

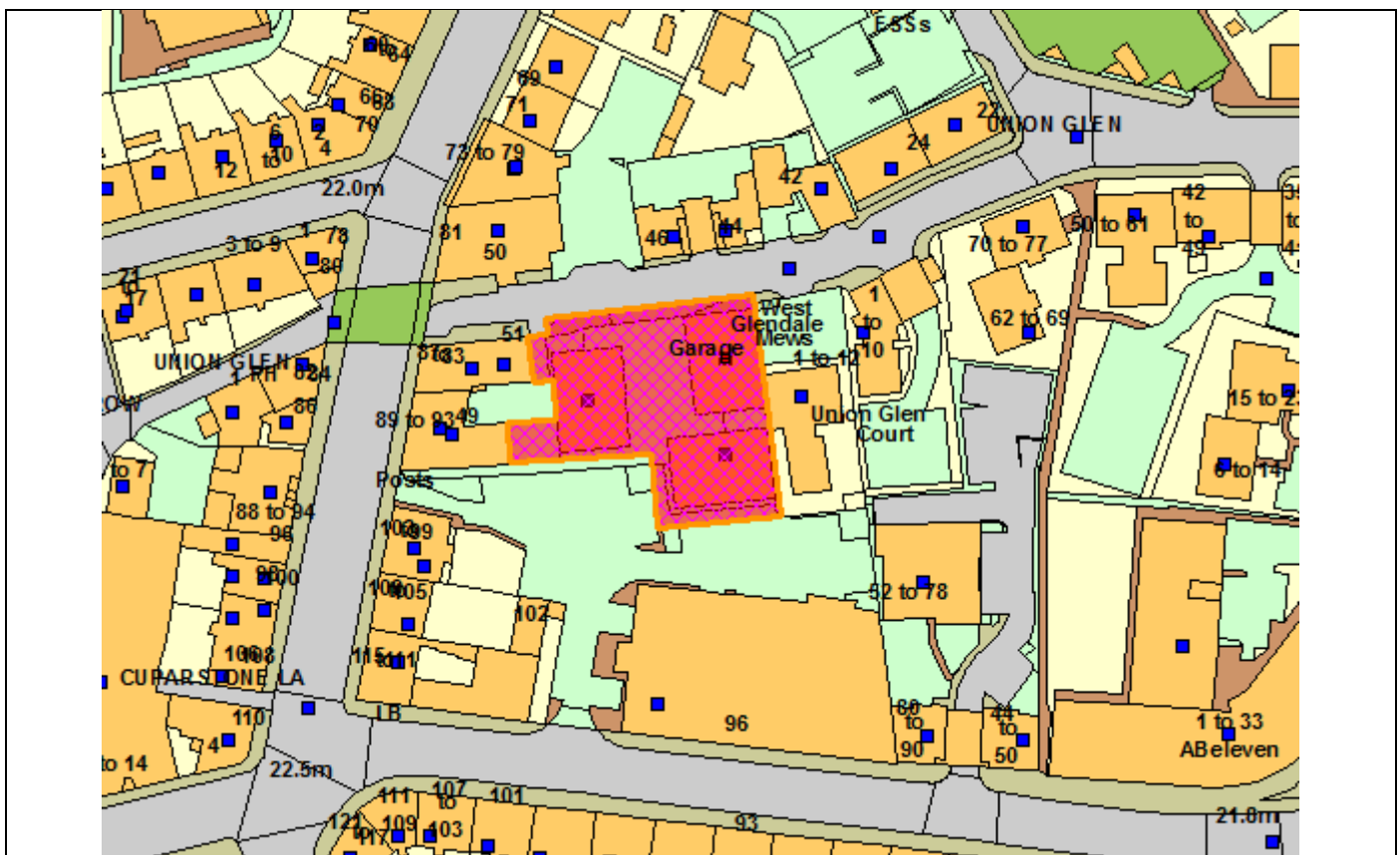


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 21 January 2021

Site Address:	Units 1, 2 And 3, Union Glen, Aberdeen, AB11 6ER
Application Description:	Demolition of existing industrial units and erection of a 5/6 storey building to form 33 flats
Application Ref:	191857/DPP
Application Type	Detailed Planning Permission
Application Date:	20 December 2019
Applicant:	Warehouse 13 Ltd
Ward:	Torry/Ferryhill
Community Council:	City Centre
Case Officer:	Jane Forbes



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RECOMMENDATION

Willingness to approve subject to conditions and subject to conclusion of a legal agreement securing payment of developer obligations and ensuring that the development delivers a minimum of 25% as affordable housing

APPLICATION BACKGROUND

Site Description

The application site, which extends to an area of 1439m², is located on the south side of Union Glen, and at a distance of some 25 metres to the east of the Holburn Street Bridge. The site is currently occupied by 3 industrial business units, but historically formed part of the Union Glen Distillery site. To the north and east of the application site are contemporary flatted properties, both four storeys in height. To the north-west of the site is an area of car parking which lies adjacent to a more traditional granite 3 storey building with a frontage onto Holburn Street, but where the rear of the building, which is occupied by Aberdeen Drilling School, is accessed off Union Glen. To the west of the site is the rear of a traditional, 6 storey tenement building which fronts onto Holburn Street and comprises retail units at street level, with residential accommodation both above and below this. To the south of the application site the ground level rises approximately 6.5 metres between the boundary of the application site and a car parking area for the neighbouring Willowbank Retail Park, both of which are accessed off Willowbank Road.

Relevant Planning History

Application No.	Proposal	Decision Date
P141430	Demolition of existing industrial units and erection of an apart-hotel comprising 71 room suites with associated parking and landscaping	19.03.2015 Status: Conditional planning permission granted in July 2015 following committee instruction of 19 March 2015 to approve subject to conclusion of an appropriate legal agreement relating to the payment of developer contributions
P151052	Demolition of existing industrial units and erection of an apart-hotel comprising 71 room suites with associated parking and landscaping (Variation to previously approved scheme)	18.08.2015 Status: Approved subject to conditions and legal agreement

APPLICATION DESCRIPTION

Description of Proposal

This application seeks detailed planning permission for a residential development comprising 33 flats with associated works, which would follow the demolition of 3 industrial units currently occupying the site. The proposed development comprises 4 linked blocks, with the main 6 storey block facing north onto Union Glen, and the remaining 3 blocks which range between 5 and 6 storeys in height lying towards the southern/eastern and western boundaries and arranged around a private central courtyard area which lies within the southern part of the site. Entry to the flats is provided via two entrances and communal stairwells located on the east and west elevations of the main block, and accessed through open courtyard areas off Union Glen. These entrances provide access to the rear private courtyard area allowing entry to the ground floor units. The units located on the upper floors are accessed off the stairwells via open balconies which link all four blocks and overlook the private central courtyard area which is proposed to the rear (south) of the main block. The

proposal also includes a single lift which forms part of the western block and serves all upper floors, again with ground level access via the central courtyard area.

The proposal is for a no car development, with the exception of two accessible car parking spaces which would be delivered within the rear, south western corner of the site and accessed off Union Glen. The proposal includes secure parking for 33 cycles within part of the ground floor of the western block. Internal bin storage is also accommodated within the ground floor of the western block, with direct access onto Union Glen.

The proposed development incorporates a staggered building line on all four elevations, with both flat and pitched roof designs, and finished in a mix of external materials including buff coloured brick facing, smooth buff render, light grey rainscreen cladding, dark grey aluminium framed windows, doors and screens.

The proposal has seen several amendments since its initial submission which has resulted in some reconfiguration of the site layout and re-alignment of development within the site. This has resulted in all 4 residential blocks being more clearly linked to form one building, and an increased separation distance between the proposed development and the rear (southern) boundary wall of the site. The amendments have also seen a change to the original mix of residential units, albeit with no change to the total number of 33 units as originally proposed, resulting in 23 x 1 bed and 10 x 2 bed units, with corresponding floorspaces of 53.1m² and 70m². Renotification of neighbours has taken place as a result of the aforementioned changes.

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=Q2NOZJBZLYR00>

- Design and Access Support Statement (dated November 2019)
- Design Development Statement (dated November 2020)
- Planning Support Statement
- Proposed Landscape Layout
- Drainage Assessment
- Noise Impact Survey & Assessment (Rev C, dated 17/12/2020)
- Site Layout Sun Shadow Study
- Elevational Sun Studies

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 representations stating objection to the proposal have been received, thus reaching the relevant threshold stated in the Council's scheme of delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Noted the site location within the City Centre and within controlled parking zone (CPZ) B. Commented on various aspects of the proposal as follows:

Walking and Cycling

The site is located within the city centre and will be served by an existing network of publicly adopted footpaths. To ensure an appropriate connection to the existing network an upgrade and continuation

of a footpath along the frontage of the site to an adoptable standard will be required. These works will require to be designed to ACC's standards, therefore the development will be subject to a Section 56 Roads Construction Consent procedure. An advisory has been included to this effect. The nearest cycle provision to the site would be along Justice Mill Lane to the north and Holburn Street to the west, both of which are recommended cycle routes by both Aberdeen City Council and Aberdeen Cycle Forum, with these routes connecting to designated cycle lanes and National Cycle Route 1.

Public Transport

Given the sites' city centre location, the various bus services utilising Union Street and Holburn Street as part of their routes will allow residents of the proposed development access to public transport to all parts of the city, with the nearest bus stops located within 250m of the site.

Parking

It is noted that this proposal does not include any associated general car parking provision and 2 disabled/accessible spaces which are located to the west of the site. Given the city centre location of the site, zero parking would be accepted provided appropriate mitigatory measures are in place. This would include adequate cycle storage/parking facilities and contributions towards the enhancement of the 'Car Club'.

The level of accessible parking provision which is proposed is in line with the expected standards outlined within Aberdeen City Council's Supplementary Guidance on Transport and Accessibility, and is deemed acceptable. Similarly, with a total of 33 secure cycle parking spaces proposed, relating to 1 space per residential unit, the level of provision is also deemed acceptable.

In terms of 'Car Club' contributions, the Council's Transport Strategy Team has confirmed that contributions in the form of £400.00 per unit should be sought and that the nearest existing 'Car Club' space located on Hollybank Place can accommodate an increased capacity. The contributions shall allow for the provision of membership packs and a level of credit to the 'Car Club' for future residents of the proposed development, whilst also supporting future enhancement of the existing 'Car Club' provision in the City.

Residential Travel Pack

A framework for a Residential Travel Pack which will serve to encourage residents to utilise sustainable and active modes of travel has been outlined in the Transport Statement submitted, and includes the required overarching aims, realistic modal share targets and a series of measures to obtain such targets. A finalised Residential Travel Pack requires to be conditioned.

Drainage Impact Assessment

The applicant's Drainage Impact Assessment is acceptable, demonstrating adequate levels of treatment and drainage can be provided.

Scottish Water – No objection. Advised that at the time the application was submitted there was sufficient capacity with regards public water supply and foul water treatment. Noted that the development proposals impact on existing Scottish Water Assets within the site; and that for reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water would not accept any surface water connections into the combined sewer system, with relevant details included as part of an advisory.

ACC - Waste and Recycling – No objection. Outlined detail of the waste service which would be provided by ACC Waste Team upon building completion, and the requirements of the development in relation to refuse storage and uplift, the detail of which is included as an advisory. Confirmed that no garden waste bins are provided for flat residences as it is assumed that grounds are maintained

as part of a service charge for the building and undertaken by a commercial contractor.

Scottish Environment Protection Agency - No objection. Advised that the change in land use from commercial / industrial to housing would increase the vulnerability of the site, in terms of its use, from a "less vulnerable use" to "highly vulnerable use" as referenced in Scottish Planning Policy and as set out in the SEPA Land Use Vulnerability Classification Guidance. Advised that the northern part of the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Fluvial Flood Map and there are areas of surface water flooding indicated to the north of the site. Confirmed they had no record of flooding at the site and with regards to the existing and proposed site plans, the erection of the proposed flatted development would not significantly increase flood risk elsewhere as the footprint is similar to the commercial development which is already occupying the site. With no records of flooding at the site and taking into account that the site is within an existing built up area, confirmed they had no objection to the proposed development on flood risk grounds.

With water quantity aspects of surface water drainage and the maintenance of the existing sewer / culvert networks considered to be largely the remit of local authorities and Scottish Water, sought to ensure that any surface water and culvert / drainage system risk would be recognised and considered by the relevant bodies. Advised that any comment made by Aberdeen City Council with regards to surface water management and maintenance of the culvert network would be supported. Solutions that involve any on-site engineering design consideration for SUDS would be a matter for the local authority to consider in conjunction with Scottish Water.

ACC - Environmental Health – Raised no objection to the proposal and provided the following comments:

Noise Impact Assessment

Confirmed that the proposed development would be located near Holburn Street, parts of which have been declared noise management areas due to road traffic noise. The proposal would therefore likely be impacted on by road traffic noise. The proposed residential units would also be near several commercial premises at the Willowbank Retail Park which may emit some noise that could impact on the development.

Advised that the provision of suitable mitigation measures could address these noise issues and sought submission of an appropriate noise assessment by a suitably qualified noise consultant in order to ascertain the predicted impacts of likely noise sources on the proposed residential development and any necessary control measures.

The amended Noise Impact Assessment (Reference: proposal Number:20031-R01-C, version: C, dated: 17 Dec 2020) submitted in association with the proposed development was reviewed and found to be reasonable. Confirmed that the proposed development would be considered acceptable in relation to noise provided the noise mitigation measures achieving at least an equivalent effect of those measures contained within the NIA report were applied, including achievement of an acceptable façade sound insulation through appropriate glazing and ventilator units, and installation of suitable mechanical ventilation in rooms overlooking Union Glen. Appropriate conditions have been applied to ensure compliance with these requirements.

Local Air Quality Impact on Receptors

Advised that with Holburn Street having previously been declared part of the City Centre - Air Quality Management Area (AQMA) a number of factors were considered in relation to the impact of air quality and vehicle emission pollutants on the future residents of the proposed development, including the outcome of the Local Air Quality Management – Annual progress report 2019. It was confirmed that air quality at the site was deemed acceptable and no objections raised.

Air Quality Impact of Proposal

In relation to the impact of the proposal on local air quality from motor vehicle usage the application documentation advises of 2 parking spaces associated with the development. The Transport Statement (Reference: 127679 TS02, Issue 2, date: 16-12-19) and the daily vehicle trip generation has also been considered. Advised that traffic originating from the proposed development is not considered to significantly increase concentrations of PM₁₀ and NO₂ on the wider network.

Noise from Construction Works

An advisory should be included recommending that construction operations creating noise which will be audible beyond 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.

ACC - Developer Obligations – Assessment of the proposal has identified developer contributions required to mitigate the impacts of the development in the following areas:

- Core Path Network: £8,110 for the improvement of Core Path 75;
- Secondary Education: £2,635 for provision of additional capacity through reconfiguration of floor space within the existing building at Harlaw Academy;
- Healthcare Facilities: £12,579 towards reconfiguration of healthcare facilities within the City Centre in order to increase capacity, as existing facilities in the vicinity of the development are currently operating at or over capacity;
- Open Space: £2,752 towards the enhancement of existing open spaces in the vicinity of the development site (eg Open Space Audit site AS34). Part of the contribution may also be used towards community food growing in the vicinity of the development;
- Transportation requirements will be identified by the Council's Roads Development Management Team;
- Affordable Housing: Policy H5 requires a minimum of 25% of units (in developments totalling 5 or more units) to be provided as affordable housing. Whilst no affordable housing contribution would be required given the temporary waiver which is applicable to all new planning applications within the defined City Centre zone, the waiver would be subject to the duration of any permission being limited to 1 year.

ACC - Housing – Confirmed that Aberdeen City Council currently have a moratorium on affordable housing contributions on developments of 50 units or less in the city centre and recommended the developer enter into early discussions with the Housing Strategy team on how best affordable homes be delivered. Advised that it was likely that the proposed development would be well suited to low cost home ownership but that social rented housing would be equally welcomed.

ACC - Education – Advised that the proposed development is zoned to Ferryhill School and Harlaw Academy. Confirmed that there was sufficient available capacity at Ferryhill School to accommodate the number of pupils expected to be generated by this development, but that Harlaw Academy was close to capacity, and it was expected that the school would need to be reconfigured in order to accommodate pupils generated by the development, so a contribution from the developer to cover the cost of this work would be required.

City Centre Community Council – No comments

REPRESENTATIONS

11 representations have been received in relation to this application, all of which state their objection to the proposal. The matters raised can be summarised as follows:

- Proposed development would cast shadow over the existing building which lies opposite the site and take away all natural sunlight.
- The proposed development would result in an increased volume of traffic and does not take into account the need for vehicles to access and manoeuvre along a narrow section of road, including for waste collection.
- Insufficient infrastructure within the area for the additional pedestrians, cyclists and motorists which the development would generate.
- Inadequate parking provision is proposed for the development. It is highly likely that future residents of the proposed development would own cars.
- No evidence of current uptake of car clubs in the City, and given the already high car ownership in the area, a low/no car development does not appear feasible in this location. Concerned that whilst the proposed development is identified as 'car free' in the supporting Planning Statement submitted by the applicant, the reality is that future residents of the proposed development could still own a car.
- Access to on-street parking in the area is already a major problem and this proposal would exacerbate these problems.
- Residents within the surrounding area are having to install parking posts to protect existing car parking areas and the proposed development does not take this issue into account.
- Inadequate infrastructure within the area to support the demolition and subsequent building of the proposed development, with narrow road access, resulting in significant inconvenience to residents.
- The proposed development will result in increased traffic in the area, causing significant disruption both during and after construction, and with the street too narrow and the surrounding road network in general unable to cope with such an increase, accidents and indiscriminate parking may result.
- Adverse impact due to noise during demolition and building works affecting existing amenity, including for those residents working day/night shift work pattern.
- Hours of construction should be restricted to ensure no adverse impact on amenity for existing residents.
- Adverse impact of development on 4 storey building at 42-46 Union Glen with the proposed development standing approximately 6 metres above 46 Union Glen
- Proposed development at 6 storeys in height will be much higher and out of keeping with those in the surrounding area which are all 4 storeys in height with the exception of the 6 storey property at No 49/51 Union Glen.
- Proposed development would impact on privacy with existing flats at West Glendale Mews not currently overlooked by the neighbouring industrial units. The proposed development would change that, resulting in much less privacy.
- The proposed development would result in the loss of industrial units and the employment associated with the existing businesses, and be contrary to the Aberdeen City & Shire Strategic Development Plan which seeks to improve the vitality of town centres and employment opportunities.
- The proposed development would be contrary to the Aberdeen City and Shire Strategic Development Plan on regeneration which seeks to respect the character of the area.
- Existing security of the shared access to the private car parking area on the western boundary of the site would be compromised.
- The scale and design of the proposed development would look out of place in this location. The proposal does not respect the scale, massing, material palette and street form of Union Glen.
- Concerns raised by the inappropriate use of metal in the material finish of the proposed development which is not in keeping with other modern development along Union Glen.
- The proposed development would be detrimental to existing amenity. It would not allow for sufficient separation distance between residential properties and result in loss of daylight and

overshadowing and be contrary to the SG on Splitting of Residential Curtilages.

- Over provision of residential flats in Aberdeen with high number of flatted properties already on the market. No demand for 2 bed flats in the surrounding area. Introduction of new residential properties to what is a depressed market will further de-value existing properties.
- Already a significant number of empty properties in surrounding area which are for sale/to let, and an additional 33 flats would only make the situation worse.

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

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

Aberdeen City and Shire Strategic Development Plan (2020) (SDP) The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas. The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Aberdeen Local Development Plan (2017)

Policy D1 - Quality Placemaking by Design

Policy D2 - Landscaping

Policy H2 - Mixed Use Areas

Policy H3 - Density

Policy H5 - Affordable Housing

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy NC1 - City Centre Development - Regional Centre

Policy NE4 - Open Space Provision in New Development

Policy NE6 - Flooding, Drainage and Water Quality

Policy R2 - Degraded & Contaminated Land

Policy R6 - Waste Management Requirements for New Development

Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 - Noise

Policy CI1 - Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

- Planning Obligations
- Transport and Accessibility
- Affordable Housing

- Resources for New Development
- Noise
- Green Space Network and Open Space

Proposed Aberdeen Local Development Plan (2020)

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

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

The foregoing can only be assessed on a case by case basis. The relevant policies are:

Policy D1 - Quality Placemaking

Policy D2 - Amenity

Policy D4 - Landscape

Policy H2 – Mixed Use Areas

Policy H3 - Density

Policy H5 - Affordable Housing

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy NE2 - Green and Blue Infrastructure

Policy NE4 – Our Water Environment

Policy R2 - Degraded & Contaminated Land

Policy R5 - Waste Management Requirements for New Developments

Policy R6 - Low and Zero Carbon Buildings and Water Efficiency

Policy T2 - Sustainable Transport

Policy T3 – Parking

Policy FVC5 – City Centre Living

Policy WB3 - Noise

Policy CI1 - Digital Infrastructure

Other Material Considerations

- City Centre Masterplan

EVALUATION

Development Plan

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

Strategic Development Plan

In terms of assessment against the Aberdeen City and Shire Strategic Development Plan (SDP), 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

The site lies within the city centre and is zoned under Policy NC1 (City Centre Development –

Regional Centre) of the ALDP. 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 Aberdeen City Centre Masterplan (CCMP). Whilst the application site lies just beyond the boundary identified as the CCMP area, it does immediately adjoin it, and therefore as part of the consideration of the proposed development, the aims of the CCMP are of particular relevance in terms of addressing the expectations of Policy NC1.

The CCMP outlines as one of its key aims, that of supporting 'A living city for everyone', including by increasing the amount, quality and type of housing within the city centre in order to address demand and increase the vibrancy that a resident population can bring to the city centre. The proposed redevelopment of the site for residential use would address this aim of the CCMP, in accordance with Policy NC1 (City Centre Development – Regional Centre) of the ALDP, and in this respect the proposal is deemed acceptable in principle.

The site is also zoned under H2 (Mixed Use Areas) in the ALDP, which states that applications for development must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. The proposal would see a change of use for the site and the loss of the 3 business units, and whilst acknowledging that these are existing businesses operating as a motor repair garage, and for storage/distribution purposes, given the surrounding area is predominantly in residential use, with flatted properties lying to the north, east and west of the site, the introduction of a flatted development to the site would be more in-keeping with the existing residential character, and remove uses which would not generally be considered as compatible within a predominantly residential environment. Notwithstanding this, the acceptability of the proposed flatted development in principle in terms of Policy H2 is also dependent on avoiding undue conflict with adjacent uses and demonstrating that an acceptable residential environment can be achieved. This is assessed in detail below.

The proposed layout of the development has taken account of the constrained nature of the site, including the significant change in ground level between the application site and the car park area associated with Willowbank Retail Park which lies immediately to the south, with a retaining wall and associated fencing extending along the length of the southern boundary of the site rising to a height of some 8.5 metres. Amendments were sought to the original positioning of the building within the site, which saw the south elevation of the southernmost block moved back from the southern boundary in order to ensure there was sufficient separation between this elevation and the aforementioned retaining wall, thus allowing sufficient daylight to all ground floor units and thereby delivering a suitable level of amenity for future residents, including a more open aspect and outlook onto the garden ground and courtyard area. Again as a result of amendments to the original layout, all flats are now dual aspect, with the majority having open plan kitchen/living space with windows facing both north and south, thus improving sunlight/daylight opportunities, especially within the units at lower levels.

Both eastern blocks within the proposed development incorporate window openings on their western elevations, however these openings would either be screened by the westernmost block or would be at a distance of some 32 metres from the blank gable end of the tenement building which lies to the west of the site and fronts Holburn Street. Similarly, the windows proposed within the stairwell of the western block would face onto a second blank gable of the same tenement building. All remaining window openings within the proposed development would face north, onto Union Glen, east onto the front car park of the neighbouring development on Union Glen, or south towards Willowbank Retail Park and car park, thereby introducing no overlooking of private garden ground or amenity space.

As a result of the aforementioned changes in development layout, the functionality and overall quality of external amenity space which is being delivered as part of the proposal has improved, in particular with regards the garden ground which lies to the south of the southernmost block, with a

separation distance of some 11 metres now achieved between the southern elevation of the building and the southern boundary of the site, thus ensuring this space gains a reasonable amount of daylight, allowing for improved planting/landscaping opportunities, to the benefit of future residents. Sunlight studies submitted in support of the proposed development demonstrate that the level of shadowing created is not of significant concern, with a reasonably good level of sunlight achievable for the development from March through to October at both mid-day and 3pm. As a result of amendments to the original layout, and all 33 units now designed as dual aspect, this has further improved access to daylight.

As highlighted above, the area surrounding the site is predominantly residential, and whilst there is a 3 storey building to the north-west in office use and immediately to the rear (south) of the site are the car park and commercial units associated with Willowbank Retail Park, it is considered that the future amenity of the occupants of the proposed flats would not be compromised by these existing neighbouring uses, nor would the proposed residential use impinge on the viability or operation of the aforementioned commercial/business uses.

The potential impact of the proposal on the amenity of residents within the surrounding area must also be taken into account, and given the scale of existing industrial/business units on site, it is apparent that the proposed 5/6 storey flatted building would result in a significant increase in development massing within the site, however full consideration has been given to the design and layout of the proposed building in order to minimise any potential adverse impact on neighbouring properties.

The revised layout has seen a more staggered building line introduced along the northern boundary which has resulted in the north-east corner of the frontage being stepped back, thereby reducing the massing and visual impact of this aspect of the building. It is accepted that part of the northern elevation of the building which rises to 6 storeys in height will front directly across Union Glen towards the 4 storey flatted building at 42 – 46 Union Glen and this will result in a significant change to the outlook for the westernmost section of this property, given its current outlook onto the easternmost industrial unit occupying the site. It is also accepted that the proposed 5/6 storey building would undoubtedly have a considerable visual impact on the wider surrounding area, however the scale of development which is being sought is not considered to be excessive, nor inappropriate given the context of the site, where it lies within a relatively high density city centre location.

The proposal incorporates staggered roof levels, where the height of the 4 blocks which form the development and link across the site take full account of the height of neighbouring buildings, with the roof apex of the 6 storey western block sitting some 3.3 metres below the roof ridge of the neighbouring tenement to the west, and to the east of the site, where the proposed development drops down to 5 storeys within the two easternmost blocks, the roof apex would sit just 1.4 metres above the ridge level of the neighbouring flatted property. A separation distance of no less than 12.3 metres would be achieved between the northern elevation of the proposed development and the flatted building opposite at No 44-46 Union Glen, and whilst the proposal introduces windows to this same elevation, facing towards the front elevation of the aforementioned building and existing window openings, this would be across a public road, within a city centre location, where the density of development is such that a degree of overlooking from neighbouring properties is not unusual, and in this instance would have relatively limited impact on existing privacy.

It is acknowledged that the height of proposed development would have an adverse impact on sunlight to the building at No 44-46 Union Glen, with an apparent increase in shadow cast in October, as shown within the sun shadow study submitted. It would therefore be likely that such impact on sunlight would continue during the remaining winter months, however the study does demonstrate that the proposed development would not introduce overshadowing of the property opposite throughout the year, with no additional impact during summer months, and only limited

impact in March, where the ground and 1st floor levels are affected at mid-day and 3pm, but the two uppermost floors would remain in sunlight. As such, whilst accepting the proposal will cast shadow and affect sunlight to the neighbouring property at 44-46 Union Glen, the overall impact is not deemed as significant throughout the year, arising predominantly during the winter months when overshadowing and loss of sunlight would generally be less evident.

Taking all of the above into account, it is accepted that the proposed development would have some impact on existing amenity, however it is considered that the scale and nature of development being sought for the site can be successfully delivered, providing an appropriate residential environment for future residents, without significant detriment to the amenity of existing neighbouring land uses, in accordance with the expectations of Policy H2 (Mixed Use Areas) of the ALDP.

Scale, Design and Layout of Development

Policy D1 (Quality Placemaking by Design) of the ALDP states that “all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities are required to be compatible with the scale and character of developments”. The policy states that proposals should be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

The scale and layout of the proposed development has been discussed already in some detail above in terms of the requirements of Policy H2 (Mixed Use Areas), and in this respect it is accepted that sufficient consideration has been given to both these aspects of the development, given the constraints of the site and in the context of the surrounding area and neighbouring buildings.

The design of the proposed development is clearly contemporary in nature, and taking into account that the surrounding properties include both traditional granite tenements and modern flatted block development, the introduction of contemporary style development such as this would serve as a suitable contrast, whilst also suitably respecting the scale and massing of existing development within the surrounding area. The varied heights of the largely mono-pitched roof, staggered building lines and mix of material finishes incorporated within the design, including brick facing, smooth render, rainscreen cladding, glass and aluminium framing, would all provide an appropriate level of design quality to the building. Amendments were sought to the original positioning of the building, which saw the south elevation of the southernmost block moved back from the southern boundary in order to ensure there was sufficient separation between this elevation and the aforementioned wall, thus allowing sufficient daylight to all ground floor units and delivering a good level of private amenity space within the internal courtyard area, with suitable levels of hard and soft landscaping.

Amendments were also sought to the two main entrances to the development on the east and west corners of the building, providing a wider path and clearer connectivity from the street, improved landscaping and glazed screening with canopy to frame the entrances, all of which delivers a more distinctive and legible entrance to the building.

As outlined above, the general scale of development as proposed is deemed acceptable, however it is acknowledged that the front (north) elevation of the building would appear somewhat imposing within the streetscene, and the height of the uppermost floor in particular seems to emphasise this, potentially as a result of the introduction of an alternative material finish in the form of the standing seam cladding. Amendment to this aspect of the proposal was sought, however it was not forthcoming, mostly for the reason that the mono-pitch roof which slopes north to south on this section of the building allows the rainwater pipes to be accommodated discreetly, screened behind the roof upstand, and the only alternative would be to incorporate these within the main front elevation of the property, which it is suggested would have a negative impact on the overall design quality.

Whilst the the justification provided for retaining this design feature has not perhaps been particularly persuasive, it is nevertheless considered that on balance, this would not over-ride the overall positive aspects of the proposed development, and would not be sufficient to merit refusal of the application, given the proposal includes a number of positive design elements and more broadly, would see the delivery of housing, with at least 25% being affordable, within this city centre location. On this basis it is felt that the proposal would suitably address the broad objectives of Policy D1 (Quality Placemaking by Design) of the ALDP.

Density of Development

Policy H3 (Density) of ALDP advises that the City Council will seek an appropriate density of development on all housing sites, and states that all residential developments must meet a minimum density of 30 units per hectare (net), with higher density considered appropriate for city centre locations; have consideration of the site's characteristics and those of the surrounding area; and create an attractive residential environment, including the safeguarding of living conditions with the development. It is also worth noting that for residential developments exceeding one hectare, Policy H3 (Density) of the PALDP seeks no less than 50 dwellings per hectare, with the aim of achieving efficient use of land.

In this instance, with a site area of some 0.14 hectares, the proposed development of 33 units with associated communal amenity space/garden ground would equate to a density level of 235.7 units per hectare, therefore far exceeding the minimum requirements of Policy H3, and delivering a density in keeping with this city centre location. The proposed layout of development has taken full consideration of the sites characteristics, including the significant change in ground level along its southern boundary, with the communal amenity space being delivered within an enclosed central courtyard area to the north of the southern boundary, ensuring sufficient separation distance between the rear wall of the site and the residential development. Whilst the 5/6 storey height of development would undoubtedly appear more dominant than much of the surrounding residential properties along Union Glen, its height would nevertheless relate well to the neighbouring 6 storey tenement block which lies immediately to the west of the site, and a step down to 5 storeys within the 2 blocks of the development which lie adjacent to the eastern boundary ensures a more comfortable relationship with the neighbouring block of flats immediately to the west, which sits at 4 storeys in height.

Taking the above into account, it is considered that the proposal suitably addresses the requirements of Policy H3. It would deliver a high density residential development within this city centre location, securing an efficient use of land, with a scale and form of development which has fully considered the site characteristics, providing an acceptable environment for future residents and whilst not insignificant in scale, would not appear overly dominant in the context of the surrounding area.

Transport and Access

Policy T2 (Managing the Transport Impact of Development) of the ALDP states that commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel, whilst Policy T3 (Sustainable and Active Travel) seeks to ensure that developments are accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout prioritising walking, cycling and public transport penetration. Policy T3 further highlights the need for links between residential, employment, recreation and other facilities to be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

The application site is located in the city centre, on the edge of the City Centre Masterplan (CCMP) area, and within walking distance of a wide variety of shops, workplaces, places of entertainment

and local schools. The site allows ease of access to a varied choice of public transport bus routes, as well as to the city's main rail and bus stations, and would itself be easily accessible by a range of different transport modes, including sustainable and active travel.

The proposal has been submitted as a car free development, with the exception of 2 accessible car parking spaces which would be located to the rear of the flatted properties, and within an existing area of hardstanding accessed directly off Union Glen via a pend. The SG on Transport and Accessibility provides a guideline off-street car parking requirement of a maximum of one space per residential unit in the city centre, whilst also advising that no and low car developments may be acceptable in such locations, depending on access to cycling and public transport options. With low and no car developments contributing to the Council's clear ambitions to cut traffic flow within the city centre, the preference for low levels of car parking in new city centre developments is also reflected within the CCMP.

The Roads Development Management Team considered the proposed development, including the detail of the Transport Statement submitted in support of the proposal, the scoping of which had previously been agreed upon, and provided comment, including in relation to parking, sustainable travel (including walking, cycling and public transport), and a travel plan framework.

They confirmed that the city centre location of the site means it is well served by an existing network of cycle routes and adopted footpaths, whilst acknowledging that some upgrading of the footpath immediately to the front of the proposed development would be necessary in order to bring it up to an adoptable standard.

They also highlighted that ease of access to public bus services utilising both Union Street and Holburn Street, with the nearest bus stops located within just 250m of the site, would ensure a wide range of bus route options would be available to future residents.

The Roads DM Team noted the proposal would deliver 2 accessible car parking spaces, and confirmed that on the basis that the site was located within the city centre, the absence of general car parking was acceptable provided suitable mitigatory measures were in place such as adequate cycle storage/parking facilities and contributions towards the enhancement of the Car Club, as per the requirements of the SG.

In this respect the proposal would include 33 cycle parking spaces which would be provided within the ground floor of the westernmost block of the building, thereby allowing for 1 secure and covered space per flatted unit, a level which is considered acceptable and which would serve to encourage opportunities for sustainable and active travel for future residents.

Policy T3 (Sustainable and Active Travel) does recognise that there will be instances where people will require to travel by car, and the Roads DM Team has confirmed that a financial contribution towards the Car Club is acceptable on the basis that there is spare capacity identified at the existing 'Car Club' space on Hollybank Place, and contributions in the form of £400.00 per unit will go towards the issue of membership packs and a level of credit for each future resident of the development, and to the future enhancement of Car Club provision.

Finally, the Roads DM Team has confirmed that the framework for the Residential Travel Plan outlined within the Transport Statement includes the necessary overarching aim, realistic modal share targets and measures to obtain these targets. The associated Residential Travel Pack would be completed and submitted to the Planning Service, in consultation with Roads Development Management, for approval prior to occupation of the first unit, and its submission secured via condition.

Whilst concerns were raised in representations regarding inadequate infrastructure in the area, lack

of on-street parking, poor accessibility to the site, and the potential adverse impact which the proposal could have on existing parking arrangements, the Roads DM Team raised no concerns with the proposal and were satisfied that the mitigation measures which would support a range of sustainable and active modes of travel were appropriate for the scale of development and location of the site, and no concerns were raised with regards existing or future access and parking arrangements, including in relation to construction of the development or for future servicing. The proposal is in accordance with current policy and guidance in terms of supporting no/low car parking in the city centre, a position which is further strengthened by the revised policy on parking within the PALDP.

Taking the above into account, and subject to a legal agreement to secure the Car Club contributions, it is considered that the proposed development has been located and designed to ensure traffic generation is suitably limited and sustainable and active travel well supported, in accordance with the expectations of Policies T2 and T3 of the ALDP and the corresponding SG.

Noise

Policy T5 (Noise) of the ALDP states that in cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment will be required as part of a planning application, and 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 were consulted and advised that with parts of Holburn Street declared noise management areas due to road traffic noise, there was a likelihood, given the site location, that this could affect the proposed development. The proposed residential units would also be near several commercial premises within the neighbouring Willowbank Retail Park, and these could also emit noise and potentially impact on the development. They were of the opinion that the provision of suitable mitigation measures could address these noise issues and sought submission of an appropriate noise assessment.

The amended Noise Impact Assessment (Reference: proposal Number:20031-R01-C, version: C, dated: 17 Dec 2020) submitted in association with the proposed development highlights noise issues which would likely have an adverse effect on the level of residential amenity achievable for future residents of the development, including in relation to road traffic noise from Holburn Street bridge, and to a far lesser extent from louvres associated with the property at 50 Union Glen, and from the Willowbank Road Retail Park site. It proposes mitigation measures to address the noise impact, including the introduction of a closed window strategy for the development, with acoustically attenuated ventilation, thus ensuring the internal noise levels during the night-time period will meet the WHO Guideline recommendations.

The Council's Environmental Health Service has confirmed they have no objection to the proposed development, provided the noise mitigation measures identified within the aforementioned NIA are introduced, including in the form of glazing and ventilator units and mechanical ventilation within rooms overlooking Union Glen, and achieve at least an equivalent effect of those measures which are contained within the NIA as submitted. Conditions would be applied to ensure compliance with these requirements, thus addressing Policy T5 (Noise). An advisory would also be included with regards hours of construction, in order to suitably protect the amenity of residents within the surrounding area.

Affordable Housing

Policy H5 (Affordable Housing) of the ALDP requires that housing developments of five units or more contribute no less than 25% of the total number of units as affordable housing. The applicant

has advised that it is their intention to deliver 100% affordable on site, and whilst this level would be welcomed, it should nevertheless be noted that we can only require the development to comprise a minimum of 25% affordable housing, in accordance with current Policy H5, and this would be suitably reflected in the legal agreement. The Council's Housing Strategy Team supports the decision-making process by advising on existing housing need and demand and in this instance has advised that the proposed development would likely be well suited to low cost home ownership but that social rented housing would be equally welcomed.

Education

The application site lies within the school catchment zones for Ferryhill Primary School and Harlaw Academy. The consultation response from colleagues in Education confirmed that whilst there was sufficient capacity at Ferryhill, Harlaw Academy was operating close to capacity, and it was expected that reconfiguration work would be required in order to provide additional capacity for pupils generated by this development.

A contribution of £2,635 has therefore been agreed with the developer towards the provision of additional capacity at Harlaw Academy through the reconfiguration of floor space within the existing school building.

The proposed development is therefore considered to be acceptable from an education perspective.

Developer Obligations

Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP sets out that development must be accompanied by the necessary infrastructure, services and facilities required to support expanded communities. An assessment has been carried out by the Council's Developer Obligations Team, and a number of contributions identified based on impacts associated with the proposed development.

Taking into account the contribution highlighted above towards Secondary Education (£2,635), the remaining contributions identified would be payable towards the Core Path Network (£8,110), Health Care Facilities (£12,579) and Open Space (£2,752), and controlled via a legal agreement. Subject to the provision of these contributions the proposal would comply with Policy I1 of the ALDP and the associated SG on Planning Obligations.

In addition to the above, financial contributions are also requested from Roads Development Management towards the Car Club scheme, the detail of which is addressed within the evaluation of the proposed development under Transport and Accessibility.

Open Space/Landscape

Policy NE4 (Open Space Provision in New Development) of the ALDP states that the Council will require the provision of at least 2.8ha per 1,000 residents of meaningful and useful open space in new residential development. In this instance that would equate to approximately 1,372m² for this proposal. The 440m² of on-site amenity space which is proposed in the form of a central courtyard area, which would provide good quality, secure, outdoor space for future residents, would nevertheless be lower than what would typically be expected for this scale of development. However, taking into account that the site is relatively well served by recreational public open space, with the Bon Accord Terrace Gardens lying just 280m to the east and Rubislaw Terrace Gardens at some 500m to the north west of the site, it is considered that the shortfall of open space being delivered on site in this instance must be viewed in the context of what is a high density city centre development, and on balance the expectations of Policy NE4 have been reasonably addressed, subject to a financial contribution towards off-site enhancement of existing open space in the vicinity of the development site.

Policy D2 (Landscape) of the ALDP 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, with the level of detail required appropriate to the scale of the development. The proposed development would deliver a shared communal courtyard area and private garden space, and as shown on the landscaping scheme and associated maintenance plan submitted in support of the proposal, the detail of which can be conditioned, this would incorporate an appropriate level of both soft and hard landscaping, including along the street frontage onto Union Glen. Taking into account the existing industrial character of the site, it is considered that the proposed landscaping scheme would considerably enhance the existing setting and deliver a much improved landscape character to the site, to the benefit of future residents of the development and those of surrounding residential properties, thereby suitably addressing the requirements of Policy D2.

Other Technical Matters

Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP requires the submission of a Drainage Impact Assessment for new development proposals comprising of 5 or more homes, to include detail on how surface water and waste water will be managed. SEPA was consulted on the proposed development and on the basis that they had no record of flooding at the site and that it was located within an existing built up area, confirmed they had no objection to the proposal, and advised that they would support any comment by ACC with regards surface water management and maintenance of the culvert network, including SUDS design. The DIA submitted in support of the proposed development outlined that foul drainage would be served via gravity drains and a disconnection chamber into the existing combined sewer located in Union Glen, whilst surface water run-off would be addressed by means of new gravity drains and gullies which would discharge to a new cellular storage attenuation tank located within the courtyard area of the site to the rear of the northern block, with this discharging at a restricted rate via an outlet control manhole, stone filled trench and disconnection chamber to the existing surface water culvert. All drainage within the site up to the disconnection chamber would be owned and maintained by the site owner in accordance with a maintenance schedule. The DIA further outlined that as part of the construction phase SUDS, a method statement, detailing how surface water arising during construction would be dealt with, would be prepared by the contractor for approval prior to commencement of works on site. The DIA was considered by the Roads Development Management Team who raised no objection to the proposed drainage scheme which included a detailed drainage layout plan. The proposal is thereby considered to be suitably in accordance with the requirements of Policy NE6 (Flooding and Drainage).

Policy R6 (Waste Management Requirements for New Development) of the ALDP states that all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Flatted developments require communal facilities that allow for the separate storage and collection of these materials. The proposed development addresses such a requirement, thereby according with Policy R6, with a communal area which would serve all 33 units allocated for waste storage within the ground floor of the westernmost block of the proposed development, with direct access onto Union Glen. The Transport Statement submitted in support of the application highlights that service vehicles, including Aberdeen City Council refuse lorries, use Union Glen to service the existing residential and commercial properties that it gives access to, including the existing premises on the site. The Council's Waste Strategy Team was consulted on the proposal and raised no objection, outlining details of the waste service to be provided for the development, all of which have been included as an advisory.

Policy R2 (Degraded and Contaminated Land) requires that all land that is degraded or contaminated, including visually, is either restored, reclaimed, or remediated to a level suitable for its proposed use. Given the industrial history of the site, conditions have been applied to ensure any contaminated land is identified and such contamination suitably addressed prior to the occupation of the site, thereby complying with Policy R2 (Degraded and Contaminated Land).

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. The policy also requires all new buildings to use water saving technologies and techniques. Compliance with Policy R7 would be suitably addressed by applying appropriately worded condition(s) requiring the submission of detail to the Planning Authority demonstrating that the building complies with these requirements.

Policy CI1 (Digital Infrastructure) requires all new residential and commercial development to have access to modern, up-to-date high-speed communications infrastructure. Taking into account the city centre location of the proposed development, and on the basis that the OFCOM website confirms the area has access to standard and superfast broadband, it is considered that compliance with Policy CI1 is achievable, subject to a planning condition securing submission and implementation of a scheme for the provision of full-fibre broadband.

Matters Raised in Representations

Most of the issues raised have been addressed within this evaluation, however those not already addressed are considered below:

- Over provision of residential flats in Aberdeen with high number of flatted properties already on the market. No demand for 2 bed flats in the surrounding area. Introduction of new residential properties to what is a depressed market will further de-value existing properties
- Already a significant number of empty properties in surrounding area which are for sale/to let, and an additional 33 flats would only make the situation worse.

The need for additional housing and current market demand/provision is not a material consideration. The City Centre Masterplan seeks to improve the vitality of the city centre, and this includes through supporting an increase in people living in the city centre.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the majority of policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan. A number of new policies have been introduced within the PALDP and these are outlined below along with an appropriate assessment of the proposed development:

- Policy D2 (Amenity) 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 deliver an acceptable residential environment without adversely affecting the amenity of neighbouring properties, as outlined in the evaluation above. The proposal would thereby address the requirements of Policy D2.
- Policy T3 (Parking) of the PALDP reflects much of the existing requirements outlined in Policies T2 and T3 of the adopted ALDP. There is however a change with regards the provision of car parking in the city centre which is of particular relevance in terms of this current application, with the principle of 'zero parking' being introduced for all new development within the city centre. In this regard, taking into account that the proposal under consideration is already proposing zero parking on site, with the exception of 2 accessible spaces, it is considered fully compliant with the requirements of Policy T3 of the PALDP.

- Policy VC1 (Vibrant City) 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 deliver additional housing in the city centre, thus contributing toward its vibrancy and vitality throughout the day, in accordance with Policy VC1.
- Policy VC5 (City Centre Living) 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 proposed development would deliver an acceptable residential amenity, as outlined in the evaluation above. The proposal would thereby address the requirements of Policy VC5.
- Policy H3 (Density) supports a net density for new development of no less than 50 dwellings per hectare, compared to the level of 30 dwellings per hectare under current policy, with a view to achieving efficient use of land in terms of the scale and layout of the site and its context. Higher densities are expected within the city centre, in and around town centres, public transport nodes and on brownfield sites.

The proposal is therefore considered to be acceptable in terms of both Plans for the reasons outlined above.

Heads of Terms of any Legal Agreement

A Legal Agreement will be required in order to secure the financial contributions identified by ACC's Developer Obligations Team. The Legal Agreement would also provide the mechanism for ensuring the development delivers a recognised form of affordable housing, at a minimum of 25%, and retained as such in line with the proposal that is considered as part of this application. Should members be minded to approve this application, the conclusion of an appropriate legal agreement would be delegated to officers, working in conjunction with colleagues from Legal Services.

RECOMMENDATION

Willingness to approve subject to conditions and subject to conclusion of a legal agreement securing payment of developer obligations and ensuring that the development delivers a minimum of 25% as affordable housing

REASON FOR RECOMMENDATION

Planning legislation requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The site is zoned under Policy H2 (Mixed Use Areas) in the Aberdeen Local Development Plan (ALDP), and whilst the proposed development would result in the loss of 3 existing industrial units, it would see the delivery of 33 flats in the city centre, of which at least 25% would be affordable, thereby complying with the vision of the City Centre Masterplan (CCMP) and with the expectations of Policy NC1 (City Centre Development – Regional Centre) and Policy H5 (Affordable Housing) of the ALDP. The surrounding area is predominantly residential in nature, and subject to the introduction of appropriate noise mitigation measures, as identified, the requirements of Policy T5 (Noise) would be addressed, and a satisfactory residential environment could be delivered without causing undue conflict with adjacent land uses, in accordance with the Policy H2 (Mixed Use Areas) of the ALDP.

The city centre location of the proposed development would ensure ease of access for future residents by sustainable modes of transport. It lies within close proximity to bus routes, and within

easy access of employment opportunities, shops, schools and leisure facilities, and within walking distance of the central bus and rail stations. Taking into account factors such as its sustainable location, and provision of secure cycle parking, the absence of general parking provision on site is considered acceptable, and subject to a legal agreement to secure Car Club contributions, the proposed development would fully comply with the expectations of Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP.

Developer obligations would be payable towards education, healthcare, open space and core path network enhancement, thereby addressing the requirements of Policy I1 (Infrastructure Delivery and Planning Obligations)

The proposal is considered to be suitably compliant with relevant ALDP Policies, including in relation to Design (D1), Landscaping (D2), Open Space Provision (NE4), Density (H3), Degraded & Contaminated Land (R2), Waste Management Requirements for New Development (R6), Digital Infrastructure (C11), Flooding, Drainage and Water Quality (NE6), Low and Zero Carbon Buildings and Water Efficiency (R7).

Overall, the development is considered acceptable when considered against the relevant policies and Supplementary Guidance of the Aberdeen Local Development Plan 2017. It is also considered that the proposal complies with the relevant policies in the Proposed Local Development Plan 2020, and that this represents a material consideration in favour of approval. Matters raised in representations are noted, however these are not of sufficient weight to warrant refusal of an application which is considered suitably compliant with the Development Plan.

CONDITIONS

(1) RESIDENTIAL TRAVEL PACK

No unit of the residential development hereby approved shall be occupied unless a Residential Travel Pack in accordance with the agreed Travel Plan framework has been submitted to and approved in writing by the planning authority. Each travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. Thereafter no individual unit shall be occupied unless the approved Residential Travel Pack has been provided to the unit in question.

Reason: In order to encourage use of more sustainable modes of transport and reduce dependency on the private car for travel.

(2) SOUND INSULATION

No unit of the residential development hereby approved shall be occupied unless achievement of the facade sound insulation performance requirements stipulated within Table 5 of Section 8.1 of the NIA (Ref 20031-RO1-C, dated 17 December 2020) is achieved, through:-

- I. application of suitable glazing units throughout the development as per the example glazing configuration provided within Table 6 of section 8.2, or equivalent (as demonstrated).
- II. application of ventilator units throughout the development which provide the minimum ventilator performance as detailed within Table 6 of section 8.2.

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

(3) MECHANICAL VENTILATION

No unit of the residential development hereby approved shall be occupied unless suitable mechanical ventilation has been installed in rooms overlooking Union Glen which comply with NR25 as per the stated mechanical through-the-wall ventilators manually controlled (by occupants) Titon Sonair units advised within section 9 of the NIA (Ref 20031-RO1-C, dated 17 December 2020), or equivalent (as demonstrated).

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

(4) LANDSCAPING SCHEME

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

1. Existing and proposed finished levels.
2. The location of new trees, shrubs, hedges and grassed areas.
3. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
4. The location, design and materials of all hard landscaping works including walls, fences and gates.
5. A programme for the implementation, completion and subsequent management of the proposed landscaping.

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

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping in the interests of the visual amenity of the area.

(5) CONTAMINATED LAND

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

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

No building(s) on the development site shall be occupied unless:

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken, and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason: To ensure that the site is suitable for use and fit for human occupation.

(6) CARBON REDUCTION AND WATER EFFICIENCY

The development hereby granted planning permission shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

The Energy Statement shall include the following items:

1. Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
2. Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques, along with evidence that the required Building Standards Sustainability Label for domestic buildings has been achieved.

Reason: To ensure this development complies with the on-site carbon reductions as required under Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) of the Aberdeen Local Development Plan 2017.

(7) FULL FIBRE BROADBAND

No unit of the residential development hereby approved shall be occupied unless a scheme for the provision of a full fibre broadband connection to each flat has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and all flats provided with a full fibre broadband connection.

Reason: in order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the ALDP.

(8) SURFACE WATER DRAINAGE

The residential development hereby approved shall not be occupied unless the proposed surface water drainage systems have been provided in accordance with the approved plans and the Drainage Assessment (Issue 1), prepared by Fairhurst, dated December 2019, or such other detail as may subsequently be submitted and approved in writing by the planning authority. The surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

(9) CONSTRUCTION MANAGEMENT SCHEME

No development pursuant to this planning permission shall take place unless a detailed site specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method statement must address (i) surface water management including construction phase SUDS; (ii) site waste management including details of disposal of demolition materials; and (iii) appropriate dust abatement measures. Such statement shall be implemented in full for the duration of works on the site.

Reason: In order to minimise the impacts of necessary demolition / construction works on the environment.

(10) CYCLE & CAR PARKING

No unit of the residential development hereby approved shall not be occupied unless the assisted car parking spaces and cycle parking has been provided in accordance with drawing No. L(00) 003 REV P06 or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason: In the interests of promoting sustainable and safe travel and ensuring provision of a suitable level of secure on site parking

(11) MATERIALS

No works in connection with the development hereby approved shall commence unless a sample and details including the specification and colour of all the roof, wall, window and door materials to be used in the external finishes of the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finishes have been applied in accordance with the approved details.

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

ADVISORY NOTES FOR APPLICANT

WASTE STORAGE AND COLLECTION

The 33 flats will be provided with the following:

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

The following costs will be charged to the developer:

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

No garden waste will 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:

- No excess should be stored outwith the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292. 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>
- If the bin store will 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.

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.

SCOTTISH WATER COMMENTS

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer *"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General Notes

- Scottish Water asset plans can be obtained from our appointed asset plan providers: Site Investigation Services (UK) Ltd Tel: 0333 123 1223 Email: sw@sisplan.co.uk www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-OurNetwork>

Next Steps

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

ROADS CONSTRUCTION CONSENT

It should be noted that the proposed works to upgrade and create a continued adopted footpath along the frontage of the site will require to be designed to Aberdeen City Council standards. The development will therefore be subject to a Section 56 Roads Construction Consent procedure and the applicant should contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

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:

- a) 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.

SEPA – ADVICE FOR THE APPLICANT

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 of surface water from a site does not result in pollution of the water environment.
- Good practice guidelines regarding construction and pollution prevention should be followed and can be found at the Guidance for Pollution Prevention (GPPs) Netregs webpage. For waste management, including demolition waste, refer the waste management measures and specifically the Waste Management Plan template on the NetRegs website.
- Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

For information:

In line with Building Standards, we are opposed to any building directly above culverts. The applicant should consider whether the site layout provides sufficient distance between any development and nearby culverts in the event of a problem with the culvert, such as collapse or should a requirement for any maintenance to be carried out arise.