Detailed planning permission (171503/DPP) was granted on 1 November 2018 for refurbishment and reconfiguration of the existing Market building. The proposal involved –
 - Over-cladding of the upper storeys with a perforated metal cladding which would be back-lit. The stair/service cores would be over-clad with dark grey single skin vertical standing seam cladding.
 - Alterations to the Market Street elevation and Hadden Street end of the building to remodel the building to step back from the edge of Market Street. A more open frontage with two storey glazing would be formed. New public realm would be formed outside the building.
 - Removal of the two upper floors, resulting in a three-storey building.

This consent has not been implemented and expires in November 2021.

- A Proposal of Application Notice (181656/PAN) for the current proposal was submitted in September 2018.
- A request for an environmental impact assessment (EIA) screening opinion was submitted by the applicant in November 2018. It was determined by officers that the application did not require to go through the EIA process.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought to redevelop the site and construct a mixed-use office-led development. The proposal would see the complete demolition of the Aberdeen Market building and its replacement with a new building.

The building would have a total floor space of 21,553sqm (gross external area). It would provide a 17,181sqm of class 4 (business) floor space, the principal use, to be accommodated on the upper floors of the proposed building. The ground floor would feature three units totalling 796sqm which it is proposed could be used for either Class 1 (Shop), Class 2 (Financial, Professional & Other Services), Class 3 (Food & Drink), Class 11 (Assembly & Leisure) or public house use. Each would have independent external access, with two units located facing The Green and one facing Market Street.

The new building would sit largely on the footprint of the existing building. Exceptions to this are proposed at The Green end (western elevation), where the building would be set back from the extent of the existing building, to create an additional 345sqm of public realm. At the Market Street and Hadden Street junction, the building would be set back in part to create a public plaza of 250sqm, adjacent to the main building entrance.

The building would be set across eleven floors. It would step up from five storeys (four full storeys and a setback storey, achieving 23m) at the Market Street end, gradually increasing to six storeys and then eight storeys as it progresses towards The Green. The element on the north side of the building facing The Green and East Green, would be nine storeys high (39m). The tallest part of the building, at eleven storeys, would be located at the south west corner of the building, facing onto The Green and opposite the junction of Carmelite Street and Hadden Street. It would feature an architectural frame around the glass enclosed top two floors. The frame would extend beyond the roof of the top floor, achieving an overall height of 57m above street level. It would be angled to form a point to introduce a distinctive landmark 'lantern' feature at the tallest point of the structure.

The building would be finished in granite cladding panels at lower level, with increasingly sized areas of curtain wall glazing as the building progresses in height. The top floors of each part of the building would be constructed using structural planar glazing. Elements enclosing mechanical plant at the top of the building would be finished with glazed screening. The service core, facing onto East Green would be finished in grey aluminium standing seam cladding. Part of the Hadden Street elevation would feature a green living wall at lower level, as would parts of the building facing onto the Market Street entrance plaza.

A four-level car park would be provided within the basement and part of the ground floor, accommodated by utilising the change in ground level between Market Street and The Green. The car park would contain 126 car parking spaces, with access and egress from two openings at ground floor level onto Hadden Street. Of the 126 spaces, five would offer electric vehicle charging and six would be accessible spaces. There would be 66 bicycle spaces and eight motorcycle spaces.

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=PNCEIJBZLCA00>

- Air Quality Assessment
- Archaeological Desk Based Assessment
- Design and Access Statement
- Drainage Assessment
- Flood Risk Statement
- Geo-Environmental Desk Study
- Micro-Climate Assessment
- Noise Impact Assessment
- Office Market Report
- Parking Review
- Planning Statement
- Pre-Application Consultation Report
- Public Realm Design Statement
- Sustainability Statement
- Transport Assessment
- Visual Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal is within the major category of development.

Pre-Application Consultation

The applicant undertook statutory pre-application consultation which included a public exhibition at the adjacent former BHS premises on Union Street on 1 November 2018. Approximately 50 members of the public attended including representatives from the City Centre Community Council and local ward members. In general, the feedback from attendees was reported by the applicant to be positive, with many welcoming the redevelopment of the site, the provision of increased public realm, use of granite and the provision of commercial uses at ground floor. Some reservations were expressed about the modern design and height and concern was raised that there would be no space for local traders.

The applicant presented to the Pre-Application Forum on 6 December 2018. Members of the forum heard from the applicant and their architect and asked a number of questions of both the applicant and the case officer and the following information was noted –

- There was an appetite for improvement in the area and engagement with other owners in The Green was very important.
- The public realm enhancements were also very welcomed.
- It was important to look at lighting strategies in the area as well as the potential for a water feature.
- It was suggested that the applicant liaise with Project Officer for the Conservation Area Regeneration Scheme.
- There wasn't such a demand for larger department stores now, so the applicant was looking to retain the use of retail but with smaller units.
- In regard to vacant office spaces at present, the applicants were looking to provide Class A office space, which is more efficient with the use of open space etc, more agile working environment and a lot of the empty buildings don't offer the same benefits.
- The applicant was currently engaging with Aberdeen Inspired.

Befitting its importance as a potentially key contributor to, and catalyst for, city centre renewal and

regeneration the proposal has been subject to substantial, intensive design development and refinement at both the pre-application and post-application stage. This has involved a number of workshops and meetings with the applicant and agent and subsequent iteration and refinement of the plans.

CONSULTATIONS

ACC - Developer Obligations – Core Paths and links to the Core Path Network are an infrastructure facility necessary for the purposes of recreation and sustainable active travel. New developments are required to install or upgrade Core Paths that are designated within the site and contribute towards addressing any cumulative impacts on surrounding core paths. In this instance, a contribution of £14,229 has been identified towards Core Paths 96, 98 and/or 102, which are in the immediate vicinity of the site.

Although some public realm is being provided as part of the development, the substantial office floorspace created will result in additional pressure being placed on existing open spaces in the vicinity of the site. A contribution of £7,000 has therefore been identified towards improving the quality of nearby open spaces such as Union Terrace Gardens, St Nicholas Street Civic Space and/or the Castlegate.

ACC - Environmental Health – No objection.

Contaminated Land – The Geo-Environmental Desk Study recommends that a buildings asbestos survey is undertaken prior to any demolition. The survey should be undertaken by an appropriately qualified person and any identified asbestos containing materials (ACM), should be removed by a specialist contractor prior to demolition. ACM should be removed to a licensed waste management facility and all waste transfer notes retained for inclusion within a validation report.

The study also recommends that post demolition, a geo-environmental investigation is carried out across the site in order to determine the ground conditions to inform foundation design and to investigate any potential contamination. Environmental Health agrees with this recommendation.

Noise – The proposed development is located within a Noise Management Area and is likely to require associated fixed plant and equipment, which has potential for an adverse noise impact on the amenity of the occupants of existing neighbouring residences.

The Noise Impact Assessment has been reviewed and Environmental Health accepts the proposed development, provided application of noise mitigation measures achieving at least an equivalent effect of those measures contained within the assessment are implemented in relation to fixed mechanical plant and any public house use, both being subject to a more detailed assessment demonstrating the achievement of acceptable noise levels.

Odour Control – A Class 3 (food and drink) approval would permit significant food preparation activities to be undertaken at the development. Due to the location of the proposed development and nature of neighbouring properties, food premises undertaking preparation of hot foodstuffs introduces the risk of food malodour impacting on the amenity of the occupants of existing neighbouring residences. Accordingly, Environmental Health would request that a suitable extract ventilation assessment be submitted prior to determination of the application.

Control of Substances Hazardous to Health – In relation to certain activities previously undertaken at the market Environment Health have received justified complaint of inadequate control and exposure of the public and employees to fumes solvents and varnishes within nail bars. It is recommended that should such activities take place within the new development a suitable assessment is undertaken.

Air Quality – The proposed site essentially lies within an Air Quality Management Area (AQMA). Market Street has previously been declared part of the City Centre - Air Quality Management Area (AQMA) due to exceedances of air quality objectives for 'Particulate Matter' 10 micrometres or less in diameter (PM10) annual and 24 Hour mean concentrations and Nitrogen Dioxide (NO2) annual and 1 Hour mean concentration. The findings of the initial Air Quality Impact are accepted.

ACC - Roads Development Management Team – No objection. Comments are summarised below.

Accessibility –

- Given the site's city centre location, pedestrian and cycle accessibility are both very good. The existing network of footways incorporate pedestrian crossing facilities at key points on the highway. A 20mph speed limit applies on the existing road network within the city centre boundary which is conducive to safer pedestrian movements.
- The site is within 400m of the bus station, the railway station, the ferry terminal, and a number of other bus stops. The site is also adjacent to a taxi rank. As such, the site is highly accessible by public transport.

Parking

- National, regional and local policy point towards new developments being more ecologically friendly, avoiding private car trips where possible, opting instead for using more green transportation measures
- The existing Market development has an existing undercroft car park consisting of 32 spaces and is accessed off East Green. As such the net parking increase proposed is 94 spaces. This original level of parking is much more acceptable than the currently proposed figure.
- All 128 parking spaces are to be allocated to the office development, which results in a parking ratio of 1 space per 130m². The standards dictate that the maximum allowable parking provision is 1 space per 80m², which would result in a maximum of 207 spaces.
- The transport assessment acknowledges that "*car drivers to the development will be restricted by the availability of parking spaces*" and that "*it is considered that traffic generation can be restricted to match the parking allocation*" – this is a further reason to reduce the particularly large parking allocation. Given the direction the Council is heading there is no justification for any net increase in parking relative to the existing market development.
- Notwithstanding, whilst it is disappointing that the number of spaces has been reduced so minimally, especially relative to how accessible the site is, the proposed number is still within the bounds of that which is required, and that which is allowed. For this reason, the proposed 126 spaces are accepted.
- No allowance is made for parking associated with the café / restaurant element of the development as it is envisaged that these will complement existing amenities in the city centre. This is in keeping with adopted policy documents.
- A disabled parking provision of 6 spaces is proposed which is acceptable.

- A condition requiring the applicant to agree a car club contribution prior to starting work on site would be acceptable from a Roads perspective.
- The applicant shows 66 cycle spaces internally and 30 spaces externally. This is acceptable.
- The provision of eight motorcycle parking spaces is acceptable.
- It is also noted that five electric vehicle charging spaces are now shown – an increase from the 4 previously proposed. This is acceptable.

Traffic – The Hadden Street impact is predictably the greatest, given that this houses the site access and is currently a relatively quiet street. The AM and PM impacts are noted as 89% & 108%, respectively. However, this is relative to a very low base traffic, as such this is not concerning. To further evidence this, the applicant has undertaken further detailed analysis which indeed shows there to be no issue.

The removal of spaces within the taxi rank is noted. The Traffic Management Team have confirmed that the change of the taxi rank would require both a TRO and a taxi stance change which is carried out by Legal / licensing, involving their own consultation process.

The existing service yard (proposed to be removed), serves the existing building only – the service yard does not serve other buildings. The existing service yard is part of the current refuse service plan.

ACC - Structures, Flooding and Coastal Engineering – No objection. Having reviewed the Flood Risk Statement, the only concern with the new development is the proposed freeboard of 10 cm. However, given that there is an existing building on the site, the proposal for flood resilient doors/barriers to all external doors is accepted and a condition should be attached requiring such. A condition seeking a detailed drainage scheme should also be applied.

Archaeology Service (Aberdeenshire Council) – No objection. Taking into consideration the nature of the development, its location within the historic core of the city, and the recommendations contained within the Archaeological Desk Based Assessment, it is recommended that a condition is attached requiring a programme of archaeological works to be undertaken.

City Centre Community Council – The Community Council expresses concerns regarding the impact of the proposal on current retail owners and staff and their future, in terms of rental increases and a more competitive trading environment. It is felt that the market brought independent traders to the city centre and is keen to see this continued with opportunities offered to start-up businesses.

Support is expressed in terms of the enhancement of the built environment. However, there is disappointment that this is going to affect market traders and those who shop there, many of which are on low incomes. Concern is raised that the new units would be unaffordable to current market tenants and that the units would remain empty. Customers may also have to pay for goods and services elsewhere.

Scottish Environment Protection Agency – No objection, comments summarised below.

Flooding – The site lies within the medium likelihood (0.5% annual probability or 1 in 200-year return period) fluvial flood extent of the SEPA Flood Map, and may therefore be at medium to high

risk of flooding from the Den Burn and surface water flooding. SEPA would caution however, that given the complex nature of the built-up area and the network of underground sewers and culverts, the Flood Map may not be an accurate representation of flood risk in the area.

It is proposed to demolish and replace the existing building and based on the existing and proposed site layout plans provided there is no significant increase in building footprint as a result of the development. The building is currently used for commercial, leisure and retail purposes and as such, there would be no increase in land use vulnerability as a result of the development which will have the same use.

A Flood Risk Statement summarises the risk in the area and concludes that there may be a residual flood risk to the building due to overland flow routes. The highest risk appears to be from overland flow which may affect the lower level of the building by East Green.

As the proposal is to demolish and replace an existing building with the same vulnerability, SEPA consider the proposed development to be an opportunity to reduce vulnerability to flooding by constructing a more resilient property. SEPA would recommend the use of water-resistant materials and forms of construction as appropriate. We would also recommend a minimum freeboard of 500-600mm for finished flood levels. Aberdeen City Council as Flood Prevention Authority can provide further advice on this.

SEPA are fully supportive of measure to reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. In addition, SEPA are fully supportive that, as detailed in the Public Realm Design Statement, one of the aims of the proposal is to bring additional greenery to this area of the city.

Drainage – The Drainage Assessment advises that all surface water run-off will discharge to the underground drainage within the site prior to discharge to the existing sewer network, to be agreed by Scottish Water, and an alternative discharge to the sewer within Market Street is also been investigated.

Sustainability – To ensure the delivery of the proposed features such as water features, green walls, planters, renewable energy systems and other placemaking opportunities are fully investigated, to complement/in conjunction with other initiatives such as the Town Centre Funding, we request that the further investigation and implementation of these measures is secured by planning condition requiring the submission of a schedule of The Green measures that will be implemented on site, for example green roofs, rain water harvesting/sustainable water use measures, sustainable landscape measures. The schedule should be submitted prior to the commencement of development on site.

Pollution prevention and environmental management – As the site is constrained with limited options for treatment and discharge of construction phase drainage, we request that the submission of the construction Surface Water Management Strategy is covered by planning condition.

Waste Management – According to the Geo Environmental Desk Assessment, there is a strong possibility of asbestos being present in the building. The Desk Assessment also mentions that there is a high likelihood that made ground found in the area will contain contaminants including hydrocarbons. Advice on land contamination issues should be sought from the local authority contaminated land specialists because the local authority is the lead authority on these matters.

Although SEPA is not the regulating body in this instance, to ensure that the area is adequately remediated, we still have a duty to ensure that any contaminated material removed from the site is

taken to an appropriately licenced facility. We would therefore request that the submission of a Site waste Management Plan for the site is covered by planning condition.

In addition, the drainage assessment suggests that underground drainage will either be removed or abandoned, if drains are abandoned this will require justification and this should be detailed in the plan.

Surface water drainage – Although SEPA no longer provide site specific advice on sustainable urban drainage systems (SUDS) regarding water quality, to assist it is highlighted that the drainage assessment states that the current proposal to deal with roof run-off is to discharge to the existing sewer network at a restricted rate. It is not clear if this is to the combined, or surface water, sewer. An alternative proposal to discharge at an unrestricted rate to the surface water sewer is currently being reviewed with Scottish Water. Any discharge to the surface water sewer will require that run-off is treated with appropriate SUDS. The current proposals do not include any treatment SUDS components, only attenuation.

Scottish Water – No objection. There is currently sufficient water capacity in the Invercarnie Water Treatment Works and sufficient foul water capacity in the Nigg PFI Waste Water Treatment Works. For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

REPRESENTATIONS

Ten representations (including one petition) have been received objecting to the proposal. One is from the Market Village Company which operates the Aberdeen Indoor Market (which currently occupies the lower floors of the existing building), one from the Aberdeen Civic Society and the remainder are from residents or businesses of The Green area and wider Aberdeen. The petition was signed by twenty-six traders based within Aberdeen Indoor Market.

Layout and Design

1. The development does not respect the historic character or architecture of the area. It features an inappropriate scale and architecture, dominating the buildings surrounding it and as a result overshadowing The Green and diminishing the quality of the space.
2. The development would infringe on privacy and availability of light to surrounding residential properties.
3. The development would not replace two key links between Union Street and The Green/Market Street.
4. The proposed public realm enhancements on The Green do not appear to take into account traffic management issues that will impact on its safe use.
5. The development would create a wind tunnel effect.

Aberdeen Indoor Market

6. There would be an adverse impact on small businesses which rely on the Aberdeen Indoor Market for their livelihood.

7. The Market Village Company's lease of the Aberdeen Indoor Market Building expires in 2027 and therefore the site is not available for redevelopment.
8. Floor space should be allocated within the development to accommodate traders from Aberdeen Indoor Market.
9. A socio-economic impact assessment to consider the loss of the market should be submitted by the applicant.

Other

10. Health and safety concerns with demolition of existing building which may contain asbestos
11. Disruption to traffic and visitors to the area
12. Lack of consultation or notice from the building owners.

The matters raised in the representations are considered in the 'Evaluation' section below.

MATERIAL CONSIDERATIONS

Legislative Requirements

- Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.
- Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- Section 149 of the Equalities Act (2010) requires a public authority in the exercise of its functions to have due regard to the need to –
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

National Planning Policy and Guidance

- Scotland's Third National Planning Framework (NPF3)
- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)
- HEPS Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent
- 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 was beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration. 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 submitted the Report of Examination to the Scottish Government in January 2020. 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)

- Policy D1 (Quality Placemaking by Design)
- Policy D2 (Landscape)
- Policy D3 (Big Buildings)
- Policy D4 (Historic Environment)
- Policy NC1 (City Centre Development - Regional Centre)
- Policy NC2 (City Centre Retail Core and Union Street)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)
- Policy T4 (Air Quality)
- Policy NE6 (Flooding, Drainage and Water Quality)
- Policy R6 (Waste Management Requirements for New Development)
- Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency)

- Policy CI1 (Digital Infrastructure)

The site is identified as an opportunity site (OP67 – Aberdeen Market) where there is an opportunity for qualitative retail/mixed use improvements to include better pedestrian access from The Green to Union Street and address public realm issues.

Supplementary Guidance and Technical Advice Notes

- Air Quality
- Big Buildings
- Flooding, Drainage and Water Quality
- Harmony of Uses
- Landscape
- Planning Obligations
- Resources for New Development
- Transport and Accessibility

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. The following policies from the Proposed LDP are applicable to the current application.

- D1 (Quality Placemaking)
- D2 (Amenity)
- D3 (Big Buildings)
- D4 (Landscape)
- D5 (Landscape Design)
- D6 (Historic Environment)
- D7 (Our Granite Heritage)
- VC1 (Vibrant City)
- VC4 (City Centre and Retail Core)
- I1 (Infrastructure Delivery and Planning Obligations)
- T2 (Sustainable Transport)
- T3 (Parking)
- WB1 (Healthy Developments)
- WB2 (Air Quality)
- NE4 (Our Water Environment)
- R5 (Waste Management Requirements for New Development)
- R6 (Low and Zero Carbon Buildings, and Water Efficiency)
- R8 (Heat Networks)

- C11 (Digital Infrastructure)
- Opportunity Site OP110 (Heart of the City – City Centre Masterplan Intervention Area) – Redevelopment of Aberdeen Indoor Market for appropriate uses such as use class 1 (Retail), use class 3 (Food and Drink) and use class 11 (Assembly and Leisure), use class 6 (Houses) and use class 7 (Hotels and Hostels).

Other Material Considerations

- City Centre Masterplan – Project CM06: Aberdeen Indoor Market.
- Union Street Conservation Area Appraisal.

EVALUATION

Principle of Development

National Policy

National Planning Framework 3 (“NPF3”) is a long-term strategy for Scotland – the spatial expression of the Government’s Economic Strategy, and of plans for infrastructure investment. In its section on Aberdeen and the North East, NPF3 states that the city centre will be a focus for regeneration efforts.

Scottish Planning Policy (“SPP”) states that planning for town centres (which include Aberdeen city centre) should be flexible and proactive, enabling a wide range of uses which bring people into town centres. SPP goes on to say the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities; encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening; and consider opportunities for promoting residential use within town centres where this fits with local need and demand.

As an office-led mixed-use development, featuring the potential for retail, food and drink and leisure and public house uses that would attract a significant number of people the proposal would represent a use which would be most appropriately located within the city centre. The mix of uses and potential number of people working in (800 to 1000 at full capacity) and visiting the building would contribute to the vibrancy, vitality and viability of this part of the city centre – these matters are discussed in more detail later in the report. Whilst residential use was considered by the applicant at the early stages of the project, this option has not been pursued. Notwithstanding, the proposal represent a significant investment seeking to regenerate part of the city centre, which would be consistent with the strategy and vision of NP3 and SPP.

Strategic Development Plan

At a regional level, the Aberdeen City and Shire Strategic Development Plan (“SDP”) states that Aberdeen city centre is an important asset for the City region and its regeneration is vital for the economic future of the area and how potential investors and residents see it. The SDP identifies an aim of attracting more major office developments to the city centre and for there to be a strong focus on improving the quality of the city centre’s shopping, leisure, commercial and residential environment. For the same reasons identified above in relation to national policy, the proposal would be consistent with the SDP in terms of its desire to regenerate the city centre, and more specifically with the aims of attracting a larger presence of major office developments within city

centre.

Proposed Strategic Development Plan

The Proposed SDP continues to prioritise the promotion and enhancement of the city centre. It highlights the objectives of growing the city centre employment base by promoting the area as a centre for business, trade, leisure, innovation and enterprise and ensuring a metropolitan outlook, with recognition of the fact that proposals for the city centre will have a wider metropolitan context across the City Region.

The SDP Authority have received the Scottish Government Reporter's report into the examination of the Proposed SDP and no modifications to the Proposed Strategic Development Plan are considered necessary in response to representations relating to the city centre. It is therefore considered that the Proposed SDP is consistent with the position taken on the matter by the adopted SDP. Otherwise there are no other strategic or regionally significant matters which require further detailed consideration against the SDP.

Land Use Zoning

The application site is located within the City Centre, where Policy NC1 (City Centre Development – Regional Centre) and Policy NC2 (City Centre Retail core and Union Street) apply. Policy NC1 states that proposals for new retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development (unless on sites allocated for that use in this plan) shall be located in accordance with the sequential approach, which indicates that the City Centre is the preferred location for such developments. The site is located within the identified city centre boundary and therefore is fully consistent with this aspect of the policies

The Policy goes on to state 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 and Delivery Programme ("CCMP"). In turn, the CCMP describes how the range of projects within the CCMP linked to economy, environment and infrastructure aim to enhance the attractiveness and viability of the city centre core centred on Union Street, St. Nicholas and the Merchant Quarter. In relation to the application site more specifically, the CCMP identifies the Aberdeen Indoor Market, St. Nicholas Centre, Trinity Centre and Union Street as opportunities to create stronger complementary nodes that piece together a higher quality retail circuit, not only in terms of overall retail provision, but through an enhanced experience in terms of the diversity of retail (e.g. independent retailers), other complementary uses (e.g. food and drink) and improved public realm.

The CCMP considers the redevelopment of the application site as a key outcome of the masterplan, which is emphasised by the identification of Project CM06 (Aberdeen Indoor Market). It describes the Brutalist design of the market building as not particularly in keeping with the historic Merchant Quarter and indicates that the building is becoming increasingly tired through lack of investment. The CCMP considers the site to present a significant opportunity to introduce a mix of uses including retail that better addresses The Green and enhances the overall vibrancy and attractiveness of the area, including other uses such as residential.

Broadly speaking, it is considered that the proposal would provide the appropriate mix of uses sought by the CCMP and would create an enhanced node within the city centre which would be a focus of activity during daytime and evening. The commercial environment and public realm would also be significantly enhanced. The proposal would contribute to the high-level vision of the CCMP and therefore be compliant with Policy NC1. The CCMP also contains more specific development objectives related to the site, which are considered later in the report.

The development, when fully occupied could accommodate between 800 and 1000 people, bringing benefits in terms of locating workers in a highly sustainable location and in terms of the positive knock-on effects for surrounding retailers, restaurants bars and other businesses. Whilst demand for office floorspace is dictated by the market economy and is not a material planning consideration, the applicant is confident that there will continue to be demand for high quality office space within the city centre in the coming years. According to property advisors CBRE, in quarter one of 2020 around 70% of the new grade A office space recently developed in the city centre has been let, with strong interest reported in the remaining new space. This is evidenced by the gradual occupation of the Silver Fin, Capitol and Marischal Square developments, with many occupiers relocating from other parts of the city to the city centre. Providing increased employment space in the city centre also increases its attractiveness as a place to live, as opportunities arise for people to live and work in the same area.

The ALDP identifies the Aberdeen Indoor Market as an opportunity site (OP67) for qualitative retail / mixed use improvement to include better pedestrian access from The Green to Union Street and opportunity to address public realm issues. This lends further supports the principle of redevelopment of the site.

Demolition of market building

The proposed demolition of the market building is permitted development and therefore does not form part of this application. However due to its location within a conservation area a separate conservation area consent is required. Such an application (190313/CAC) to allow its demolition has been submitted and will be determined under delegated powers. It has been concluded that the building does not contribute to the character of the conservation area and that its demolition would be acceptable.

Loss of Aberdeen Market

Concern is raised in with the loss of the Aberdeen Market, expressed through the submission from the City Centre Community Council, representations including from the operator of the market and a petition from occupiers of the market (*issues #6, #7, #8 and #9 in representations*).

Scottish Government Circular 4/2013 (Development Management) indicates that the planning system operates in the long-term public interest. It goes on to say that whether a proposal would result in financial or other loss to owners or occupiers of existing buildings is not a material planning consideration.

Notwithstanding, any wider economic impact as a result of a proposal or its effect can be a material consideration. In this instance it is acknowledged that the market offers floor space for many small businesses and that they contribute to the vitality & viability of the city centre as well as the local economy. SPP explains that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. With that in mind, whilst it is acknowledged that the economic activity generated by the market contributes positively to the city centre, it is considered that the economic activity and environmental improvements to the urban realm of the city centre which the proposed development would bring, would outweigh the loss of the market. The benefits of the proposal are discussed in detailed in the remainder of the report.

Layout, Design and Contribution to City Centre and Public Realm

As explored earlier in the report, the CCMP considers the redevelopment of the application site as a key outcome of the masterplan, which is emphasised by the identification of Project CM06 (Aberdeen Indoor Market). The CCMP seeks the redevelopment of the market to be replaced by a

more contextually appropriate development of buildings and spaces. Key design criteria identified by the CCMP for any redevelopment includes (i) enhanced active frontages on Union Street, Market Street, Hadden Street & The Green, (ii) continued retail use at Union Street level and (iii) a mix of retail, food and drink and leisure uses at Hadden Street level.

Before considering these matters, it is useful to understand the problems with the existing building. At present the market building lacks an active frontage or any architectural articulation at street level, particularly Hadden Street. The main Market Street entrance is situated under an overhanging part of the building, offering a poor interaction with the street and an unwelcoming appearance. Apart from small secondary entrances located on Hadden Street and The Green, there are otherwise limited openings onto surrounding streets. The building presents a largely blank, vast and uncompromising façade, and is inward looking in nature, having little positive interaction with its surroundings. For these reasons it is considered that the building contributes little to the character or appearance of the conservation area or the amenity and vitality of the surrounding area in general.

Taking the first matter highlighted by the CCMP into account, the Union Street part of the building (91–93 Union Street, part of the former BHS premises) would become a separate planning unit when the link structure is removed as part of the demolition of the market building. The future use of 91–93 Union Street is not being considered as part of this application, however it would continue to benefit from its existing retail use and a recently granted planning permission for change of use to Class 11 (Assembly and Leisure) which at the time of writing has not been implemented but is extant. 91–93 Union Street would continue to be serviced from East Green. Concern is raised (*representation #3*) that the two links would not be replaced, removing a route between Union Street and The Green. With the removal of the market building, the two link structures are effectively redundant. With continued and more convenient access available to the Merchant Quarter via Market Street, Netherkirkgate, Correction Wynd and Back Wynd Steps, all within very close proximity, it is considered unnecessary to retain a link. In accommodating a link into the new building, the ability to make efficient use of the floor space would be compromised. Removal of the links will also allow more natural light into East Green, which is to be welcomed.

In considering the second and third matters together, Policy D3 (Big Buildings) and the Council's Big Buildings guidance explains that the detailing of how the building meets the street is extremely important as this provides animation to the street scene. The proposed development would radically improve upon the existing situation, with new active frontages relating to the three commercial ground floor units presenting double height glazed elevations onto Market Street, The Green and the parts of Hadden Street closest to The Green and Market Street. The three ground floor units would be made available for retail, food and drink, public house or assembly and leisure uses (except for nightclub or casino). This would provide opportunities for leisure activity which would complement the existing uses in The Green and Market Street areas and encourage people into the wider Merchant Quarter area.

The area of public realm at the corner of Hadden Street and Market Street would provide a new public open space in the city centre directly outside the entrance of the building. This small plaza would be set back from the Market Street carriageway, providing more space for pedestrians on what is a busy route between Market Street and Guild Street. It would be enclosed on two sides by a double height ground floor, with one of the commercial units on the north and the building's entrance and reception foyer on the east side. It would feature green living walls which would enhance the immediate environment and experience of the space, improve local air quality and create a contrast with the hard surfaces of the public realm and buildings in area. To create a connection between the external and internal space, it is proposed that The Green wall and public realm materials would continue into the foyer of the building. A condition would be attached requiring a detailed design showing materials, street furniture and how level differences between the entrance area and Hadden Street would be dealt with.

At The Green end of the building, the built structure would be set back from the existing curved building line of the Aberdeen Market, creating additional public realm associated with the new building and ground floor uses. This would also provide the opportunity to utilise the space for outdoor seating associated with the two commercial units located adjacent as well as creating additional space for any future outdoor market or public events in The Green. At this stage the detailed public realm design has not been agreed however it is expected that materials to complement the materials already used in The Green and Merchant Quarter would be used. This would be subject of a condition that would also require cognisance to be taken of the effects of the micro-climate created by the building (see Amenity and Environment section of the report below).

The middle section of the Hadden Street elevation would accommodate the car park entrances and relate to the car park behind within the ground floor, therefore there would be no active frontage at this part. However, this would only represent a small portion of the elevation and to maintain visual interest, it would feature sections of green living wall, visually enhancing the local environment. The intention is that as many of the existing stone planters on Hadden Street which feature trees will be retained, although at least one will require to be removed to provide access to the new car park. As part of the proposed condition dealing with public realm, detailed proposal for this area would be submitted.

The East Green elevation relates to the service areas of the building and car park and therefore would not present an active frontage. This is dictated by the requirement to accommodate such areas within the building and is considered acceptable and in keeping with the character of East Green, which is predominately used as a service lane for buildings on Union Street.

The provision of additional public realm, and improved interaction between the site and its surroundings, would build on the streetscape and resurfacing works which were undertaken in The Green area between 2009 and 2014. These enhancements, alongside improvements to shopfronts and building fabric saw a step change in the perception of The Green area. The proposal represents the next step in terms of significantly improving what The Green and wider Merchant Quarter offers in its role as a key area that is actively used at the heart of the city centre.

The big buildings guidance highlights that top floors and accessible roof terraces are likely to provide good views across the city and useable out-door amenity space. Reflecting that, the building would include two roof terraces, both accessed from the tenth floor. Furthermore the building has been designed so that, should the opportunity arise to occupy the top floors for a public use, such as a restaurant or bar, that this can be achieved without compromising the ability to use the remainder of the upper floors for their intended office use. This is facilitated by separate lift access from The Green entrance to the top floors of the building. Otherwise, the building has been designed to have flexible floor plates which can be subdivided to suit a range of office occupiers.

No. 6 Market Street is a separate retail unit, located between Aberdeen Market and 73–79 Union Street (occupied by Café Nero). It is thought that it was designed as part of the original design for the Aberdeen Market by Archibald Simpson dating back to the 1840s (the current market building was built in the early 1970s). Although it has been altered, the shop front features elements of original classical detailing including three arches which are beneath the modern shop sign and has curved glass windows which were a later addition. It is considered that the façade contributes to the character of the area and therefore it is to be retained as part of the new development, being integrated with the ground floor commercial use at this end of the building. A condition would be attached requiring detail of the façade integration to be submitted.

In summary, it is considered that by providing active uses at ground floor which interact with the surrounding streets, that the urban environment in this part of the city centre would be dramatically enhanced. This would be consistent with the aspirations of the CCMP.

Scale, Massing and Design

Policy D3 on Big Buildings explains that the most appropriate location for big buildings is within the city centre and its immediate periphery. Big buildings must be of a high-quality design which complements or improves the existing site context.

Long Distance Views

The big buildings guidance explains how big buildings at a long-distance are interesting and act as place markers defining areas of the city and that it is their proportion, mass, silhouette, skyline composition, juxtaposition and lighting which are important factors. The Aberdeen skyline is scattered with tall buildings in the form of church spires, residential tower blocks and office buildings, predominately in the city centre. The visual analysis submitted provides three viewpoints to represent how the building may look from around the city, these being Torry Battery, Wellington Road and West Tullos Road. These demonstrate that in long-distance views the building would not be overly intrusive and would sit comfortably on the skyline, complementing the other tall buildings that it would sit alongside as well as those in the background.

Impact on Conservation Area and Setting of Listed Buildings (Medium to Short Distance Views)

The analysis of medium to short distance views is best considered in the context of how the building would impact upon the surrounding conservation area, which requires an understanding of built heritage policy.

Policy D4 (Historic Environment) indicates that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, Scottish Historic Environment Policy (superseded by Historic Environment Policy for Scotland) and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings and conservation areas will be supported.

Scottish Planning Policy (paragraphs 141 and 143) reflect the legislative requirements in relation to conservation areas and listed buildings set out in the Material Considerations part of the report. SPP requires that, where planning permission is sought for development affecting a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Proposals for development within conservation areas which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

Historic Environment Policy for Scotland (HEPS) is the government's national policy statement on built heritage and sits alongside SPP. Historic Environment Scotland's guidance on setting is also relevant.

Built heritage policy aside, the big building guidance states that proposals for big buildings that are considered to detract from their context and/or interfere with an established vista within the city centre will not be supported. Big buildings should maintain and enhance the pattern and arrangement of the street blocks and plots, have a slender vertical emphasis and silhouette that is in proportion and have active uses at ground level to the street. The guidance suggests that big buildings can be composed of a range of complementary uses and be part of a development with smaller scale buildings to reduce any dominating impact within established areas and minimise blank elevations to the street. The CCMP echoes these policies, indicating that any redevelopment

of the site must have an appropriate scale and quality of design, given the site's conservation area setting and Union Street setting. In summary, the key principle that should be considered in this instance is that the proposed development needs to preserve or enhance the character of The Green and the wider conservation area.

General Design and Materials

The proposed building would be substantial in size and radically alter the character of its immediate surroundings, mainly due to its height and bulk. Concerns were raised with the initial scale and massing of the building, especially in relation to how it relates to The Green. Having considered the proposal, the Council's Senior Conservation Planner considers that a combination of the height, overall volume and average design of the building, results in it being overbearing and jarring to the surrounding historic context of the area (issue #1 in representations) In recognition of these concerns, planning officers and the applicant held a series of discussions to determine how the impact of the building on the surrounding area could be reduced specifically by looking at its form and massing.

The big buildings guidance requires such buildings to have well designed proportions and an interesting silhouette to complement the existing streetscapes and the skyline and to minimise their bulk. To help achieve this here, the building would be formed in several 'tower' elements, which, although in fact one continuous floor plate, are expressed as individual elements separated by recesses finished in glass, as a contrast with the granite and glazing of the main elements. The height of each 'tower' would vary increasing towards The Green.

The guidance explains how high-quality materials and good quality detailing is expected as this adds visual and tactile interest to a building, reinforcing distinctiveness, attractiveness and quality of a place. The use of granite cladding panels at lower level, with increasingly sized areas of curtain wall glazing as the building progresses in height, is considered to be sympathetic to the character of the surrounding area, harmonising with the granite which predominates.

Vertical emphasis would be achieved by the vertical orientation of the granite cladding, which attains different heights on each tower. Above these levels, the upper stories of each tower are setback slightly and finished in curtain wall glazing, reducing the apparent bulk of the building. The top floors of each part of the building would be constructed using structural planar glazing, distinguishing the building as a modern intervention in the area.

Elements enclosing mechanical plant at the top of the building would be finished with glazed screens, which it is considered would help reduce the massing of the building at the upper levels. In conjunction with a lighting strategy for the building (which would be subject of a condition), these areas have the potential to add visual interest to the city centre skyline during the day as well as the evening. The more utilitarian cladding proposed for the service core, is considered acceptable given their secondary and less prominent location on East Green.

Each of the relevant character areas of the conservation area are considered below, including an analysis of the buildings impact on these character areas.

Market Street Character Area

The element hard up against Market Street would four storeys high, with a setback fifth storey. This allows the building to sit comfortably within the Market Street streetscape, generally being in accordance with the rising building heights as the street progresses northwards. The part of the building sitting back from the street, behind the entrance plaza, would be five storeys with sixth set even further back. This appropriate scale and massing in combination with the enhanced street frontage and public realm discussed earlier and the removal of the unsympathetic existing building

would result in the character of Market Street being enhanced.

Union Street

Union Street is important, not only as Aberdeen city centre's main commercial thoroughfare but also for its planned layout and classical design. Buildings are generally consistent in height at around four storeys with attic and dressed granite predominates as the finishing material. Several larger key civic buildings are also present such as the Town House and St. Nicholas Kirk. It is therefore important that the building does not interrupt these characteristics.

Due to buildings on Union Street within the intervening space, the building would not be seen from the Castlegate. Closer to the site, between Broad Street and Belmont Street, whilst the change in levels between Union Street and The Green would conceal a large part of the development from Union Street and St. Nicholas Street, the upper stories would be seen above the roofline of the Union Street buildings. To reduce their bulk and massing, the upper storeys would be finished in glass with a structural framework around it. The service core would be finished in aluminium panelling and the upper stories, containing plant, in glass. From the north side of Union Street and St Nicholas Street, the building would be apparent above the generally consistent roofline of the southern side of Union Street. However, due to the setback, the building would read as a modern intervention, separate to the Union Street buildings and sitting behind them. The contrast between modern materials and design and the granite of Union Street would also allow the development to be distinguished from the Union Street buildings, with the latter maintaining their dominance along the street.

Due to the rising incline of Union Street to the east beyond Bridge Street the building would largely sit lower than the roof line of buildings on Union Street which would be in the foreground of any views, resulting in a comfortable relationship.

Overall, it is considered that the character of Union Street would be maintained with the new buildings being less prominent and having less visual impact on the street than, for instance, the new Silver Fin and Capitol office developments further west.

The Green and Merchant Quarter

The Green and wider Merchant Quarter remains an important architectural and historic focus reminding us of Aberdeen's medieval urban origins through to its nineteenth century expansion. In contrast to the grandeur of Union Street and Market Street, it is characterised by narrower streets and a more intimate environment. Buildings are generally three or four storeys with attic and constructed from granite with slate roofs. Due to the difference in levels, the buildings facing Union Street and backing onto The Green and East Green are up to five storeys and attic. The public realm in the area features predominantly granite sett carriageways, with granite flagstone pavements.

From the area outside Union Square and the railway station the proposed building, especially its highest tower, would be readily visible in medium distance views, sitting comfortably in the background and contributing interest to the skyline which has a varied height and character.

Closer to the site, views along Stirling Street and Exchange Street from Guild Street are currently abruptly terminated by the blank concrete façade of the market building. The introduction of active frontages would enliven these views and provide interest, inviting the pedestrian to utilise these routes when heading towards Union Street. The use of granite at the lower levels of the building would complement the granite in both Stirling Street and Exchange Street. From these views, the building would be considerably taller than those surrounding it.

Following design workshops with the applicants, the northern element facing The Green was lowered in height in order to reduce the impact on The Green and Union Street, creating a greater contrast in height between the lowered element and the adjacent main tower, which would act as a visual focal point and landmark in short, medium and some long distance views. Its position on the south side of the building reduces its visual impact on Union Street and The Green. Notwithstanding, the building would still be substantially taller than immediately surrounding buildings, and for this reason would harm the existing character and appearance of this part of the conservation area that is typified by more modestly scaled buildings.

The street layout of the area would not be altered by the new development. The curved form of the existing building replicates the curve of the original building from the 1840s and so does reflect the historic character of this part of The Green. Notwithstanding, as described previously at present the curved form of the building contributes little in townscape terms to the character of the area whilst also inhibiting connectivity by obstructing north/south pedestrian desire lines. At present the views from Carmelite Street, Carmelite Lane, Stirling Street and Exchange Street are terminated by the largely blank façade of the market building, whereas the new development has been designed so that the tallest tower element terminates the views from these streets creating an architectural focus whilst adding visual interest and vitality at street level.

The opinion of the Senior Conservation Planner is that the building would be an intervention which would adversely harm the character of the conservation area and setting of nearby listed buildings.

Whilst it is acknowledged that there would be a localised harm to the conservation area due to the height and size of the building, this harm is considered to be outweighed by the wider benefits that the development would offer. Most of these have already been outlined above, but include the benefits of removing the existing building which offers little by way of interaction with its surroundings, the provision of active commercial uses at street level, increased areas of public realm and the economic uplift from increased number of workers and visitors in the area and the wider city centre.

Access, Parking and Transport

Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) explains that, commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. They must be 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.

Accessibility

The site is in a highly accessible location, being located within the city centre, with both the bus and railway stations and the ferry terminal less than five minutes walk away. Many of the city's bus routes pass within walking distance or terminate at the bus station.

Parking

There is an existing car park within the lower ground floor of the market building, which can accommodate 32 vehicles. The new development would accommodate 126 parking spaces within part of the ground floor and basement, resulting in an overall net gain of 94 spaces.

Project IN02 (City Centre Car Parking) of the City Centre Masterplan proposes stricter parking standards within the city centre boundary to enforce 'zero parking' for new development. Less cars

in the city centre would bring benefits in terms of reducing traffic congestion, noise & air pollution and providing opportunities to increase and enhance city centre public realm by removing the focus on vehicles.

At this point in time the Council's parking standards for the city centre embodied in adopted Transportation Supplementary Guidance that forms part of the Adopted Local Development Plan allow for one parking space per 80sqm of office floor space. This does not reflect the aspirations of the CCMP. Furthermore, the Proposed Aberdeen Local Development Plan, approved for consultation by Council in March 2020, intends to introduce 'zero parking' within the city centre through Policy T3 (Parking).

Given that the policy substantially alters the extant policy position and may be subject to objection through the PLDP consultation process, it is only possible to afford limited weight to this part of the PLDP at this stage. Therefore, whilst it would be preferable in terms of evolving policy that there to be no more than operational parking at the development (for company pool cars, delivery vehicles, servicing and so forth), it is also clear that at this point in time the adopted LDP policy allows for a higher level of car parking provision. The applicant has made it clear that at this point in time they consider a degree of parking to be required to make the development attractive to occupiers and, therefore, render it viable.

Having considered the matter, officers have concluded that, on balance, the proposed 126 spaces (a rate of one space per 131sqm) would be acceptable taking into account the parking standards in the adopted LDP and on the basis that it would represent a continued trend in reducing the number of parking spaces provided within new city centre developments. It should be noted that the level of parking provision proposed is significantly lower than the 207 spaces which the adopted guidance would allow and the ratio of spaces to floor space is lower than the most recently completed comparable development. For example, Marischal Square has a rate of one space per 66sqm (i.e. double the level of provision) and both the Silver Fin and Capitol a rate of one per 108sqm. The proposal would also result in the loss of 32 existing spaces reducing the net additional gain in parking to 94 spaces.

Vehicular Access and Traffic

Vehicles would enter and exit the car park from two openings onto Hadden Street. The position of these accesses would require the adjustment of the existing taxi rank, which would require to be reduced by two spaces. This is considered acceptable in principle by roads officers; however it would have to be formally approved separately through the traffic regulation order and licensing regimes.

Initial designs proposed one access on Hadden Street and one on East Green. Officers raised concerns with the additional traffic flow which would be placed on The Green in order to access the East Green entrance, diminishing the pedestrian focussed environment in the area. After discussions the developer agreed to remove the East Green access and relocate the car park access to Hadden Street only. This is likely to result in less traffic on The Green than is currently the case, as the existing car park access from East Green would no longer exist with consequent benefits to the amenity of the public realm and safety of pedestrians in The Green area. It is considered there would not be any problem with the safe use of the new public realm in relation to its proximity to the carriageway (*issue #4 in representations*).

An analysis of the traffic impact of the development on the surrounding road network has been undertaken and reviewed by the Council's roads officers. The conclusion was that the impact of traffic associated with the development on the Market Street / Union Street junction and Market Street / Guild Street / Trinity Quay junction would be insignificant during AM and PM peak hours and that both junctions would continue to operate within capacity.

A greater impact would occur on the Market Street / Hadden Street junction, however that is due to the lower background traffic flows currently using the junction. Further detailed analysis was undertaken which indicates that, with the addition of traffic associated with the development, the junction would still operate within capacity and that no mitigation measures would be required.

Taking into account the foregoing the proposed analysis and traffic impact is considered to be acceptable.

Amenity and Environment

Air Quality

Policy T4 (Air Quality) indicates 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 implemented. Market Street forms part of the City Centre – an Air Quality Management Area which has been designated due to exceedances of air quality objectives. This means that the applicant has been required to submit an air quality assessment to consider how the development may impact on air quality.

The air quality assessment modelling predicts that road traffic attributable to the development would not be expected to have a significant adverse effect on local air quality, and that the development would not expose new receptors to concentrations of annual mean nitrogen dioxide (NO₂), or particulate matter (PM₁₀ or PM_{2.5}) exceeding the applicable limits. The assessment and its findings have been reviewed by the Council's Environmental Health officers and both are considered to be acceptable.

Mitigation measures are also recommended to minimise construction related air quality matters, specifically management of dust and construction traffic. These can be secured by appropriate planning conditions on any consent.

Odours

Class 3 (Food and Drink) or public house use would allow cooking of food on the premises, which brings the risk of nuisance to surrounding properties from associated odours. Any planning approval can impose a condition requiring that an extraction scheme to eliminate such odours is submitted and implemented prior to these uses commencing.

Control of Substances Hazardous to Health

Environmental Health officers highlight existing problems with inadequate control of fumes from solvents used in nail bars within Aberdeen Market and recommend that should similar activities be carried out at the new development then an assessment be undertaken to ensure exposure limits are met. Whilst it is unknown at this stage whether such activities are likely to take place in any of the commercial units, this matter would be subject to separate health and safety legislation and, if it did occur, it is unlikely to be to such an extent it would affect the amenity of the wider area. It is therefore not a material planning consideration.

Potential Contamination

A Geo-Environmental Desk Study has been undertaken by the applicant to determine the likelihood and nature of any contamination of the land. The presence of the building on the site prevents intrusive ground investigations being undertaken. The study therefore recommends that, post demolition, a geo-environmental investigation is carried out across the site in order to determine the ground conditions, to inform foundation design and to investigate any potential

contamination. Environmental Health officers agree with this recommendation and a condition is recommended on any consent to secure the submission of a geo-environmental investigation.

The market building is believed to contain asbestos and therefore the study also recommends that an asbestos survey is undertaken prior to any demolition. Any asbestos containing materials would be required to be removed by a specialist contractor to a licensed waste management facility and all waste transfer notes retained for inclusion within a validation report. This is controlled by non-planning legislation and therefore does not require to be subject of a condition (*issue #10 in representations*).

Subject to further investigation through a geo-technical investigation it is concluded that the proposal would comply with Policy R2 (Degraded and Contaminated Land).

Microclimate

Policy D3 (Big Buildings) requires proposals to carry out an analysis of micro-climatic impacts. The matter was also highlighted in representations (*issue #5*).

A micro-climate assessment has been submitted in support of the application and considers the wind microclimate on and around the site. Modelling software was used to analyse conditions with the site in its current state and after the proposed development, against the 'Lawson' criteria for pedestrian comfort or distress. These relate a wind speed which shouldn't be exceeded for more than a given percentage of the time if the location of interest is to be deemed acceptable for activities such as sitting or strolling.

The assessment found that within the site, the plaza adjacent to Market Street would be well-sheltered and problem-free for seating and location of entrances (the two most stringent of the Lawson criteria). The roof terrace areas are also problem-free for seating and standing. However, whilst the location of the main entrance on Hadden Street is acceptable, the area immediately around this entrance in front of the south west corner of the building exceeds the Lawson acceptability criterion for seating. This is mainly due to acceleration of winds around this corner when the wind is from the south-south-west and to downdraughts when westerly and south-westerly winds impact on the western facade of the building. The former can be mitigated by planting around the south west corner, or location of any seating right under the western face of the building, which is relatively sheltered. The downdraught can be mitigated by the provision of awning or a canopy. The assessment highlights that there are already significant areas of "unacceptable" conditions for various activities and, being close to the sea, the location is already quite windy. The proposed development does give rise to some changes in wind microclimate in its immediate vicinity, with impacts generally moderately adverse, although no significant exceedances of the Lawson acceptability criteria in the surroundings are anticipated as a direct result of the proposed development

The findings of the assessment are considered acceptable and a condition is recommended to secure details of the canopy required to mitigate the downdraught at the south west corner of the building. A condition is also recommended to secure the specification of public realm improvements around the building that would require, amongst other things, to take into account and mitigate the adverse impacts of the wind environment on outdoor activities predicted by the micro-climate assessment.

Noise

The proposed development is located within a Noise Management Area. Being a city centre location, the existing noise climate is dominated by city centre road traffic and noise associated with nearby commercial premises, including public houses. Policy T5 (Noise) states that there will

be a presumption against noise generating developments, as identified by a noise impact assessment ('NIA'), being located close to noise sensitive developments, such as existing or proposed housing. It goes on to say development within, or near to, Noise Management Areas will not be permitted where this is likely to contribute to a significant increase in exposure to noise, or a deterioration of noise conditions, in these areas.

The uses within the new development, being commercial in nature, are not considered to be noise sensitive in themselves, with the building fabric anticipated to provide sufficient mitigation in terms of the background noise which exists in the area. Conversely, the development itself has the potential to have an adverse noise impact on the amenity of the occupants of existing residential properties, predominately located to the south of the site on Hadden Street, Exchange Street, Carmelite Street and The Green. Therefore, the applicant has carried out a NIA which has been reviewed by Environmental Health officers.

The assessment determined the additional road traffic, mechanical plant and public house use as potential noise source. In terms of the road traffic there is potential for short-term moderate noise impacts on Hadden Street due to the increase in vehicle movements associated with the development. However, this will be limited to the morning and evening peak periods only. This is not considered to be significant.

Mechanical plant would be accommodated mainly within the upper storeys of the building and within the ground floor, facing East Green. Noise limits from plant have been recommended within the NIA. A condition would be attached requiring a further specification to be submitted once detailed designs have been drafted, demonstrating that the noise limits have been achieved.

There is the option for public house use in any of the three ground floor units. The units at The Green end of the building have a higher potential for creating disturbance than the units located at the Market Street end, due to their proximity to residential properties and the general background noise being lower in The Green. Notwithstanding, there are already public house uses in the vicinity including Cheerz Bar & Nightclub, the Market Arms and Old Kings Highway (currently vacant). Café 52 also has an outdoor seating area on The Green. Therefore, the area is not unaccustomed to noise in the evening from such uses. A similar situation exists at the Market Street end of the building, with a variety of licensed premises present, although background noise is higher due to Market Street being a main vehicle route through the city centre.

Considering noise in isolation, there would be the option of restricting public house use to the Market Street end of the building. However, this would restrict the potential to have occupiers which would complement the existing uses (the aforementioned public houses and restaurants) and activities on The Green such as the Inspired Nights street food market and Aberdeen Jazz Festival. Given the noise environment of the area already features public houses and evening activity, it is not considered the noise characteristics would change substantially. It should also be recognised that within the city centre core, the amenity which residents can expect will not be as high as at locations at the edge of the city centre or residential areas. A more reasonable approach in this case, would be the implementation of a range of mitigation measures, such as the provision of double entrance doors, restrictions on the times which external areas can be used, no amplified music to be played externally and restrictions on servicing & deliveries. It should also be noted that licensed premises would require to adhere to licensing requirements with regards to the management of their premises and behaviour of customers. Environmental Health officers agree with the recommendations of the noise impact assessment and it is proposed to attach a condition which would require a site-specific scheme of noise mitigation to be submitted should a public house use emerge for any part of the building.

In summary, it is not considered that the development would significantly alter the noise environment in this part of the city centre and its noise impact is considered acceptable in this

regard.

Residential Amenity

Concern is raised in representations with the impact on residential properties in the vicinity, specifically in terms of daylight and privacy (*issue #2 in representations*).

The new building would be no closer to any other building than the market building is at the moment, in most cases it would be further away, with the creation of the two areas of public realm. Whilst it is acknowledged that there would be substantially more glazing than the existing situation, there are no private outdoor spaces, such as gardens, which would be overlooked. The ability to see one window from another does not constitute a reduction in privacy, especially within the city centre where buildings are located within close proximity to one another. It is not considered privacy would be unreasonably reduced.

The flats on Market Street and Exchange Street, facing onto the Market Street end of Hadden Street, would see their outlook enhanced, as the blank façade of the market building is removed, and area of public realm provided in its place. There would be no impact upon availability of daylight to these flats. Similarly, as the existing building is closer to the flats at Carmelite Street and Martin's Lane (which look out on to Hadden Street and The Green) than the new building would be, there is not expected to be any detriment to the availability of daylight, despite the substantial increase in the building height at this end. Again, the outlook would be improved as an area of public realm is to be provided opposite. The flats closest to the development are located at Stirling Street and Exchange Street, above the Market Arms and Cheerz Bar & Nightclub, overlooking Hadden Street. The narrow width of Hadden Street at this point is likely to already have an impact on available daylight, due to the proximity and height of the market building. The presence of a taller building is not expected to radically alter the availability of daylight and any change would be negligible. In terms direct sunlight, the building is located to the north of all surrounding residential properties and therefore the availability of direct sunlight to any properties will not be affected.

In summary, it is considered that, for the majority of residential properties in the area, the outlook and environment would improve and there would be no privacy, daylight or sunlight issues. For the Stirling Street and Exchange Street flats which are closest, there may be a negligible reduction in daylight availability.

Waste Storage and Collection

Policy R6 (Waste Management Requirements for New Development) requires that all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. A waste store would be provided at ground floor, accessed from East Green which is considered acceptable. Swept path analysis shows that a refuse collection vehicle would be capable of entering and exiting East Green in a satisfactory manner.

Flooding and Drainage

Drainage

Policy NE6 (Flooding, Drainage and Water Quality) states that surface water drainage associated with development must be the most appropriate available and avoid flooding and pollution, both during and after construction. It goes on to say that connection to the public sewer will be a prerequisite of all development where this is not already provided.

Foul water would be discharged via a connection to the existing Scottish Water combined sewer network, which is considered acceptable. It is proposed that surface water from the roof of the building would discharge into the existing surface water sewer on Market Street, whereas the surface water from areas of public realm will discharge to the combined sewer. This represents a betterment over the existing situation because at present all surface water from the site enters the combined sewer. In their response Scottish Water have indicated that no surface water will be permitted into their combined sewer, however it is understood that discussions have taken place between the applicant and Scottish Water and a positive response has been received on the proposal to discharge surface water from the public realm areas into the combined sewer. With the above arrangements being considered appropriate in principle, a condition is proposed requiring detailed drainage proposals to be submitted.

A condition would also be attached requiring details of a construction phase surface water management strategy to be submitted for approval.

Flooding

In terms of flooding Policy NE6 says development will not be permitted if it would increase the risk of flooding or it would itself be at risk of flooding. A Flood Risk Assessment ('FRA') has been submitted in support of the application and reviewed by the Council's flooding officers and SEPA. The FRA considered the potential risk from coastal flooding, fluvial (river) flooding sewer flooding and surface water flooding.

- In terms of coastal flooding, the Upper Dock of Aberdeen Harbour is around 200m to the south, however due to the difference in levels between the harbour and the site there would be no risk of coastal flooding.
- The Den Burn and another minor water course are culverted beneath the city centre and represent a potential source of flooding. Software modelling has been used to consider the risk but does not show any flooding of the site from these sources.
- Overland flow of surface water has the potential to be an issue during extreme weather events. Whilst the topography of the surrounding area shows that flows would generally avoid the building. Due to the constraints on achievable freeboard between street level and ground floor level of the building, the FRA recommends flood resilient doors/barriers should be used. A condition would be attached requiring details to be submitted.

In summary the flood risk at the site is low, with measures proposed to mitigate any residual risk of surface water flooding.

Archaeology

Policy D4 (Historic Environment) highlights the importance of considering archaeology. An Archaeological Desk Based Assessment has been produced by the applicant and concludes that the remains of the 19th-century Market Building may survive beneath the site. It is, however, considered that any impacts on these assets during the construction of the proposed development would be, at most, of negligible significance. The potential for previously unrecorded cultural heritage assets to survive beneath the present Market Building is considered to be low to medium. This potential will be affected by the extent of ground disturbance during the construction of the present Market Building. The assessment has been considered by the Council's archaeology advisor and it is agreed that a condition should be attached requiring a programme of archaeological works to be agreed and implemented.

Other Technical Matters

Conditions are attached requiring details to be submitted relating to compliance with water efficiency low and zero carbon building requirements, in accordance with Policy R7 (Low & Zero Carbon Build & Water Efficiency). A further condition relating to submission of a Dust Management Plan to mitigate against any dust problems during construction in accordance with Policy T4 - Air Quality, and Construction Environmental Management Plan (at the request of SEPA) have also been attached.

Developer Obligations

Policy I1 (Infrastructure Delivery and Planning Obligations) states that where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

The Council's Developer Obligations officer has determined that a contribution (£14,229) is required towards Core Paths 96 (Castlegate to Anderson Drive), 98 (Union Street to Victoria Bridge) and 102 (The Green). A contribution of £7,000 has also been identified towards improving the quality of nearby open spaces such as Union Terrace Gardens, St Nicholas Street Civic Space and/or the Castlegate, which would see increased use as a result of the development.

Equalities

Section 149 of the Equalities Act 2010 imposes a duty on the planning authority to have due regard in decision making to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. Being aware of an application for a similar development in England that had equalities implications, officers have considered whether there are any impacts on groups with protected characteristics in this application.

It has been identified that a unit within the market is operated as a support hub by charity Four Pillars, which provide supports to members of the lesbian, gay, bi-sexual and transgender (LGBT) communities. This triggers consideration of the duties under the act, as those with the protected characteristics of gender reassignment or sexual orientation have the potential to be affected.

Should the development proceed, and the applicant comes to an arrangement with the Market Village Company which allows the site to be redeveloped, the LGBT support hub would be displaced from its existing premises. Due regard is therefore required to be had as to the implications on the three general duties identified above in relation to the two groups with protected characteristics.

Whilst the new development would feature commercial premises at ground floor level, their proposed sizes are significantly larger than the space occupied by the charity at present and it would be expected that rents would be significantly more than those in the market, so retention of the support hub at this location in the long term is unlikely. However, at any point in time the city

centre has available a range of premises of varying sizes and cost which would be available for the charity to occupy, on the same terms as any non-protected group. Therefore, it is considered that the redevelopment of the site would not hinder equality of opportunity for the identified protected groups or affect either negatively or positively the ability to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the act. Similarly, there would be no impact either way on the duty to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Therefore, whilst it is acknowledged that the charity would experience disruption to its operation due to being displaced from its premises there is a reasonable likelihood that suitable and affordable alternative accommodation could be obtained. With this in mind it is considered that the impact on the protected group would not be significant enough to outweigh the benefits of allowing the proposed development to proceed that are detailed elsewhere in this report.

Separately from above considerations, the market accommodates occupiers from a range of ethnic backgrounds; however, it has not been identified that there is any significant concentration of any ethnicity or race present which could be disproportionately affected by displacement. Therefore, it is considered that the equality duty is not triggered in terms of race.

Other Matters raised by letters of representation

- Concern is raised that the construction of the development would create disruption to traffic and visitors to the area. (*issue #11 in representations*). Such disruption during construction is inevitable, especially within the city centre where space is at a premium and different uses sit alongside one another. Any road closures and such like would be managed through traffic regulation orders and hours of work through environmental health legislation.
- Any failures in communication between the applicant, building tenant and market traders is not a material planning consideration (*issue #12 in representations*). The applicant has carried out the statutory pre-application consultation and certified that the building tenant (the Market Village Company) was notified of the application submission.

Proposed Aberdeen Local Development Plan

In relation to this particular application, other than as discussed above the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan, with Vibrant City policies continuing to promote the city centre and design policies seeking high quality design and protection of built heritage. Other than the change in approach to car parking standards discussed in the 'Access, Parking and Transport' part of the report, other technical policies do not substantially alter the policy position. The proposal is acceptable in terms of both Plans for the reasons previously given.

Heads of Terms of any Legal Agreement

A legal agreement is required to secure the identified developer obligations and the provision of a car club vehicle.

Time Limit Direction

The applicant has requested that a period of five years is granted for the duration of any planning approval instead of the standard three years that is the normal default imposed by legislation. It is considered reasonable to allow this longer period in order to support the development's delivery in recognition of the Council's desire to see this important CCMP project progress.

RECOMMENDATION

Approve Conditionally and withhold consent until a legal agreement is secured to deliver the developer obligations towards core paths, open space and provision of a car club vehicle.

REASON FOR RECOMMENDATION

National and regional planning policy seeks the regeneration on Aberdeen city centre. At a local level it is considered that the proposal would generally meet the aspirations sought by the City Centre Masterplan (CCMP) and would create an enhanced node within the city centre which would be a focus of activity during daytime and evening. The commercial environment and public realm would also be enhanced. The mix of uses and potential number of people working (800 to 1000 at full capacity) and visiting the building would contribute to the vibrancy, vitality and viability of this part of the city centre. The proposal would contribute to the high-level vision of the CCMP and therefore be compliant with Policy NC1 of the Aberdeen Local Development Plan (ALDP).

The current building contributes little to the character or appearance of the conservation area or amenity and vitality of the surrounding area in general. The closure of the market, whilst regrettable, is a commercial decision to be taken by the applicant as landlord of the building and the Market Village Company who operate the market, rather than a matter which can be controlled through the planning system.

It is acknowledged that the height and size of the building would represent a significant intervention in a sensitive part of the Union Street Conservation Area. In long-distance views across the city the building would sit comfortably on the skyline; complementing the other tall buildings it would sit alongside and those in the background. In medium and short distance views from Market Street and Union Street, the building would generally maintain the character of the area. From The Green and various points within the area known as the Merchant Quarter, it is acknowledged that there would be a localised harm to the conservation area due to the height and size of the building compared to the relatively modest scale of the historic townscape contrary to policy and guidance relating to protection of the historic environment. However, this harm is considered to be outweighed by the wider benefits which the development would offer. These include removing the existing building which offers little by way of interaction with its surroundings, the provision of active commercial uses at street level, increased and enhanced areas of public realm and the economic uplift from increased number of workers and visitors in the area

For the majority of residential properties on close proximity to the site, the outlook would improve and there would be no privacy, daylight or sunlight issues. For the Stirling Street and Exchange Street flats which are closest, there may be a negligible reduction in daylight availability.

In terms of car parking on balance, the proposed 126 spaces would be acceptable taking into account the parking standards in the adopted LDP and on the basis that it would represent a continued trend in reducing the number of parking spaces provided within new city centre developments. The proposal would also result in the loss of 32 existing spaces reducing the net additional gain in parking to 94 spaces, which is considered acceptable. Traffic analysis shows that, with the addition of traffic associated with the development, surrounding junctions would still operate within capacity and that no mitigation measures would be required.

Otherwise, subject to several planning conditions and a legal agreement, the building would meet relevant technical and design criteria relating to accessibility, traffic, air quality, amenity, microclimate, noise, waste, drainage, and flooding.

Due regard has been had to equalities and groups with protected characteristics, with the

identified impact considered minimal and not sufficient to warrant refusal of the application.

CONDITIONS

PRE-DEMOLITION

(1) GEO-ENVIRONMENTAL INVESTIGATION

No development (including demolition or site setup) shall take place unless a scheme to deal with any contamination that may exist within the site 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 include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter the development shall not be brought into use unless (i) 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 in writing by the planning authority is being undertaken and (ii) a report has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the site has been carried out, unless the planning authority has given written consent for a variation.

Reason – to sure that the site is fit for human occupation

(2) ARCHAEOLOGY

No development (including demolition or site setup) shall take place 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 brought into use 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.

(3) SURFACE WATER MANAGEMENT

No development (including demolition or site setup) shall take place unless a demolition/construction phase surface water management strategy has been submitted to and approved in writing by the planning authority in consultation with SEPA. SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) must be used as a basis for the strategy. Thereafter demolition/development shall not be undertaken other than in accordance with the approved plan.

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

(4) SITE WASTE MANAGEMENT PLAN

No development (including demolition or site setup) shall take place unless a demolition/construction phase site waste management plan (SWMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The SWMP must take account of the guidance available at the NetRegs website and specifically the Waste Management Plan template. Thereafter demolition/development shall not be undertaken other than in accordance with the approved plan.

Reason – to improve materials resource efficiency and ensure the appropriate management and disposal of waste from the development.

(5) DUST MANAGEMENT PLAN

No development (including demolition or site setup) shall take place unless a Dust Management Plan for the demolition/construction phase of development has been submitted to and approved in writing by the planning authority. The management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter demolition/development shall not be undertaken other than in accordance with the approved plan.

Reason – to control air pollution from dust associated with demolition and construction of the development.

(6) SUSTAINABILITY MEASURES

No development (including demolition or site setup) shall take place unless a scheme of sustainability measures to be implemented within the development has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme should investigate and where appropriate implement the use of rainwater harvesting, bio-retention, green/blue roofs, living green walls, renewable energy sources and other suitable sustainability measures.

Reason – To contribute to and enhance the natural environment and support Policy D1 (Quality Placemaking by Design)

(7) NO. 6 MARKET STREET

No development (including demolition or site setup) shall take place unless a scheme detailing the works to 6 Market Street has been submitted to and approved in writing by the planning authority. The scheme shall include detailed specifications featuring –

1. 1:10 elevation and section drawing detailing the proposed alteration to Market Street elevation shopfront including the new column details and positioning of the glazing.
2. Details of the proposed new arched glazing.
3. 1:10 elevation and section showing how the new building will abut 6 Market Street
4. A sample of stone for the stone forming the new columns.
5. Details of the external finishing material for the East Green elevation

Thereafter demolition/development shall not be undertaken other than in accordance with the approved scheme.

Reason – to ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal.

PRE-CONSTRUCTION

(8) DRAINAGE

No development shall take place unless a detailed scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the planning authority. Thereafter development shall not be brought into use unless the development has been implemented in accordance with the approved scheme and is available for use.

Reason – to safeguard water quality and to ensure that the development can be adequately drained.

(9) FLOOD MITIGATION

No development associated with the construction of the development shall take place unless a scheme for the provision of flood resilient doors has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be brought into use unless the approved scheme has been implemented.

Reason – to mitigate the residual risk to the building of surface water flooding.

(10) EXTERNAL FINISHING MATERIALS

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. The scheme shall include –

1. Detailed specifications of all materials to be used on the external areas of the building
2. Elevational drawings clearly showing which materials are to be used on each part of the building
3. 1:20 construction drawings, showing the size of granite cladding blocks to be used
4. 1:20 construction drawings, showing the detailing of points where there would be a change in the surface finishes (for example where glazed sections of frontage meet granite-clad sections)
5. Perforated translucent lattice grills to the East Green elevation of the car park.
6. Measures to prevent the nesting of birds on the external areas of the building.

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 ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal.

(11) EXTERNAL LIGHTING STRATEGY

No development associated with the construction of the development shall take place unless a scheme for the external lighting of the building (including the 'lantern tower') and its external areas has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be brought into use unless the approved scheme has been implemented and is operational.

Reason – to integrate the development into the surrounding streetscape and skyline.

(12) MICRO-CLIMATE

No development associated with the construction of the development shall take place unless a scheme for the provision of measures to mitigate the impact of the building on the surrounding microclimate (as recommended in Micro-climate study F1879 101 R01 (Rev.A) and addendum by Wilde) has been submitted to and approved in writing by the planning authority. Thereafter the measures shall be implemented as soon as practicably possible during the construction of the building. In any case, the building shall not be brought into use unless the approved measures have been implemented.

Reason – to mitigate the impact of the building on the surrounding micro-climate.

(13) LOW AND ZERO CARBON GENERATING TECHNOLOGIES

The building shall not be occupied unless (i) a scheme detailing compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) and associated supplementary guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to low and zero carbon generating technologies has been submitted to and approved in writing by the planning authority; and (ii) thereafter the approved scheme has been implemented and measures are available for use

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' or other guidance in force for the same purpose.

(14) WATER EFFICIENCY

The building shall not be brought into use unless (i) a scheme detailing compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) and associated supplementary guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to water efficiency measures has been submitted to and approved in writing by the planning authority. The scheme should consider 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. Thereafter the building shall not be brought into use unless the approved scheme has been fully implemented and identified measures 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).

(15) EXTERNAL PUBLIC REALM AND LANDSCAPING

No development associated with the construction of the development shall take place unless a scheme detailing all hard and soft landscaping has been submitted to and approved in writing by the planning authority. The scheme shall take account of the historic townscape context, functional purpose and micro-climate study and include detailed specifications of –

- a. Proposed finished ground levels and features designed to allow pedestrian movement from different levels, taking account of the changes in levels across the site and surrounding streets.
- b. Location, design and materials of walls, planters, railings and all other street furniture.

- c. Proposed, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting (including proposed green walls).
- d. Proposed hard surface finishing materials within the site and on pavements immediately adjacent to the site.
- e. The retention of the existing tree planters located on Hadden Street (unless their removal can be justified as being unavoidable)
- f. Arrangements for the management and maintenance of proposed public realm.

Thereafter the building shall not be brought into use unless the areas of public realm have been constructed and are available for use in accordance with the approved scheme. Such areas will thereafter remain in use as publicly accessible space for the life of the development.

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 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 – to integrate the development into the surrounding streetscape and enhance the provision of public realm within the city centre.

PRE-OCCUPATION

(16) NOISE MITIGATION (MECHANICAL PLANT)

No part of the building shall be brought into use unless a noise assessment considering the impact on nearby residential properties (existing and consented) of noise from mechanical plant associated with the development has been submitted to and approved in writing by the planning authority. This assessment should:

- Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- Identify the likely sources of noise associated with the proposed development.
- Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences.
- The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment

Thereafter the building shall not be brought into use unless any identified mitigation measures have been implemented and are operational.

Reason – to protect residential properties from noise associated with the development.

(17) TAXI RANK

No part of the building shall be brought into use unless a scheme showing an amended taxi rank layout on Hadden Street which takes account of vehicular access and egress points to the development, has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority the building shall not be

brought into use unless (i) any markings or signs associated with the taxi rank which require to be amended as a consequence have been implemented; and (ii) any necessary traffic regulation order is in place and licensing requirements are in place to ensure the amended taxi rank has effect.

Reason – to ensure that the impact of the development on the existing taxi rank is appropriately addressed.

(18) CAR CLUB PARKING SPACES

No part of the building shall be brought into use unless a scheme showing the location and delivery method of one 'car club only' parking space has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless (i) the car club only parking space has been constructed and/or marked out and is 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.

(19) CAR PARKING

No part of the building shall be brought into use unless the car parking area (including motorcycle & bicycle parking, showers and electrical charging points) has been constructed and laid out in accordance with HFM drawings 11131 P(00)18D and 11131 P(00)19D (or other such drawing as agreed for the purpose) and is available for use.

Thereafter the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those working at or visiting the building.

Reason – in the interests of public safety and the free flow of traffic

(20) WASTE STORAGE

No part of the building shall be brought into use unless the waste storage area shown on HFM drawing 11131 P(00)19D (or other such drawing as agreed for the purpose) has been constructed and is available for use.

Waste storage areas shall not thereafter be used for any other purpose other than the purpose of storing waste generated by the development. No waste storage containers shall be stored outside the building at any time.

Reason – to ensure there is sufficient space for the storage of waste and to maintain the amenity of the area.

(21) TRAVEL PLAN

No part of the building shall be brought into use unless a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets has been submitted to and approved in writing by the planning authority.

Reason – to encourage more sustainable forms of travel to the development.

PRE-OCCUPATION (SPECIFIC USES)

(22) COOKING ODOUR EXTRACTION

No part of the building shall be brought into use for the purposes of Class 3 (Food and Drink) or public house uses unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from that part of the building has been submitted to and approved in writing by the planning authority. Thereafter the use shall not take place unless the approved scheme has been implemented in full and is ready for operation.

Reason – to ensure cooking odours do not adversely affect the amenity of the surrounding area.

(23) PUBLIC HOUSE NOISE MITIATION

No part of the building shall be brought into use for the purposes of public house use unless a detailed assessment of the likely sources and levels of noise arising within, and those audible out with, that part of the building has been submitted to and approved in writing by the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant and where necessary will specify a scheme of mitigation measures to ensure that the impact of the noise on surrounding residential properties is minimised. Thereafter the use shall not take place unless the approved scheme has been implemented in full and is ready for operation.

Reason – to ensure noise does not adversely affect the amenity of the surrounding area.

ONGOING CONTROL

(24) CONTROL OF USES

Each of the identified areas of the building on Level One and Level Two (as shown on HFM drawings 11131 P(00)19D and 11131 P(00)20D), as well as the entire floor space and terraces at Level Ten and Level Eleven, may be occupied for the purposes of Use Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Class 11 (Assembly and Leisure) (subject to the restrictions specified in condition 24), public house use; or a mixed-use activity comprising any of these uses.

In the case of Levels Ten and Eleven, this provision is in addition to the underlying Class 4 (Business) use which applies to these floors.

For the avoidance of doubt, once initial occupation of any of the ground floor commercial units or Level Ten or Level Eleven has taken place, unless subject of permitted development rights under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), any further change of use will require planning permission.

Reason – to ensure an appropriate mix of uses which contribute to the vitality and viability of the city centre at ground floor and the opportunity for public uses at the upper floors.

(25) RESTRICTION ON CLASS 11 (ASSEMBLY AND LEISURE) USE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the uses permitted within Class 11 (Assembly and Leisure) does not include dance hall or discotheque (better now known as night club) or casino.

Reason – to ensure as far as possible that the building offers an active frontage with daytime activity which contributes to the vitality and viability of the city centre

(26) SERVICING HOURS

Unless otherwise agreed in writing by the planning authority, service deliveries or collections at the building by heavy goods vehicles shall be restricted to 0700 to 1900 Monday to Saturday and 0900 to 1900 on Sundays.

Reason – to prevent any adverse impact on amenity as a result of deliveries and servicing occurring at unsociable hours.

INFORMATIVE NOTES

(1) HOURS OF DEMOLITION AND CONSTRUCTION WORK

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

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

(2) CONTROL OF STONE CLEANING

For the avoidance of doubt the consent hereby granted does not give or imply the granting of consent for stone cleaning using abrasive, chemical or high-pressure water (above 50 psi) methods. Should stone cleaning be proposed using these methods, a separate application for planning permission and where relevant listed building consent, must be submitted. For further advice please contact the planning authority.