

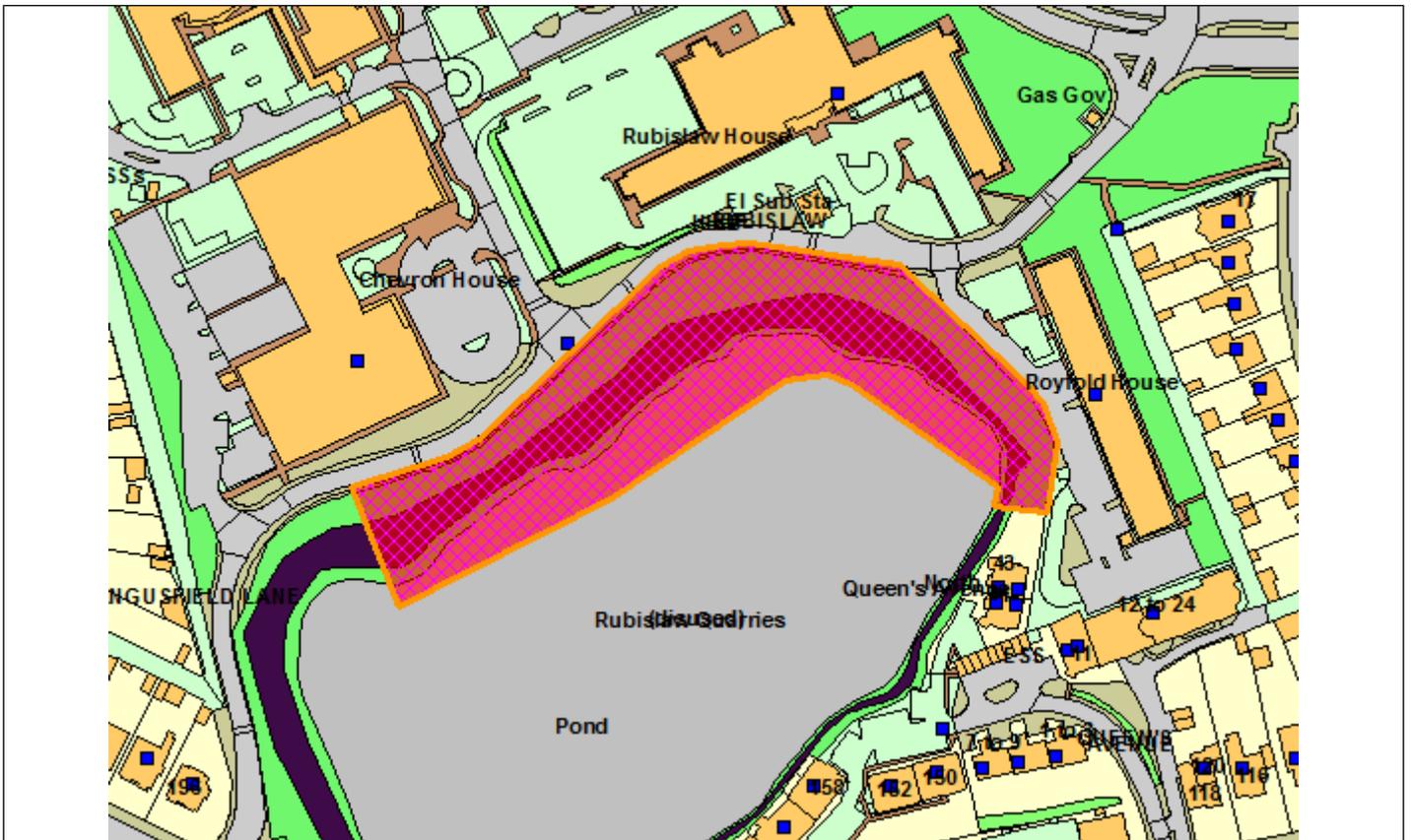


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1 June 2020

Site Address:	Land Adjacent to Rubislaw Quarry, Hill of Rubislaw, Aberdeen, AB15 6XL
Application Description:	Residential development of 245 private rented sector flats (up to nine storeys and two basement levels) with amenity space, 254 car parking spaces, two publicly accessible car club vehicles (including electric charging points), residents' gym, residents' function room, public bistro and public promenade with viewpoints to quarry
Application Ref:	200042/DPP
Application Type	Detailed Planning Permission
Application Date:	13 January 2020
Applicant:	Carterra Private Equities
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
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 affordable housing, secondary education, core paths, open space and healthcare

APPLICATION BACKGROUND

Site Description

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

The land is undeveloped and comprises mostly scrub vegetation and bare ground. A small area at the western end of the site is covered by broadleaved semi-natural woodland (protected by Tree Preservation Order No.14), which continues out-with the site around the entire north west, west and south west edges of the quarry. It is fenced off with no public access due to the proximity to the quarry edge. A hedgerow runs along the length of the site boundary shared with the office park.

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

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

Relevant Planning History

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

quarry. It was to include a heritage museum, restaurant/bar and conference suites, with views over the quarry. The planning permission expired in December 2018 as the development had not commenced.

- Detailed planning permission (180368/DPP) for a residential development (across ten storeys and three basement levels) consisting of 299 private flats, gym, function room, public heritage bistro, promenade, car parking and amenity space was refused by the Planning Development Management Committee on 21 June 2018, contrary to the recommendation of the Planning Service. The reasons for refusal were –
 - The adverse visual impact the proposal would have based on its scale and massing which was considered contrary to Policy D3 (Big Buildings) of the Aberdeen Local Development Plan.
 - Insufficient onsite parking provided which would lead to overspill parking on residential streets.
 - Lack of suitable capacity to accommodate the educational needs of the development.
 - Adverse impact on the wildlife on the site; and
The quality of the design does not meet the requirements of Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

The decision was subsequently appealed to Scottish Ministers (PPA-100-2092) with a decision to dismiss the appeal being made in January 2019. The Scottish Government Reporter found that there were aspects of the development which would attract considerable support from national policy and advice. Specifically, the Reporter considered the proposal would deliver a form of residential accommodation currently promoted and endorsed by Scottish Government. It would deliver a development which would be accessible by a range of transport modes and not depend solely on access by the private car. While there would be a loss of open space, it would provide enhanced public access and has the potential to attract additional visitors to the quarry area. Any necessary servicing and infrastructure requirements could be met, or financial contributions provided such that impacts could be mitigated. However, overall it was found that the proposal would represent over development with consequent adverse impacts in terms of visual amenity, therefore the appeal was dismissed, and planning permission refused. The Reporters reasoning on particular aspects of the development is discussed in the Evaluation section of the reporter.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a mixed use residential led development of 245 flats and public bistro. The scheme is a reduced scale version of the proposal previously considered by the Planning Development Management Committee in 2018 through planning application 180368/DPP.

The development is proposed as a 'build to rent' (BTR) scheme whereby the applicant would retain ownership and control of the entire development and manage its day-to-day operation. Individual units would be self-contained and separately let to residents, with communal facilities and on-site amenities integrated as part of the development. The different components of the development comprise –

- 245 flats (20 studio units, 179 one-bed units, 35 two-bed units and 11 three-bed units)
- Residents' gym (not open to the public)

- Residents' function room, a communal recreational facility for residents to meet, which would also be available for event hire.
- Class 3 food and drink use (130m² Gross Floor Area) located on the ground floor. Described as a 'heritage bistro', the premises would be open to the public and would contain a permanent exhibition displaying material from the quarry, as well as a photographic history.
- A public walkway adjacent to the building and along the edge of the quarry, providing public access to the quarry edge and allowing views across over the water.
- Two levels of basement parking with a total of 254 car parking spaces, accessed via two ramps, broken down as follows –
 - 232 car parking spaces allocated to the flats (spaces and 12 accessible spaces). Parking would be communal to all flats and unallocated (apart from car club spaces).
 - 2 car club spaces located at street level, available for residents and other members of the car club.
 - 20 car parking spaces allocated to the food and drink use located at ground floor.
- 33 motorcycle spaces (31 for residents and 2 for the bistro) and 194 cycle spaces (189 for residents and 5 for the bistro)

The proposal would take the form of one building modelled in to two peaks with a valley between. The building would be between two and nine storeys, reaching a maximum of 26.4m above street level. It would be constructed from modules arranged to create a chequerboard pattern being either solid or glass. The following materials are proposed –

- Masonry-based off-white textured material for the white cladding panel.
- Glazed floor to ceiling window units
- Spandrel glass panels to visually match the floor to ceiling windows when viewed obliquely or with no backlighting.
- Granite at the ground floor where the amenity spaces protrude from the glazed public areas. This will be part of the theme for the bistro, showcasing granites in various textures and finishes to the public viewing/walkway areas.
- Dark coloured powder coated aluminium panels.
- The external building envelope would see colour controlled with any incidental colour added to the elevation by blinds / blind boxes behind glazing rather than on the facade itself.

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=Q41RJOBZML700>

- Design and Access Statement
- Drainage and Flooding Assessment
- Ecological Survey (*not available online*)
- Ground Investigation Report
- Landscape and Visual Impact Assessment
- Landscape Design Framework
- Planning statement
- Pre-Application Consultation Report
- Sustainability Statement
- Transport Assessment
- Tree survey report

Reason for Referral to Committee

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

Pre-Application Consultation

The applicant undertook statutory pre-application consultation which included a public exhibition at the Tree Tops Hotel on 20 November 2019. It was attended by 48 members of the public including representatives from the Craigiebuckler Community Council. The applicant reports that positive comments were made regarding the design and proposed facilities, including the bistro and public access to the quarry. Some concerns were expressed about the scale of the proposals and the potential traffic impacts. There was also discussion around the relationship with the proposed heritage centre on the opposite side of the quarry.

The applicant presented to the Pre-Application Forum on 5 December 2019. Members of the forum heard from the applicant's agent and architect and asked a number of questions of both the applicant and the case officer, with the following information being noted in the minutes –

- There would be 240 parking spaces in the new proposals with car club spaces also included.
- There would be roughly twenty tables within the bistro area.
- Members of the public would be able to access the history of the granite feature within the bistro.
- There would be separate parking for visitors to the bistro.
- In regard to visibility, local residents would not be affected with the amended proposals.
- From Queen's Road there would be no negative visual impact.
- A new drainage assessment would be carried out to mitigate any concerns and to update from the previous assessment carried out.
- Parking was a real concern for residents in the surrounding area.
- To note that a revised Transport Assessment would be submitted with the new application.

CONSULTATIONS

ACC - Developer Obligations – Affordable housing contributions of £3,368,750 and other developer obligations of £257,877 towards secondary education, open space, core path network and healthcare are required (these are discussed in more detail later in the report).

ACC - Environmental Health –

Air Quality – The proposed development is adjacent to an existing Air Quality Management Area (AQMA). Although the concentrations of NO₂ and PM₁₀ in the surrounding road network do not exceed the annual mean concentrations, the proposal has the potential to adversely affect air quality in the immediate vicinity and the wider area. It is therefore recommended that an air quality impact assessment is carried out, which considers the impact on existing residents as well as the potential exposure levels of occupants of the new properties on Hill of Rubislaw and measures to reduce any potential impacts.

Noise – The occupants of the proposed development are likely to be exposed to noise impacting on amenity. It is recommended a noise assessment is carried out in order to ascertain the predicted impacts of likely noise sources on proposed development and necessary controls.

Odour – To protect the amenity of the occupants of neighbouring local residences and businesses it is recommended that, where cooking activities are to be undertaken, that prior to planning permission being granted, an assessment is carried out to establish the necessary Local Extract Ventilation (LEV) equipment required to mitigate the impact of any cooking activities undertaken.

Dust – There is potential for an adverse impact on the amenity of nearby existing residences due to dust associated with each phase of the proposed works. Therefore, a risk assessment should be carried out and a site-specific Dust Management Plan, based on the outcomes of the assessment implemented during the proposed works.

These matters can be adequately controlled through suspensive conditions.

ACC - Roads Development Management Team – The proposed site is located within the outer city and not currently within an area of controlled parking.

Walking and Cycling – The surrounding area is well served by public footpaths connecting into the private footpaths along Hill of Rubislaw (north side). The continuous footpath proposed along the south side of Hill of Rubislaw connecting Anderson Drive and Queen's Road would be welcomed. The provision should be a condition of any approval.

Although the site is not located within the proximity of any designated cycle routes, Hill of Rubislaw forms part of a recommended cycle route and cyclist accessibility is considered adequate.

Public Transport – Local bus services can be found on both Queens Road and Anderson Drive, with direct links into the City Centre and alternatively out to the west of the City into Aberdeenshire. Bus stops for both of these regular services are located within 400m of the site, which is this distance considered to be readily walkable.

Only one of the four nearest bus stops is served by an enclosed shelter, with only the bus stops on Queen's Road having accessible kerbs and none have 'real-time' service information. Given this size and nature of this development, and its' potential to increase the utilisation of these bus facilities, these stops should be upgraded, which the applicant has agreed to.

Parking – The proposed development would require a maximum total of 480 parking spaces; however, only 254 parking spaces are proposed, which includes twelve disabled/accessible spaces and two car club spaces.

However, the proposal provides at least one space per unit whilst also providing two car club spaces which equates for an additional 34 spaces. This provision is considered acceptable given the implementation of the following mitigatory measures – car club spaces, upgrade to bus

infrastructure, adequate cycle parking provision and lease agreements for one car parking space per unit with parking privately managed to enforce this.

The area around the Hill of Rubislaw has previously been subject to proposed parking controls due to the nearby offices. However, this was not implemented due to the downturn in the oil & gas industry, resulting in much of the previous parking problems being eliminated. However, that is not to say this could once again change in the future and the previous proposals could be re-visited if required.

Due to the Scottish Government initiative for almost complete decarbonisation of road transport by 2050, new residential developments are required to provide electric vehicle charging points. The minimum requirement for a development of this size is for two spaces for both 'active' and 'passive' provision

It is accepted there is adequate space to accommodate electric vehicle charging points.

The applicant is proposing twelve designated disabled spaces and is acceptable. The disabled spaces should be appropriately located in order to serve the flats, bistro and gym. Motorcycle parking provision has been proposed in the form of 31 spaces and is acceptable.

Adequate cycle parking provision would be provided, the current standard equates to 102 spaces, but the applicant proposes 189 spaces. Additionally, the applicant also includes an additional provision associated with the bistro for both staff and customers which is also acceptable.

Refuse – The area for waste collection vehicles is acceptable.

Internal Road Layout – This proposal consists of 245 units and it is required to have two accesses. The proposed development can be accessed from two accesses which is from either end of Hill of Rubislaw, from Anderson Drive and Queen's Road, with then an 'in and out' arrangement into the underground parking floors.

Traffic – The previous application for this site which consisted of a larger number of flats (299 units), which at the time the increased traffic associated with such was considered acceptable by the Roads Development Management Team. Therefore, given this application is now for a reduced volume of units (245) and that the AWPR has since been opened, again the traffic associated with this development is considered an acceptable margin of increase.

Travel Plan/Residential Travel Pack – It is noted that within the supporting Transport Assessment a Travel Plan Framework outlining suitable objectives and aims. This should include details on the private car parking management as well as promotion of alternative transport methods within the area, given the proposed shortfall on parking provision this will decrease demand on private car use.

Drainage – It is confirmed that a Drainage & Flooding assessment has been provided as part of this application and outlines appropriate drainage proposals and SUDS.

ACC - Structures, Flooding and Coastal Engineering – The Drainage and Flooding Assessment proposes a 50% reduction in surface water discharge to the quarry by attenuating and discharging into to the existing surface water sewer at a restricted rate. The management of the water level of the quarry requires to be discussed and agreed by Aberdeen City Council, Scottish Water and all other relevant parties and should be subject of a condition.

The proposed discussion with the developer to explore other measures to manage surface water as SEPA has suggested is welcomed.

ACC - Waste Strategy Team – No objection. Concern was initially raised with the proposed waste chute arrangement however the chutes have now been removed and residents will take their waste to bin stores using the lifts. One of the proposed bin stores is just within the 30m limit if residents use stairs however a lift is available if they are prepared to walk a little further.

Full access would be given to the service layby and it would have dropped kerbs for moving the bins in and out of the bin store. A low wall to segregate the trade and residential waste in the bin room is acceptable.

Scottish Water – No objection. There is currently sufficient capacity in the Invercarnie Water Treatment Works and the Nigg Waste Water Treatment Works.

For reasons of sustainability and to protect Scottish Water customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

Scottish Environment Protection Agency – No objection.

Place making – SEPA are pleased to note in the Planning Statement that design principles which have informed the proposed development, have been assessed against the six essential qualities of successful places contained within Policy D1 - Quality Place making by Design of the Aberdeen City Local Development Plan 2017.

Flooding/Drainage – No objection on flood risk provided that conditions are attached requiring management plans for (i) the water level within the quarry and (ii) the detailed surface water drainage proposals. A condition should be attached requiring further measures to manage surface water to be explored by the applicant and ACC, Scottish Water and SEPA.

Foul Drainage – A condition should be attached to ensure that connection is made to the public foul sewer.

Pollution Prevention – A condition should be attached requiring submission of a construction environmental management plan

Queens Cross Community Council – Object. With over 425 objections to this development, this suggests the local community are strongly against the development.

- The building's siting, scale and massing is inappropriate and would not reinforce established patterns of development, impacting on the amenity of the surrounding area. Higher density development should be in the city centre.
- It would overlook properties and invade privacy.
- It would create the risk of flooding on the south side of the quarry.
- It would be seen from around Aberdeen, becoming a blot on the landscape.
- The visual impact upon Royfold Crescent would be unacceptable, the minor reduction in height does not change that.
- It does not respect the historic environment.

- It does not feature appropriate use of granite.
- It would not adequately mitigate the impact of infrastructure (health care, core paths and education).
- It would result in the loss of trees.
- Wildlife must be considered.
- There are concerns over flooding at the quarry, which should be addressed prior to determination.
- The waste management arrangements are not suitable.
- There are existing problems with parking in the area and not enough parking would be provided.
- The Queen's Road roundabout is already over capacity in terms of traffic which would impact on road safety and core paths in the area. The AWPR has not reduced traffic on Queen's Road.
- Improved bus stops are welcomed however it is disappointing the bus services would not be improved.
- The development would adversely affect air quality.
- There is no need for the development as there is surplus amount of accommodation in Aberdeen.

REPRESENTATIONS

488 letters of representation have been received (470 letters of objection and 18 letters of support). The matters raised can be summarised as follows –

Objections

Land use / Zoning

1. Redevelopment of the site is not consistent with the land use zoning of the site.
2. Residential accommodation such as this should be in the city centre.
3. There is already a gym within walking distance.

Quarry

4. Development is not appropriate at the quarry due to its heritage value.
5. Support is expressed for using the quarry for a variety of other uses, such as a visitor centre, outdoor sports centre or subsea training centre. Concern is expressed that the proposed

development would see such an opportunity lost.

6. The quarry should not be for residents only at the expense of visitors. The proposed public access is limited
7. The proposed development would comprise the existing activities taking place at the quarry. Safe public access to the quarry is already available.
8. Historic Environment Scotland has been approached to designate the quarry; it should be an industrial heritage site.

Design

9. Despite being reduced in size, the building is still too large. The building does not sit comfortably in the landscape, contrary to Policy D2 (Landscaping). It would be built on a hill in a visible location, breaking the skyline, dominating the area and having an adverse visual impact locally and across the wider city.
10. The modular, utilitarian design and style is inconsistent with the surrounding area. Concrete is not an appropriate material; it should be finished in granite. The proposal is not consistent with Policy D5 (Our Granite Heritage).

Amenity

11. Daylight to Rubislaw House would be blocked.
12. Privacy would be affected.
13. Waste would attract seagulls.

Natural Heritage

14. Trees would be felled to allow the development. Trees on the south side of the quarry and Rubislaw Den should not be cut down.
15. The site provides a wildlife corridor in the urban area. Bats, badgers, peregrines would be affected. Bird and mammals would be driven from the area.
16. An Environmental Impact Assessment should be carried out due to the Local Nature Conservation Site designation.

Transport

17. Detrimental impact on local road network. The Transport Assessment needs to consider existing traffic from the Hill of Rubislaw offices and proposed bistro.
18. Insufficient parking provision proposed for the flats and visitors to the quarry.
19. Bus services would require to be improved; they are already at capacity.
20. Shops and services are not within walking distance.
21. No provision for deliveries and servicing of bistro or gym.

22. There should be more electric charging points.

Drainage

23. The proposed development would lead to flooding.

24. The applicant cannot control the level of water in the quarry.

Housing Market

25. The Local Housing Strategy states that there is no longer a shortage of property in the private rented sector. There is already a high number of homes for sale and rent in the city, there is no demand for more. The council should stop approving new homes.

26. Affordable housing units which sit within a high value residential area, could devalue adjacent properties in the area in an already depressed housing market, further devaluing the local housing stock.

27. The flats would be expensive.

Other Matters

28. The height of the building represents a safety to aviation safety.

29. Pollution would increase.

30. There would be extra strain on public infrastructure such as education and healthcare provision. There are no guarantees that developer obligations would be spent on expansion of such services.

31. There is a risk people would fall into the quarry and safety concerns over the depth and coldness of the quarry water.

32. The proposal has no mention of affordable housing.

33. Rented flats would have a lower sense of community and lack of care and maintenance

34. Building could be difficult to maintain at quarry edge.

Construction

35. There would be disruption during construction. Blasting during construction would not be acceptable.

36. Rubble might be pushed into quarry. The quarry would be polluted during construction.

37. Concern over the safety of construction workers.

Administrative

38. Conflict of interest in that Aberdeen City Council on the one hand want to maximize Council Tax Income and that can be a hidden factor in Planning decision-making.

39. Residents were not notified of the previous application.
40. The Council should support local developers not foreign developers.
41. All the objections from the previous application should be considered again.
42. The public consultation report is flawed as the developer produced it.

Support

43. The design is unique.
44. The site contributes nothing at the moment, the proposal would transform it and creates job during construction and operation
45. High density housing close to the city centre is more environmentally friendly than housing estates in the suburbs, allowing people to live closer to where they work and close to amenities.
46. We need more homes in the city to support local facilities.
47. £70 million of investment is to be welcomed.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

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

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

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

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

The Aberdeen City Local Development Plan 2017 will continue to be the primary document

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

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

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- I1: Infra Delivery & Planning Obligation
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- B1: Business and Industrial Land
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

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

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.

Other Material Considerations

The appeal decision (PPA-100-2092) for the 2018 planning permission is a material consideration. Although the current proposal is standalone and should be considered on its own merits, it is effectively a reduced scale version of the proposal considered at appeal. Many of the characteristics of the current proposal are similar to the previous and therefore the appeal Reporter's consideration of the previous proposal is relevant.

EVALUATION

Principle of Development

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

The site is within an area zoned for residential use under Policy H1 (Residential Areas) and therefore the principle of residential use is generally acceptable (*issue #1 and #2 in representations*). The policy states that proposals for new development and householder development will be approved in principle if it (i) does not constitute over development; (ii) does not have an unacceptable impact on the character and amenity of the surrounding area; (iii) does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and (iv) complies with Supplementary Guidance. Taking each of these in turn –

(i) Overdevelopment

In terms of overdevelopment, it is necessary to consider the building's scale, massing and form. As well as considering this against the context of the site, this needs to be considered against the consented scheme approved in 2006 as it could still be fully implemented.

It is acknowledged that the building is large, both in terms of its length and its height, therefore the provisions of Policy D3 (Big Buildings) and the associated supplementary guidance applies. The

policy indicates that big buildings are most appropriately sited in the city centre and its periphery. Hill of Rubislaw is well established as a location for large buildings, both in terms of what exists and what has been consented over the years. The site forms the northern edge of the former quarry, which in itself is large in scale, with its body of water and wider tree setting forming a foreground and context to the proposal. Therefore, the site is considered appropriate for a large building. The appeal Reporter also found that Policy D3 does not preclude the siting of big buildings outwith the city centre or its immediate periphery and that the appropriateness or otherwise of any particular location is a matter for detailed analysis and assessment.

The building would occupy a large proportion of the site. Normally this would not be considered acceptable, as areas of open space would be required to accompany the building, traditionally in the form of areas of grass or gardens. However, as required by supplementary guidance, in this case the building provides extensive areas of public realm, including three small landscaped public areas (underneath in openings in the building's elevations), walkways along the former quarry edge which would be publicly accessible and a small garden area at the eastern end of the development overlooking the quarry. These elements would provide the opportunity to allow public access to the quarry edge for the first time and would provide sufficient outdoor amenity for residents. Other elements such as parking have also been satisfactorily accommodated under the building. Consequently, the fact the development covers much of the site, is not in itself a negative characteristic and its amenity is considered to be satisfactorily designed into the proposal. In the 2018 appeal, the Reporter did not consider a deficiency in open space to be a contributing factor to over development.

The maximum height of the 2006 scheme is 29.94m from street level, representing the tower part of the development, whereas the remainder is predominantly 17.70m high. The 2018 application proposed a maximum height of 32.8m, on the western most peak, with the middle peak being 29.6m and the eastern peak 26.4m. The main reason the 2018 application was refused at appeal was that the Reporter found that the length of the proposed building and its linear form would, in visual terms, dilute its vertical emphasis. It was considered that the building represented an overly long physical barrier.

Compared to the 2018 application the proposal is both lower and shorter. Previously between four and ten storeys, the building now varies between two and nine storeys, with a maximum height of 26.4m, which is the general height across the whole top floor, rather than being focussed at any one part of the building. The building has also been reduced significantly in length by around 35m at its eastern end, adjacent to Royfold House. The height is not consistent across the building, with the massing broken up by the stepped profile of the peaks and the valley in the middle of the building, reducing the impact of its apparent size. The massing of the building is further reduced by the pends between ground and second floor level and the non-linear nature of the building, which wraps around the edge of the quarry rather than being one extensive mass. Therefore, whilst undoubtedly a large building, its scale and massing would be successfully reduced by its remodelled form.

(ii) Character and Amenity of the Surrounding Area

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

Local Visual Impact

As required by the Supplementary Guidance on Big Buildings, the applicant has carried out a Landscape and Visual Assessment to consider the landscape and visual impact on the proposal. It

has considered several key receptors and the impact upon them because of the proposal.

The character of the area to the immediate north is the Hill of Rubislaw office park featuring large offices buildings between three and five storeys high, set within car parks. The office park would be where the highest visual impact would occur as the building would be immediately adjacent.

In the 2018 appeal, the reporter expressed concern with the height and proximity of the proposed building to the office buildings; particularly with the eastern end of the building which it was considered would significantly overshadow the northern section of Royfold House.

Generally speaking, visually this area would have a low sensitivity to change, when considered against the characteristics of the office park and the buildings within it and given its office use and the associated visual receptors largely being people in their place of work. Again, matters relating to daylight, overshadowing and privacy are of less concern due to the area being a place of work, although as the reporter noted an acceptable level of daylight and outlook should still be expected in an office.

It is considered that reduction in the size of the building now proposed would successfully address the previous concerns regarding impact on the surrounding offices. The end of the building closest to Royfold House is now two and three storeys in height, comparable with the height of Royfold House itself, which at a distance of 20m would sit comfortably with its neighbour. The only time that any overshadowing would occur would be over the northern end of Royfold House during the late afternoon, most notably in winter, which is considered acceptable.

Similarly, at the western end of the building adjacent to Chevron House, its height would be lower than before, gradually stepping up to four storeys opposite Chevron House, as it progresses east, creating a satisfactory relationship between the two in terms of amenity. Rubislaw House would also remain unaffected to any significant degree by daylight or overshadowing (*issue #11*).

The areas to the west, south and east are largely residential; predominately featuring large, detached granite-built houses set within gardens and tree lined streets. The more contemporary flatted development to the south at Kepplestone, features four towers, the highest of which is seven storeys.

From the local area the site is generally well enclosed and screened by other buildings and trees and topography around the Hill of Rubislaw. However, given the height of the building, it will be visible from several points in the surrounding and wider area including some homes. Being residential properties, the sensitivity of these receptors would be high. Each of these areas is considered below. The significance of the visual effect is categorised as minor, moderate, major-moderate or major.

- The building would be visible from several homes on Rubislaw Den South to the north west, from a distance of some 180m. The building would be just visible above the top of Rubislaw House and through the gap in trees where the road into Hill of Rubislaw meets Anderson Drive. The impact would be noticeably less than in the 2018 application, with the magnitude being considered low due to the existing view already including buildings within the business park, which from this angle, the new building would closely match in terms of height and the busy road (Anderson Drive) with associated infrastructure such as railings and traffic lights. Trees between the site and the homes would provide some screening all year round but especially in the summer months. The impact is considered low in the long term.
- To the south of the quarry, views would be obtained from Queen's Road and Rubislaw Park Road facing north, at a minimum distance of around 160m. The embankment and trees along the southern edge of the quarry would provide screening, but less so in the winter months. The

stepped nature and general shape of the building would minimise its visual impact. There would be minimal difference in the new proposal and the 2018 proposal and the impact from the proposed building would remain moderate in the long term.

- Angusfield Avenue / Angusfield Lane – The view is of low scenic quality, with the lane and retaining wall around the quarry visible in the foreground and Chevron House in the mid-distance. Domestic buildings such as sheds and garage are prominent in views from the rear of homes on Angusfield Avenue, which are approximately 100m away from the proposed building. Due to the existing character of the view, the impact of the building visually would be moderate, reducing to minor in future as trees continue to grow and provide more screening. Although the impact is already moderate it would be lessened by the reduction in height at the western end compared to the 2018 application.
- From the rear of properties on Royfold Crescent the building would be visible, with a distance of around 65m between the proposed building and the rear of the closest house. In the 2018 appeal the reporter found that, due to its overall height, mass and relative distance at this point, the proposed building would have an overbearing effect on the residential properties at the north western end of Royfold Crescent. Compared to the 2018 application, at its western end the building has been shortened by 35m and reduced in height and bulk. Rather than increasing from one to ten stories fairly rapidly, it now gradually increases from one to four stories at this end, before continuing to gradually increase to nine stories beyond (over 100m away). It is considered that the reduction in height and size would satisfactorily address the concerns raised by the Reporter related to the building being overbearing from Royfold Crescent.
- The building would be highly visible from the homes on the south side of the quarry. The foreground view would comprise the quarry edge of vegetation and the quarry water surface, with medium-distance views of vegetation on the opposite side of the quarry and the office buildings at Hill or Rubislaw. The proposed building would be in full view with no intervening screening. However, there would still be some distance between the existing properties and the new building, and the outlook would remain open across the surface of the quarry. The impact would be major-moderate in the long term. It should be noted however that any impact from previously approved 2006 scheme and the current proposal would be similar in that the view will become that of a large building. There would however be differences in their appearance due to the reduction in size and the western end of the new building would be some 35m further away from the closest house on Queen's Avenue. The Reporter acknowledged that views from this aspect are already expected to significantly alter with the approval of the 2006 application.

Otherwise the site is well enclosed and unlikely to be particularly visible in the local area due to the topography (*issue #9*)

Wider Visual Impact

The building would also be seen from more distant views throughout the city, which the applicant has also considered in their assessment (*issue #9*).

- From the A90 adjacent to Kincorth, around 3km away, as motorists approach the city from the south, open views towards the site are available. Any change in the view would be negligible when considered against the large area of the city and its skyline which would be visible.
- On the approach to the site from the north on North Anderson Drive, approximately 0.7km away, the introduction of the building would be a prominent feature on the skyline in the far

distance, however, the building would sit below the skyline and would frame Seafield House and Rubislaw House which come into view when approaching the site.

- From Harlaw Playing Fields at Cromwell Road, approximately 0.9km away, the proposed building would sit behind the existing residential flatted blocks at Kepplestone, with glimpses available between the blocks, however at this point be a distant feature, with the impact being considered minor.
- From the road leading to Dobbies Garden Centre, Lang Stracht (around 2.8km away), the development would only be seen as a distant feature on the horizon, set against the built form, topography and changing skyline of the city. Tall buildings, such as the numerous residential tower blocks and office buildings are not uncommon on the city's undulating skyline. The impact would be negligible.

Daylight, overshadowing and privacy

There would be no impact in terms of availability of daylight or impacts from overshadowing on existing residential properties, as demonstrated through the applicants supporting information. This is due to a combination of the distance between the proposed building and the new building's location generally to the north of existing properties which are within any significant proximity to the site.

Similarly, the distance between buildings is significantly further than the standard 18m window to window distance used to determine whether there would be any impact on privacy, when buildings are directly opposite one another. The closest residential property (flatted block to the west) effectively sits alongside the new building and any windows that do face one another would be around 57m apart and at an oblique angle. Those on the south side are approximately 140m away (*issues #12*).

The office buildings are around 20-25m away from the north elevation of the proposed building. There would be a degree of overshadowing and overlooking from the flats as previously discussed. However, given that the use of the offices is as a workplace rather than residential, the sensitivity to these factors would be low, with the reduction in the size of the proposed building addressing the concern raised by the Reporter.

Disturbance

The predominately residential use of the development is very unlikely to introduce any noticeable level of disturbance to existing residential properties, largely due to urban nature of the surroundings, the distance between the existing homes and that the proposed development is also a residential use. The food and drink and gym elements are small scale, effectively ancillary and a sufficient distance from existing residential properties to make any disturbance negligible.

Residential use is regarded as being compatible with office use, as any disturbance generated by the offices is likely to be limited to vehicles coming and going at relatively low speeds and which would not be unusual beside residential properties. The peak morning and evening periods may be busy with traffic entering and leaving the office park, but other times would be fairly quiet.

In summarising matters (i) and (ii), the building is considered to have been designed with a silhouette which brings interest to the skyline and which by virtue of its scale, massing and form would minimise its visual impact, despite its size. The reduction in the length and height of the building compared to the 2018 application have satisfactorily addressed concerns expressed by the Reporter through the appeal process. The character and amenity of the surrounding area

would also be maintained, and any change of note would be in local views from a small number of limited locations, where the impact would be moderate.

(iii) Does Not Result in the Loss of Valuable and Valued Areas of Open Space.

The site forms part of the Hill of Rubislaw Local Nature Conservation Site and is designated as Green Space Network in the ALDP. The quarry and its surroundings function as an isolated green space which, although not directly linked to other green spaces, provides benefits in terms of biodiversity and landscape value within an urban area.

The value of the application site to these wider designations however is limited as it largely comprises dense scrub, a species poor hedgerow, bare earth and an area of semi-natural broadleaved woodland. Throughout the period since it closed, there has been no public access or views into the site, considerably lessening any recreational value it may have as open/green space. It must also be recognised, as already discussed, that the principle of developing the site has been established for some time. Therefore, the loss of the site as designated open space, whilst not desirable, is not considered to be significant.

This loss must also be balanced against the positive aspects of the proposals relating to open space. A major benefit of the proposal is the walkway which would provide free public access to the quarry edge, enhancing the value of the quarry and the public's ability to interact with it. The provision of this public access is welcomed and considered a positive aspect of the proposal (issue #6). The proposals would also feature areas of hard and soft landscaping around the buildings, including new trees and planter beds with a wide range of native grasses, shrubs and hedges. In addition to this, a contribution of £28,914 towards improving open space at Hazlehead Park would be secured.

Whilst it is acknowledged that the building would change the character of the quarry, it would not prevent any activities which the owner undertakes there (*issue #7*).

To summarise, the loss of the open space has already been accepted. Its loss is not desirable but is not significant and on balance the introduction of public access and a high quality hard and soft landscaping scheme results in a neutral impact in terms of open space.

(iv) Complies with Supplementary Guidance

There are a range of supplementary guidance documents that apply to this development. Compliance with each SG is discussed in the relevant section of the report, but in general it is considered that the proposal follows the requirements of the relevant SG.

To conclude matters in respect of Policy H1, the proposal is considered to comply with the requirements of the policy. The building is not considered to represent overdevelopment or to have an unacceptable impact on the character and amenity of the surrounding area. The building would sit comfortably within the site, due to the surrounding topography and landscape and through the careful design of its scale, massing and form. The amenity impacts on surrounding residential properties are largely restricted to a visual impact, which would be moderate from a limited number of locations, but otherwise negligible or nil. Although open space would be lost, the opening of the site to public use and provision of high-quality public realm and landscaping would result in a neutral impact.

Moving onto other matters relating to the principle of development –

Economic Considerations / Rental Market

Concerns have been raised that the housing rental market would be overwhelmed with additional units, affecting landlords in the area. It is also suggested that there is no demand for further residential accommodation. Although 245 additional flats would be a significant number of flats, the planning system does not operate to protect private interests or maintain the price of properties. Guidance from the Scottish Government on build to rent schemes (BTR) identifies the benefits of such schemes, such as complementing existing housing delivery models and helping to increase the overall rate of delivery of housing. BTR can provide high-quality, purpose-built rented accommodation that can enhance the attractiveness of the city, for new and different developers and long-term investors at scale. It can also support labour market mobility by providing homes for people moving into the area for work. It is important that a range of rental options are available in the city and this development would contribute towards that aim. (*issues #25 and #26*).

The price (or rental costs) of flats is a matter for the applicant rather than a planning matter. There are a range of flat sizes which would presumably offer a range of price points. (*issue #27*).

Granite Heritage Centre

A separate proposal for a Granite Heritage Centre to be located on the south side of the quarry was granted detailed planning permission in December 2015 (ref: P140788). The centre was to include a heritage museum, restaurant/bar and conference suites, with views over the quarry. The planning permission expired in December 2018 as the development had not commenced.

A significant number of representations express a preference for the heritage centre over the proposed residential development of this application. The approval of this residential application however would not prejudice the heritage centre proceeding. Being on different sites and on opposite sides of the quarry, with approximately 120m between them, both developments could in theory be built. It is also suggested in representations that a heritage centre or various other proposals should be built on this site instead of the proposed development. In respect of both these matters, the planning authority is required to consider only the application before it. Refusal of the application based on a preference for other schemes, one of which no longer has planning permission and little prospect of proceeding and the others which are non-existent, is considered not to be competent or defensible at appeal (*issue #5*).

Quarry Heritage

Many representations refer to the value placed on the quarry in terms of its history and the significant role it has played in the development of Aberdeen through the widespread use of granite quarried there. The feeling of many is that the site is unique and should not be developed, or if it is to be, it should be a development celebrating the quarry (*issue #4*).

Although Historic Environment Scotland has not been consulted on this application and there is no requirement to do so, in November 2019 HES received a request to consider designating Rubislaw Quarry as a scheduled monument. HES has confirmed to the Council that they do not intend designating the quarry.

HES found that Rubislaw Quarry is a historically significant site having provided much of the granite building stone used in Aberdeen over an extended period. However, much of the former quarry site has been developed, leaving only the water-filled main excavation. In the absence of more extensive physical evidence to demonstrate the quarry's operations, it is considered that Rubislaw Quarry does not meet the criteria for designation. Where quarries have been designated, they are either much earlier examples which have not been altered by modern quarrying or show extensive remains of the quarrying operations as a whole (*issue #8*).

Therefore, as outlined earlier in the report, the principle of development on the northern edge of the quarry has been established for some 20 years.

The relatively small size of heritage bistro is questioned in representations and it is suggested that it would not support tourism sufficiently. However, the primary use of the development is residential and although officers have encouraged a public use to be incorporated into the development, which the applicant was receptive to, there is no policy requirement to do so. The public walkways and landscaping will allow access to view the former quarry, which is a prospect not currently available and unlikely to be through any other projects (*issues #6*).

Non-Residential Uses

On non-residential uses, Policy H1 states that within existing residential areas, proposals for non-residential uses will be supported if: 1. they are considered complementary to residential use; or 2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The proposed food and drink use (bistro) is relatively small scale and, as well as providing a facility for visitors, would add to the amenities available for residents. It is unlikely to cause conflict with the residential use and therefore considered to be acceptable.

The gym would be ancillary to the residential use and not available for members of the public to use. The presence of a gym nearby is not a relevant or material planning consideration (*issue #3*).

Layout, Design and Amenity

The general aspects on the proposal's scale, design and massing have already been discussed in relation to the building's impact on the surrounding area. More specifically, there is a requirement to ensure that the proposed building adheres to other good design principles, set out by Policy D1 (Quality Placemaking by Design).

The proposal's architectural design is unique to the site and has been informed by its surroundings. Although unashamedly different from typical flatted developments in Aberdeen, this is welcomed as it provides distinctiveness and adds interest to the city's built environment. The site, as described earlier, due to being relatively enclosed, provides an opportunity for a different approach to development, without adversely impacting upon the character of the surrounding area.

The architectural modules from which the building would be constructed, would create a chequerboard pattern of 'in' and 'out' elements and a rhythm across the facades. This 'in' and 'out' arrangement would create a textured effect adding interest to the building and reducing its overall massing and the related visual impacts. In terms of materials, the building would be predominately finished in masonry-based off-white textured panels, with contrasting grey window frames and spandrel panels. Granite would feature at ground floor level around the public areas. The office buildings at Hill of Rubislaw are constructed from a variety of materials such as stone, concrete and glass, so the materials proposed would not be incongruous with the area. They are considered acceptable in principle and a condition has been attached requiring the precise materials to be specified and samples provided (*issue #10*).

Raised planters would be incorporated into the private terraces associated with the flats, featuring shrubs and grasses adding further visual interest and diversity across the proposals. Species

appropriate to the climate and tolerant to either sunlight or shade would be used depending on the orientation of the planters.

There is a mixture of flat sizes, allowing a variety of household sizes to occupy the development. All units on the quarry side of the development would generally face south or south west, ensuring they benefit from direct sunlight and an excellent outlook. Those on the business park side generally face north or north east. There are 20 single aspect flats looking solely north on either the ground, first or second floors, which represents 8.2% of the 245 total. Whilst not ideal in terms of outlook, this is a small amount of the overall total which is considered acceptable. Those that are north facing on the floors above would benefit from being high enough to enjoy distant views. All other flats are either south facing or feature a dual aspect. Many of the flats would also benefit from their own private terrace, which are built into stepped form of the building. The terraces would feature planters to allow greenery to be added to the development.

The proposal would have an active street frontage with double height glazing for the public and communal areas on both the north (office park) and south (quarry) sides. This would animate and integrate the proposal by allowing the activity inside to be seen outside, as would the use of terraces and areas of glazing at upper levels. The public spaces provide pedestrians with priority, leading to the walkways at the quarry edge which are easily accessible and overlooked to ensure natural surveillance. Inclusive access for those with disabilities has been incorporated into the design with the provision of ramps and stair lifts. Beneath the ground floor and walkway would be two storeys of parking built into the quarry rock face. A green living wall is proposed to screen the parking levels and tie the building into the remaining vegetation.

Five waste and recycling stores would be located at the first basement level, with a further store at ground floor level, allowing access for residents and for collection by refuse vehicles. All flats would be within 30m of a bin stores as recommended in the guidance. Notwithstanding, it would not be possible to have a store any closer as it would then not be possible for collection vehicles to access it. The food and drink element would have its own store. A parking area would be provided for waste and storage vehicles to park (issue # 21).

It is considered that there is no particular risk of seagulls being attracted to the development over and above any other residential development (*issue #13*).

In summary, it is considered that the development has been thoughtfully designed in response to its context and would create a successful place with a distinctive architectural character, taking account of the criteria in Policy D1 (Quality Placemaking by Design).

Noise

There is the potential for residents to be affected by externally mounted air source heat pump which are proposed on the roof. As the equipment is yet to be specified a condition has been attached requiring a noise assessment to be submitted which considers the likely impact and if necessary, proposes mitigation measures such as enhanced glazing. Otherwise, it is not considered that the uses themselves would cause any noise nuisance.

Accessibility, Traffic and Car Parking

Accessibility

The site is within the built-up area and is well connected to other residential and employment areas. Footway routes and crossing facilities are suitably located on Queen's Road and Anderson Drive to facilitate pedestrians. To enhance pedestrian access, a new section of footpath would be

created on the south side of Hill of Rubislaw linking to Queen's Road and a condition has been attached requiring a detailed scheme to be submitted. Being located within the urban area the site is within walking distance of a range of services (*issue #20*).

Queen's Road is served by several bus routes which link the city centre to the west end of the city and settlements beyond, including Westhill and Kingswells. Bus stops for these services are located within 400m of the site, which is considered a reasonable walking distance. The applicant has agreed to fund the upgrading of the existing bus stop on the south side of Queen's Road near the Hill of Rubislaw. Concern has been raised that existing services are at capacity however the provision of services is the responsibility of bus operators; it is expected they would respond to any increase in demand. Overall, it is considered the site is well positioned in terms of accessibility (*issue #19*).

Impact on Road Network

Vehicular access to the Hill of Rubislaw is via two signal-controlled junctions, one at Queen's Road and one at Anderson Drive. The following junctions have been assessed by the applicant as part of their transport statement and reviewed by the Council's roads officers.

As part of the 2018 application analysis of junctions at Anderson Drive (A90)/Hill of Rubislaw, Queen's Road (B9119)/Hill of Rubislaw and Anderson Drive (A90)/Queen's Road (B9119) was undertaken. All were found to operate within capacity when traffic associated with the development was included. Since the development now proposed is smaller, and the AWPR is now open which has reduced flows on Anderson Drive, it is not considered necessary for further traffic analysis to be required (*issue #17*).

Parking

The Transport Accessibility SG sets out the Council's guidance on the provision of car parking. The car parking figures for both the residential and commercial development are applied as maximums, with lower levels accepted where accessibility is good and other measures to reduce private car usage are in proposed.

In the outer city zone, a maximum of 1.5 spaces per flat is permitted, resulting in a maximum possible provision for the residential element of 480 spaces. In this instance it is proposed to provide 254 spaces (232 in the two basement levels and 22 at ground floor level consisting of 20 for the food and drink use and two for the car club). The two Co-Wheels car club spaces and cars would be made available to residents and the wider public. Each is considered to be the equivalent of seventeen parking spaces (total of 34) and are anticipated to reduce the number of residents who would own their own car. All the residential spaces would be communal and unallocated, ensuring they are used to their full capacity, rather than sitting unused if a resident does not own a car. It would also be a requirement of a tenant's lease that they could not park more than one car at the development. A residential travel pack would be provided to residents which would provide a package of measures aimed at promoting more sustainable travel choices and reducing the use of the private car.

This number of spaces, when considered against the accessible location and measures such as the car club, is considered reasonable for the nature of the development and this number is acceptable to the Roads Development Management Team.

Space for electric vehicle charging points has been designed into the basement car parks as would some of the parking for the bistro. The two car club spaces would have chargers. A condition has been attached requiring full details of the provision to be submitted (*issue #22*).

As already outlined, it is considered that the site is readily accessible by public transport and within walking distance of various places of work and services. The level car parking proposed has been reviewed by the Council's roads officers and is considered acceptable (issue #18).

Drainage

It is proposed that surface water run-off from the building roof area would be drained via downpipes to stone filled filter trenches at ground level. 50% of the building roof area would discharge via underground storage at a restricted rate to the existing surface water sewer (to be agreed with Scottish Water) and 50% of the building roof area would discharge via gravity drains to the basement level. Flows will then discharge via a separator to the outfall which would discharge into the existing quarry water body. All other areas of the site will be covered by the building roof area. A sluice and weir control would be installed to provide an overflow to the Scottish Water sewers which would limit the maximum level of water within the quarry during extreme weather. The drainage impact assessment indicates that it is anticipated that the natural drainage regime will manage the water levels.

Concerns had been raised that the development could potentially increase the flood risk to the existing residential development on the southern rim of the quarry by increasing the volume or rate of surface water discharged into the quarry. There are also concerns regarding the risk to the development from the rising water levels within the quarry. However, the proposed surface water arrangements would create a betterment to the current situation in terms of the amount of water which would discharge to the quarry, as 50% would now be directed to the surface water sewer. The arrangements have been reviewed by SEPA and the Councils flooding team and found to be acceptable in principle. Conditions have been attached requiring a detailed scheme to be submitted.

SEPA have also advised that they have less concern that the occupants of the proposed development would be "caught unaware" or impacted by a sudden flood event, due to the slow rate at which the water in the quarry rises. However, SEPA recommend that a management plan to control the water level in the quarry would not only benefit the proposed development but would benefit the existing residential development. A condition has therefore been attached requiring such a plan to be submitted (*issues #23 and #24*).

Foul water from the development would discharge to a new sewer, which would tie into the existing Scottish Water foul sewer. This arrangement is acceptable, and a condition has been attached ensuring that a sewer connection is made.

Natural Heritage

Policy NE8 (Natural Heritage) and the associated SG requires that development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary.

Environmental Impact Assessment

An environmental impact screening opinion has been carried out and it was determined that an environmental statement does not require to be submitted.

Protected Species

A phase one habitat survey as well as a further badger survey have been carried out by the applicant (*issue #15*).

- Badgers, a protected species under the *Protection of Badgers Act 1992*, were identified as potentially being affected by the development. Due to the sensitivities surrounding the species, further details of the survey and its findings cannot be disclosed publicly as to do so would be potentially harmful to the badgers' safety and wellbeing. It can however be confirmed that a mitigation plan has been submitted. Should work commence and badgers still be present then Scottish Natural Heritage (SNH) would need to issue a licence allowing the mitigation measures to be undertaken.
- In the UK all wild birds, their nests and eggs, are protected by law. Although the quarry has in the past been home to birds of prey (Peregrines, Kestrels and Fulmars), none were noted during the survey and the potential of the quarry to be suitable for such birds is now low due to the increased water level in the quarry which has reduced the extent of the cliff ledges.
- Most of the site is unsuitable for breeding birds, with most of the dense scrub cleared. However, the along the sides of the quarry and in the east, it is sufficiently thick to support breeding birds. A variety of birds were noted during the survey. To avoid disturbance or destruction of any nests, the site should be checked by an ecologist 24-hours before any construction commences to ensure there are no breeding birds present and took place outwith the breeding season.
- There were no indications of invasive or injurious species detected on the survey.

Trees

It is proposed to remove a total of 35 trees. These trees are predominately sycamore, ash, whitebeam, cherry, birch and elm and vary in height from between 7m to 15m. At the western end of the site, is Tree Preservation Order No.14, which covers this small area of the site and the wider area of woodland on the north west, west and southern edges of the quarry. Only one trees to be felled is within the TPO area. Three further trees are proposed for removal for woodland management reasons.

The removal of trees would be contrary to Policy NE5 which states that there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Notwithstanding, the loss of all but one of these trees has already been consented in previous approvals. Although the trees contribute to the character of the immediate area, they have limited value in the wider area. To compensate for their loss, tree planting is proposed throughout the public areas surrounding the building, with the indicative landscape plans showing small multi-stemmed trees proposed around the building, details such as number, species and size to be agreed via condition. A separate condition would be attached requiring tree protection measures to be implemented to ensure protection of the remaining trees to the west (*issue #14*)

It is considered that sufficient measures would be in place to ensure that natural heritage interests are protected.

Air Quality

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

The proposed development is adjacent to the Anderson Drive Air Quality Management Area (AQMA). Although the concentrations of NO₂ and PM₁₀ in the surrounding road network are currently not exceeding the annual mean concentrations, the introduction of additional traffic additional car parking spaces, associated traffic and the construction of the development has the potential to adversely affect air quality in the immediate vicinity of the site and the wider area. It is therefore recommended by Environmental Health officers that an air quality impact assessment is carried out. A condition has been attached requiring an assessment to be submitted and if necessary, a set of mitigation measures to be implemented. These could include measures to minimise the need to travel by the private car, supporting the car club or providing green infrastructure (*issue #29*).

Affordable Housing / Developer Contributions

Affordable Housing

In accordance with the Affordable Housing Supplementary Guidance, the equivalent of 61.25 units are required to be provided as affordable housing. Normally a registered social landlord (RSL) would take control of a block of units and manage them as affordable housing, however due to the expected high maintenance costs and difficulty in sub-dividing the building to allow an RSL to take control of part of it, it has been determined that, rather than onsite provision, a commuted sum would be the most appropriate option. The sum of £3,368,750 is therefore required, based on the prime area rate of £55,000 per unit.

Developer Obligations

To mitigate against the impact of the development on community infrastructure, financial contributions are sought to make the development acceptable, calculated in accordance with the adopted Planning Obligations Supplementary Guidance and advice from relevant Council services (*issue #30*). The applicant has agreed to these contributions, which would be secured by a legal agreement.

- Factoring this development into the 2018 roll forecasts for Hazlehead Primary School would not result in the school exceeding capacity and no mitigation is required.
- For Hazlehead Academy the development results in the capacity being exceeded by three pupils, therefore, to allow reconfiguration a contribution of £7,905 is sought.
- The development would include a residents' only gym and the Rubislaw Playing Fields have capacity, therefore no contributions towards sports and recreation have been sought. A condition has been attached requiring the gym to be provided.
- No contribution will be required towards community facilities as communal function space will be provided as an integral part of the development.
- A contribution of £58,925 is sought towards Core Path 27 (Den of Maidencraig to Anderson Drive) and/or 60 (Anderson Drive to Denwood via Craigiebuckler).

- A contribution of £28,914 towards enhancing open space at Hazlehead Park is sought.
- A contribution of £162,133 will be required towards the extension of healthcare facilities within the City Centre in order to increase capacity, as existing facilities in the vicinity of the development (eg Hamilton Medical Practice) are currently operating at or over capacity.

Sustainability

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

- Building fabric will exceed minimum requirements and accredited construction details used to reduce unwanted heat loss / thermal bridging.
- Air tightness testing will be carried out to reduce unwanted air infiltration.
- All fixed light outlets will be LED high efficiency type.
- Ventilation systems will utilise heat recovery.
- Heating systems will be decentralised and utilise heat-pump technology to reduce carbon emissions.
- Enhanced controls will be used to reduce unnecessary energy consumption.

A condition has been attached requiring final calculations demonstrating compliance to be submitted.

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

Other Matters Raised in Representations

Most matters raised in representations and by Queen's Cross and Harlaw Community Council have been addressed above. Remaining issues are addressed below.

- Issue #2 – Whilst there may well be other sites in Aberdeen where flats could be developed, the planning authority is required to consider only the application before it.
- Issue #26 – The impact which a development may have on house prices, whether negative or positive, is not a material planning consideration.
- Issue #28 – In this part of the city Aberdeen International Airport only requires to be consulted (so that aviation safety can be considered) where the proposed development is above 90m in height above ground level. At 26.4m, the proposed development is significantly below this height. Furthermore, NAT the operator of the Perwinnes Radar do not require to be consulted on development in this area of the city. There is, therefore, no concern with aviation safety.
- Issue #31 – A safety barrier would be erected on the walkway to prevent anyone falling into the quarry. The barrier would be required to comply with any relevant building standards regulations.

- Issue #35 – It is accepted that construction would be disruptive however this is inevitable with a large project. The building is proposed to be constructed using off-site fabrication of the components, allowing the build programme length and associated disruption to be reduced compared to traditional build methods. An informative note would be attached advising of the permitted working hours, with any complaints being investigated by the Council's Environmental Health service.
- Issue #36 – The title deeds of the site allow inert spoil from the site to be deposited via a chute into the quarry. The construction environmental management plan would determine if this method of disposing of spoil from the site is appropriate.
- Issue #37 – The safety of construction workers is not a planning consideration and is covered by separate legislation.
- Issue #38 – Potential Council tax revenues are not considered in decisions on planning applications.
- Issue #39 – Whether residents were notified of the previous application is irrelevant to this application.
- Issue #40 – The identity or nationality of an applicant is irrelevant to the determination of a planning application.
- Issue #41 – Only objections to this application can be considered. Those received to the previous application were commenting on a different proposal.
- Issue #42 – It is established practice and a requirement of the Development Management regulations that the developer produces a pre-application consultation report.

Heads of Terms of any Legal Agreement

A legal agreement would be required to secure the payment of affordable housing and developer obligations outlined earlier in the report.

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. The proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Approve conditionally and withhold consent until a legal agreement is secured to deliver developer obligations towards affordable housing, secondary education, core paths, open space and healthcare

REASON FOR RECOMMENDATION

The principle of developing this site is long-established and dates back to 1998 when a large-scale

office building was approved. Subsequent applications, including one that is still live and capable of being implemented, establish the principle of development.

In terms of Policy NE1 (Green Space Network) the value of the site to this wider designation is limited as it largely comprises dense scrub, a species poor hedgerow, bare earth and an area of semi-natural broadleaved woodland. Throughout the period since it closed, there has been no public access or views into the site, considerably lessening any recreational value it may possess as open/green space.

It is important that a range of rental options are available in the city and the proposed introduction of a significant number of build-to-rent flats would contribute towards increasing these options. The building is not considered to represent overdevelopment or to have an unacceptable impact on the character and amenity of the surrounding area. The building would sit comfortably within the site, due to the surrounding topography and landscape and through the careful design of its scale, massing and form. The nine-storey height is not consistent across the building, with the massing broken up by the stepped profile of the two peaks and valley between, reducing the impact of its apparent size. The architectural modules from which the building would be constructed, would create a chequerboard pattern of 'in' and 'out' elements and a rhythm across the facades. This 'in' and 'out' arrangement would create a textured effect adding interest to the building in both near and distant views, while also reducing its mass and visual impact. Therefore, whilst undoubtedly a tall, the building's scale and massing would be successfully lessened by its modelled form. From distant views, tall buildings, such as the numerous residential tower blocks and office buildings are not uncommon on the city's undulating skyline. The introduction of the building would have a negligible impact in this context. It is considered that the reduction in size has addressed the issues that led to the dismissal of the previous proposal at appeal. It is therefore considered to be in accordance with the provisions of Policy D1 (Quality Placemaking by Design), D2 (Landscape) and D3 (Big Buildings).

The amenity impacts on surrounding residential properties, considered through Policy H1 (Residential Areas) are largely restricted to a visual impact, which would be moderate from a limited number of locations, but otherwise negligible or nil. Although open space would be lost, the opening of the site to public use and provision of high-quality public realm and landscaping would result in a neutral impact.

A preference to see another unrelated development proceed is not a material planning consideration. Both the proposed development and any heritage centre on the south side of the quarry could proceed independently of one another.

The provision of the 'heritage bistro' within the development with a public walkway and landscaping will allow public access along the edge of the quarry for the first time and is welcomed; enhancing the value of the quarry and open space. Some trees would be removed to allow development; however, their loss has already been established through previous applications. New tree, grass and shrub planting would feature as part of the landscaping scheme for the public areas within the development. In this regard, the proposal is in accordance with Policy D1 (Quality Placemaking by Design), D2 (Landscape) and NE9 (Access and Informal Recreation) and NE5 (Trees and Woodland).

In terms of transportation, the site is well located within the urban area and close to public transport routes and, therefore, meets the requirements of Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel). A sufficient level of parking has been provided and the impact on the surrounding road network considered to be minimal.

50% of the surface water from the site would be directed to the public sewer, whereas the remainder would be discharged to the quarry at a controlled rate, representing an improvement

over the current situation as less water would be directed into quarry. SEPA and the Council's Flooding Team have confirmed acceptance of these proposals and the requirements of Policy NE6 (Flooding, Drainage & Water Quality) would be met.

A mitigation plan has been submitted with respect to badgers and is considered acceptable, thereby complying with NE8 (Natural Heritage).

In accordance with Policy I1 (Infrastructure Delivery & Planning Obligations) and H5 (Affordable Housing), suitable developer obligations towards affordable housing, primary and secondary education, core paths, open space and healthcare, would be secured through a legal agreement.

CONDITIONS

(1) SURFACE WATER DRAINAGE

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

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

(2) QUARRY WATER LEVEL MANAGEMENT PLAN

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

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

(3) FOUL WATER DRAINAGE

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

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

(4) AIR QUALITY ASSESSMENT

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

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

(5) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES

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

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

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

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

(6) DETAILED LANDSCAPING SCHEME

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

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

All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

(7) PROVISION OF PARKING

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

authority. The phasing scheme shall –

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

Thereafter no unit within the building shall be occupied unless the parking associated with that unit and identified as such in the phasing scheme has been constructed, drained, laid-out and demarcated in accordance with drawings IBI-XX-ZZ-PL-A-221-0099 (Rev.3) and IBI-XX-ZZ-PL-A-100-0103 (Rev.3) or such other drawing approved in writing by the planning authority.

Parking areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval.

Parking spaces shall be communal and unallocated to any particular flat within the development.

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

(8) CAR CLUB PARKING SPACES

No part of the building shall be brought into use unless (i) the car club only parking spaces have been constructed and/or marked out and 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.

(9) PROVISION OF PUBLIC AREAS AND WALKWAY

No development shall take place unless a scheme for the phased provision of the publicly accessible external parts of the development (including the quarry edge walkway and area noted as 'aspirational paving outside ownership boundary line' on the pavement adjacent to the site) has been submitted to and approved in writing by the planning authority.

Thereafter each section of such areas shall be made available to the public on completion of the corresponding part of the building.

Such areas will thereafter remain in use as publicly accessible space for the life of the development.

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

(10) PROVISION OF FOOD & DRINK USE AND GYM

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

Thereafter each element shall be provided in accordance with the approved scheme.

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

(11) EXTERNAL FINISHING MATERIALS

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

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

(12) EXTERNAL LIGHTING

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

Reason – to ensure public safety.

(13) TREE PROTECTION SCHEME

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

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

(14) BADGER PROTECTION PLAN

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

Reason – to ensure that badgers are protected from development.

(15) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

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

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

Thereafter development shall be undertaken in accordance with the approved CEMP.

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

environment

(16) WASTE STORAGE

No development shall take place unless a scheme for the phased provision of the waste storage areas has been submitted to and approved in writing by the planning authority.

Thereafter no unit within the building shall be occupied unless the waste storage area associated with that unit and identified as such in the phasing scheme has been constructed and is available for use in accordance with IBI-XX-ZZ-PL-A-221-0099 (Rev.3) and IBI-XX-ZZ-PL-A-100-0103 (Rev.3) or such other drawing approved in writing by the planning authority.

Waste storage areas shall not thereafter be used for any other purpose other than the purpose of the storing waste generated by the development.

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

(17) LOW AND ZERO CARBON BUILDINGS

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

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

(18) WATER EFFICIENCY MEASURES

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

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

(19) BUS STOP UPGRADE

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

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

(20) RESIDENTIAL TRAVEL PLAN

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

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

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

(21) COOKING ODOUR CONTROL

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

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

ADVISORY NOTES FOR APPLICANT

(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.