

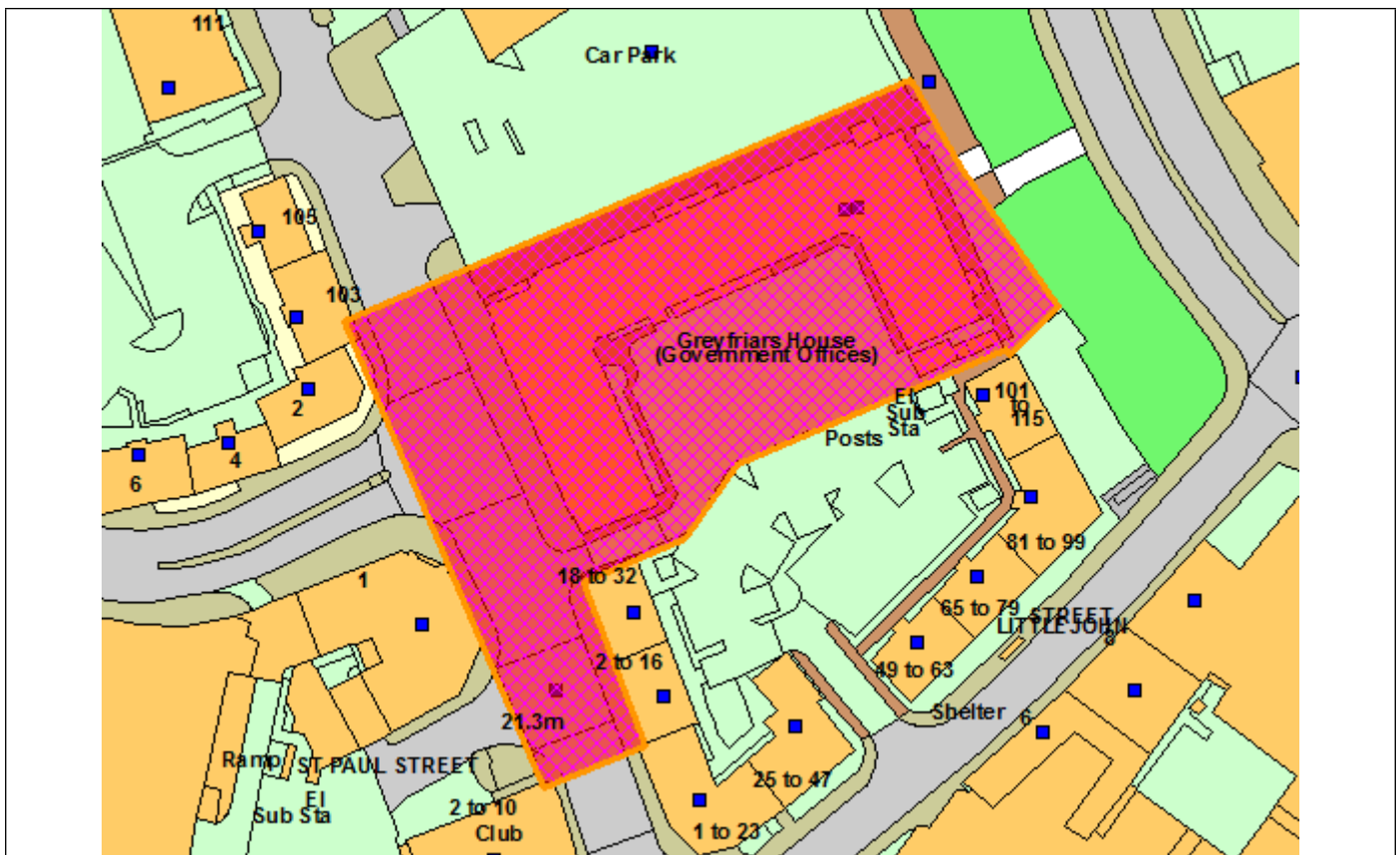


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 1 June 2020

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



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## RECOMMENDATION

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

## **APPLICATION BACKGROUND**

### **Site Description**

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

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

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

### **Relevant Planning History**

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

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

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

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

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

### Indicative Floor Plans

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

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

### **Supporting Documents**

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

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

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

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

### **Reason for Referral to Committee**

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

### **Pre-Application Consultation**

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

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

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

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

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

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

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

## **CONSULTATIONS**

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

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

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

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

### Optimised Illustrative Scheme (115 units)

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

### Maximised Illustrative Scheme (140 units)

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

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

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

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

#### Noise Impact Assessment

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

#### Dust Management during site / ground preparation works

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

#### Air Quality

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

#### Noise from Construction Works

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

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

#### Walking, Cycling and Public Transport

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

#### Parking

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

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

#### Bus Stop Upgrades

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

#### Development Access

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

#### Refuse Servicing

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

#### Local Network Impact

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

#### Residential Travel Pack / Safe Routes to Schools

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

#### Drainage Impact Assessment

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

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

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

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

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

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

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

**City Centre Community Council** – No response.

## **REPRESENTATIONS**

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

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

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **National Planning Policy and Guidance**

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

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



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

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

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

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

### **Aberdeen Local Development Plan 2017 (ALDP)**

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

### **Proposed Aberdeen Local Development Plan (2020)**

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

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

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

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

### **Supplementary Guidance and Technical Advice Notes**

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

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

### **Other Material Considerations**

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

## **EVALUATION**

### **Development Plan**

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

### **Strategic Development Plan**

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

### **Principle of Development**

#### City Centre Development and the City Centre Masterplan

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

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

#### Mixed Use Areas and Amenity

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

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

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

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

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

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

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

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

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

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

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

### **Layout, Design and Big Buildings**

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

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

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

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

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

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

## **Historic Environment**

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

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

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

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

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

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

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

### **Density and Mix of Units**

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

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

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

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

## **Affordable Housing**

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

## **Planning Obligations**

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

### Optimised Illustrative Scheme (115 units)

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

### Maximised Illustrative Scheme (140 units)

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

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



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

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

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

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

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

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

## **Transport and accessibility**

### Sustainable and Active Travel & Car Parking

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

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

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

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

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

#### Bus Stop Upgrade

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

#### Development Access

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

#### Local Network Impact

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

### Residential Travel Pack / Safe Routes to Schools

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

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

### **Flooding & Drainage**

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

#### Flooding

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

#### Drainage and Water Quality

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

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

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

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

### **Waste Management**

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

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

### **Degraded and contaminated land**

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

### **Natural Heritage, Trees and Landscaping**

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

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

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

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

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

## **Air Quality**

Policy T4 (Air Quality) states that development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed. The site lies adjacent to the City Centre Air Quality Management Area (AQMA), which includes part of West North Street, declared due to exceedances in concentrations of nitrogen dioxide and particulate matter (PM<sub>10</sub>) on the road network.

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

## **Sustainability**

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

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

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

## **Points raised in letters of representation**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Proposed Aberdeen Local Development Plan**

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

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

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

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

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

### **Heads of Terms of any Legal Agreement**

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

### **Time period of development commencement**

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

### **RECOMMENDATION**

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

### **REASON FOR RECOMMENDATION**

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



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

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

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

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

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

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

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

## **CONDITIONS**

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

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

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

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

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

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

## **(2) LANDSCAPING**

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

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

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

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

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

### **(3) LOCALISED PUBLIC REALM IMPROVEMENTS**

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

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

### **(4) NOISE IMPACT ASSESSMENT**

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

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

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

### **(5) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)**

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

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

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

## **(6) DUST MANAGEMENT PLAN**

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

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

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

## **(7) EXTERNAL LIGHTING**

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

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

## **(8) SITE WASTE MANAGEMENT**

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

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

## **(9) SURFACE WATER DRAINAGE**

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

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

## **(10) SAFE ROUTES TO SCHOOL**

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

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

#### **(11) RESIDENTIAL TRAVEL PACK**

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

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

#### **(12) ELECTRIC VEHICLE CHARGING POINTS**

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

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

#### **(13) WATER EFFICENCY STATEMENT**

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

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

#### **(14) LOW AND ZERO CARBON BUILDINGS**

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

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

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

#### **(15) WASTE-WATER CONNECTIONS**

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

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

#### **(16) BAT SURVEY RECOMMENDATIONS**

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

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

#### **(17) PROGRAMME OF ARCHAEOLOGICAL WORKS**

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

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

#### **(18) PHOTOGRAPHIC SURVEY**

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

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

### **(19) DISTRICT HEAT NETWORK CONNECTION**

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

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

### **DURATION OF CONSENT – DIRECTION**

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

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

### **ADVISORY NOTES FOR APPLICANT**

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

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

#### **(2) CONTAMINATED LAND**

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

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

#### **(3) CONSTRUCTION HOURS**

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

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

#### **(4) COMBUSTION PROCESSES**

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

#### **(5) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CONDITION 5)**

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

#### **(6) SEPA - REGULATORY REQUIREMENTS**

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

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

#### **(7) WASTE STORAGE AND COLLECTION**

The 140 flats would be provided with:

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

The following costs would be charged to the developer:

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

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

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

Specific points



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

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

#### General points

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

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

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

#### **(8) ROADS CONSTRUCTION CONSENT**

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

#### **(9) PHOTOGRAPHIC SURVEY & ARCHAEOLOGICAL WORKS**

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

#### **(10) LANDSCAPING**

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

detailed planning permission. This should include the following:

### **Tree Planting**

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

### **Shrub/Hedge Planting**

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

### **Grassed and wildflower areas**

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

### **Hard landscape elements**

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

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

### **Construction information**

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

### **Maintenance and management**

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

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

## **(11) BATS**

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

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

- Tel: 01463 725 364
- Email: [licencing@nature.scot](mailto:licencing@nature.scot)