

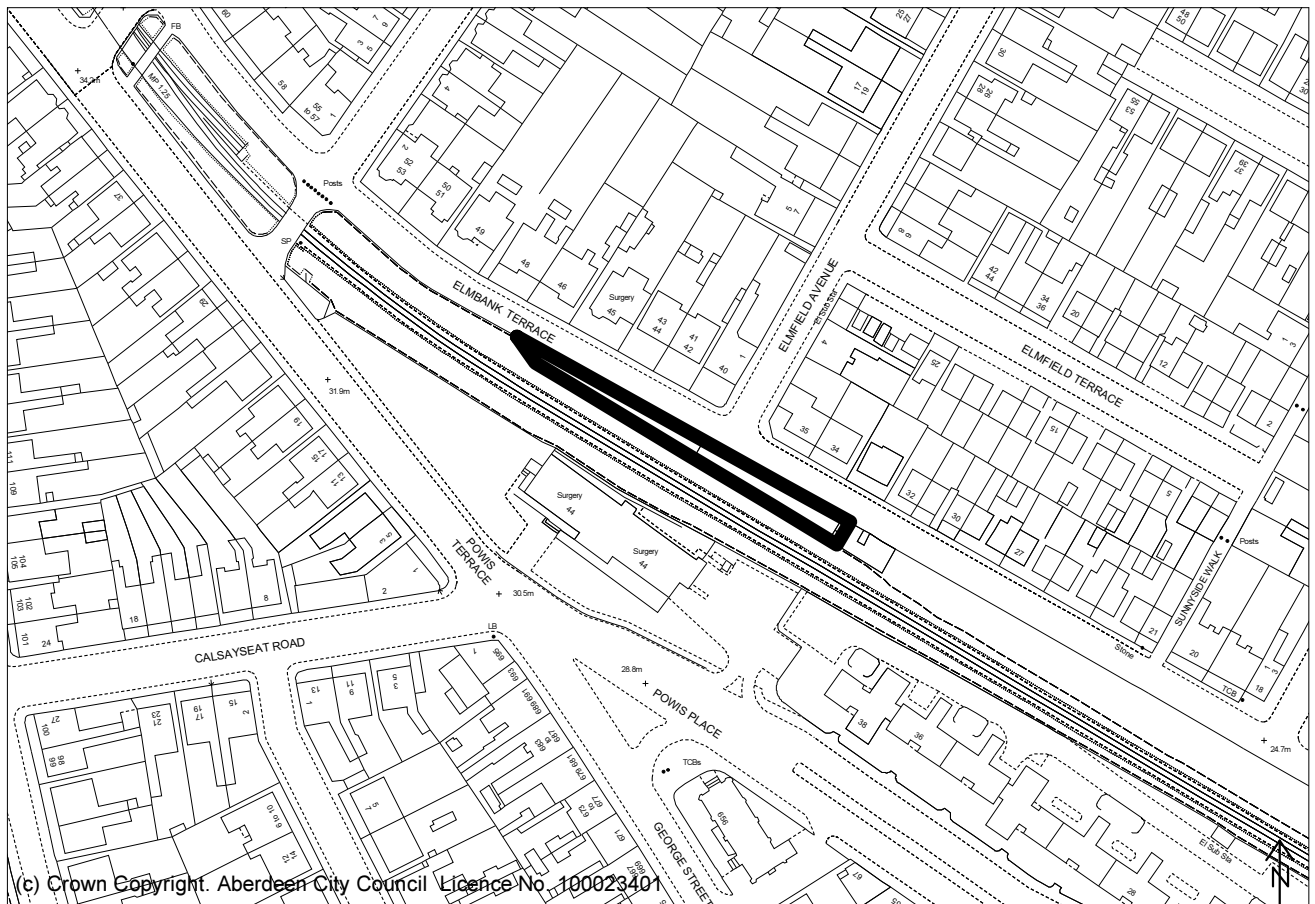
## ELMBANK TERRACE, ABERDEEN

### ERECTION OF A (CLASS 7) STUDENT ACCOMODATION BUILDING CONSISTING OF 7 INDIVIDUAL STUDIO APARTMENTS

For: David Vardy Architecture

Application Ref. : P120059  
Application Date : 19/01/2012  
Officer : Gavin Evans  
Ward: George Street/Harbour (J Hunter/A  
May/J Stewart)

Advert : Full Notify not poss.  
(neighbours)  
Advertised on : 08/02/2012  
Committee Date : 19 April 2012  
Community Council : Comments



**RECOMMENDATION: Willingness to Approve the application, subject to conditions, but to withhold the issue of the consent document until such time at the applicant has entered into a binding legal agreement requiring the delivery of on-street car parking and restricting occupation of the building during term-times to students in full-time occupation**

## **DESCRIPTION**

The application site extends to approximately 425m<sup>2</sup>, and lies on the south-western side of Elmbank Terrace, between the road and a railway cutting. This cutting accommodates a section of single-track railway line leading from Kittybrewster, where it branches off from the main Aberdeen-Inverness line, to Waterloo Quay. It is understood that this section of the line is infrequently used for goods shipments to and from the harbour.

The site is a narrow strip of land, measuring approximately 95m long, with its depth tapering from 6.5m at its eastern end to around 3.9m to the west. The surrounding area is predominantly residential in character and lies to the north of the city centre. To the west of the junction with Elmfield Avenue, the site is enclosed from the road by a 1.8m fence fashioned from railway sleepers. To the east of this junction, the site is enclosed from the road by a granite rubble wall of around 1.8m. Both the railway cutting and the application site are heavily overgrown with long grass and bushes such as brambles.

On the north-eastern side of Elmbank Terrace, as it progresses westwards, there are; a block of 1930s Council-built flats, existing 3 storey traditional granite flats, a row of two storey semi-detached properties and, beyond these, a short-section of 1.5 storey properties which terminates at the junction with Elmfield Avenue.

Directly south of the site, on the opposite side of the railway line, is the Calsayseat Medical Practice. The practice was approved in April 2003 (ref A3/0786) and comprises a modern 3-storey building with basement parking, set in a prominent site at the junction of George Street, Powis Terrace and Calsayseat Road. The practice is clearly visible from across the railway line on Elmbank Terrace, though coniferous planting provides a screened backdrop for the building when viewed from George Street and Powis Terrace.

## **HISTORY**

Application P091685, approved conditionally in October 2010, granted conditional planning permission for the construction of a single contemporary dwellinghouse across 3 storeys, termed the 'skinny house'.

In April 2011, application P110573 proposed the erection of a building on this site to contain a single 3-bed domestic dwellinghouse and 5no 1 bed serviced apartments. This application remains undetermined, with matters raised by the Roads Authority yet to be addressed satisfactorily.

## **PROPOSAL**

This application seeks planning permission for the construction of a 3-storey building, comprising 7 individual studio apartments, which would be offered exclusively to students in full-time education during term-times.

The building comprises two blocks, one containing 3no apartments and one containing 4no apartments, linked by a central open stairway, constructed in galvanised steel and enclosed by galvanised steel mesh, which would provide the basis for an extensive 'green wall', where plants would be grown up the stairwell to soften the appearance of the building.

Communal amenity spaces are provided to the east and west of the proposed building, with access to terrace areas and soft landscaped areas at either end. The proposed building is of a modern design, incorporating a flat roof and the use of contemporary materials. The building would be positioned centrally within the site, with a footprint in the region of 105sqm. Cycle parking provision would be made within the stair enclosure, while it is proposed to incorporate solar panels on the roof via supporting galvanised steel frames.

Near to the eastern end of the site is an existing car parking layby, constructed as part of the approval of 12no flats further east along Elmbank Terrace. As part of this proposal, the applicant proposes to extend this layby to accommodate a further 2no car parking spaces for public benefit. Moving from east to west, the frontage of the site would be defined by a new granite wall, enclosing the eastern section of garden ground and a bin store. This wall would be constructed using gabion-style baskets containing granite salvaged from the existing rubble wall. The street face of the building itself would be finished with a light grey smooth render, while the rear elevation, facing onto the railway line, would be in a darker charcoal coloured smooth render. As mentioned previously, the stairwell structure sits between the two residential blocks, with climbing plants incorporated from ground to roof level. The western section of garden ground would be enclosed by the existing timber fence, though it remains to be seen if this can be satisfactorily retained.

There is currently no pedestrian footway serving this stretch of the southern side of Elmbank Terrace, though as part of the recent development of flats to the east of the site, a new footway has been formed adjacent to the car parking layby mentioned previously. The applicant proposes to link to this footway and extend it westwards to serve the proposed new building. The pavement would not be extended westwards beyond the access to the building, as the level ground tails away to nothing and the public footway cannot feasibly be extended to link up with another footpath. As a result, the footway would simply cease following the main entrance, becoming a gravel surface for the remainder of the building's frontage.

The applicant's intention is to design the building to achieve 'net zero carbon', and to do so in a way that is 'low-tech - practical, affordable and simple'. The building's structure is to be entirely made of waste timber.

### **REASON FOR REFERRAL TO SUB-COMMITTEE**

This application falls outwith the Council's scheme of delegation as it has attracted more than 5 representations within the relevant objection period.

### **CONSULTATIONS**

**ROADS SECTION** – No objections stated, provided certain specifications are satisfied. It is accepted that the submitted parking survey demonstrates available on-street car parking in the area, capable of serving demand from the development without adverse effect on parking availability in the area generally.

**ENVIRONMENTAL HEALTH** – No objection in principle, though it is requested that conditions are attached to any consent regarding remedial works in relation to contaminated land, the restriction of hours of construction, the provision of a noise assessment and implementation of recommended mitigation, and the provision of appropriate bin storage areas. Minor concerns are raised over the internal arrangement of the units, though these are matters for any subsequent building warrant application to address.

**COMMUNITY COUNCIL** – The local Froghall Community Council raised the following objections;

- There are flats in the area which have been empty for some time.
- The area does not have the infrastructure to support new development
- A high proportion of buy-to-let and student accommodation in the area has led to a deterioration in the maintenance of property and gardens, with a resultant deterioration in the amenity of the area.
- The level of car parking is queried, the suggestion being that it is insufficient.
- The distance between the new building and the frontage of premises on the opposite side of Elmbank Terrace is also queried.
- The site is understood to be a designated local nature conservation site, and the adjacent railway line is a wildlife corridor.

## **REPRESENTATIONS**

A total of six letters of representation were received within the relevant neighbour notification period. The issues raised in these letters can be summarised as follows;

- Support for building on 'waste ground' site
- Loss of privacy and daylight to 40 Elmbank Terrace/1 Elmfield Avenue. 1 Elmfield Avenue cast in permanent shade
- Refusal of previous applications along southern side of Elmbank Terrace on privacy grounds and creation of tunnel/canyon effect
- Concern over structural works required to shore up embankment and the detrimental structural effects on 40 Elmbank Terrace/1 Elmfield Avenue
- Visual impact of the new building (described as grey, grim and soulless)
- Insufficient space to accommodate development
- Already too many students in the area/area well served for student accommodation
- Too much development in the area recently – flats unsold
- Building is not in keeping with the surrounding area – materials and proportions alien
- Insufficient car parking provision
- Increased parking problems as a result of development
- Flat roof would attract nesting seagulls
- Proposal to use sleepers not possible as these are rotten
- Concern over safety, resulting from the pavement not extending the width of the building
- Desire that this application be treated independently of previous consent, and not as some kind of amended scheme

- Questions zero carbon credentials
- Glare/reflections associated with glazed central section and solar panels
- Insufficient distance between windows of new building and adjacent 40 Elmbank terrace – does not satisfy 18m ‘standard’
- Non-compliance with BRE guide on daylight
- Concern over refuse storage arrangements – residents would have to carry rubbish through bedrooms, down stairs and along the pavement to the bin store.

## **PLANNING POLICY**

### Scottish Planning Policy (SPP)

SPP indicates that infill sites within existing settlements can often make a useful contribution to the supply of housing land. It further states that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

### Aberdeen City and Shire Structure Plan

Identifies a target to make sure that development improves and does not lead to the loss of, or damage to, built, natural or cultural heritage assets. To achieve this target, Councils will take account of biodiversity, wildlife habitats, landscape, greenspace and other sensitive areas in identifying land for development, preparing masterplans and assessing development proposals.

### Aberdeen Local Development Plan

#### **Policy D1: Architecture and Placemaking**

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.

#### **Policy D2: Design and Amenity**

In order to ensure that development provides appropriate levels of amenity for residents, development should be designed with regard to a stated set of principles, relating to matters such as privacy, provision of a public face to the street, access to sitting out areas, and ‘designing out’ crime.

#### **Policy D6: Landscape**

Development will not be acceptable unless it avoids disturbance, loss or damage to important recreation, wildlife or woodland resources, or to the physical links between them.

#### **Policy NE8: Natural Heritage**

Development that has an adverse effect on an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy (SPP).

## **Policy H1: Residential Areas**

Within existing residential areas (as defined in the ALDP proposals map), proposals for new residential development will be acceptable in principle provided certain criteria are satisfied in relation to over-development, impact on character and amenity of an area, loss of open space and compliance with relevant supplementary guidance.

Within such areas, proposals for non-residential uses will be refused unless they are considered complementary to residential use or it can be demonstrated that the proposed use would cause no conflict with, or nuisance to, the enjoyment of existing residential amenity.

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

The zoning of the site as part of an H1: Residential area means that non-residential uses will be acceptable where it can be demonstrated that there would not be any undue conflict with the enjoyment of existing residential amenity. This proposal seeks consent for student accommodation within class 7 of the use classes order, and so in assessing the proposal against policy H1, this constitutes a non-residential use. Nevertheless, it is clear that the nature and scale of the proposed student accommodation is broadly similar to residential use, and that the principle of such a use would be consistent with a residentially zoned area. In this regard, it is considered that the principle of this use is acceptable in terms of policy H1, though the specific detail of the proposal remains to be assessed in terms of its direct impact on existing residential amenity.

The design of the proposed building is undeniably modern, with the use of a contemporary form and modern palate of materials, including off-white/light grey render on the principal elevation, darker charcoal render to the rear, and coloured metal window frames throughout. Due to the nature of the site, the building is long and thin, with a substantial frontage onto Elmbank Terrace. It is also noted that the site is in a position of some prominence, located at the junction of Elmbank Terrace and Elmfield Avenue. The Elmbank Terrace frontage and end elevations feature the use of full-height floor to ceiling windows to maximise use of natural light, while windows to the rear are of horizontal proportions and are spaced unevenly across the elevation.

In assessing the visual impact of the proposal, it is noted that this site is located at a transitional point in Elmbank Terrace. To the west of the site are traditional granite dwellings, many of which have been sub-divided into flats, while to the east of the junction with Elmfield Avenue the character changes, with a variety of different styles including detached bungalows, two-storey semi-detached houses and traditional granite three-storey flats. On the southern side of the road, the recently constructed flats to the east are of a relatively simple design incorporating pitched roofs and the use of synthetic granite ('fyfestone').

The backdrop to the proposed building would include the new health centre, which itself is of a contemporary design, incorporating both the traditional, through the use of natural granite, and the modern through such features such as asymmetrical roofing, contemporary detailing and prominent use of a glazed curtain walling in the central part of the building. Existing tree planting and landscaping to the rear of the health centre, and indeed the practice building itself, will provide a good degree of screening of the site from Powis Terrace, on the opposite side of the railway line, while existing trees along the line of the railway should provide screening from the eastern part of Powis Terrace, towards the bridge across the railway line.

The scale and massing of the proposed building is clearly greater than that of the previously approved house, though in assessing this application our attention is on the scheme currently proposed. The building is some 31m in length, though it is anticipated that this frontage will be broken up visually by the substantial 'green wall' at its central point, formed by a galvanised steel stairwell and use of wire rope/galvanised steel mesh to support climbing plants across three storeys. In this regard, the building appears as two blocks, with the overall visual impact of that long façade softened by the unconventional use of landscaping. Taking this into account, the 13m width of each block is not out of place in the context of the 19m cumulative frontage of numbers 41-44 Elmbank Terrace, located just to the west of the junction in question, on the northern side of Elmbank Terrace.

In conclusion, the scale and massing of the proposed building is considered to be acceptable in this context, where existing 2 ½ storey traditional granite buildings are of similar proportions. While undeniably modern, the design of the building is not considered to be fundamentally incompatible with the surrounding area, where there is no predominant building style and considerable variety exists. Indeed, the variety of building styles in the immediate area is such that the site presents an opportunity for a contemporary design approach. In considering the above, the proposal is considered to be largely consistent with policy D1 (architecture and placemaking) of the Aberdeen Local Plan, having been designed with due regard for its context and making a positive contribution to its setting.

The application site lies within the boundary of a recently designated Local Nature Conservation Site (LNCS), and in fact the boundary of this designated site actually extends to the middle of Elmbank Terrace on the Council's mapping system. LNCS designations are the result of the Council's recent review of its designated sites, and it is noted that the previous District Wildlife Site (DWS) designation related only to the railway line and its embankment.

The value of the LNCS and the previous DWS, which extends from the city boundary to the city centre and harbour, lies principally in its provision of a linear route for wildlife, providing a green corridor through the city. The railway line cuts into the landscape and is set at a lower level than the surrounding land. Taking into account this knowledge of the designated site and the nature of the designation, it is not considered that the proposed development would result in any significant adverse impact upon the designation, as it would not encroach onto the embankment, nor interrupt the linear route which the railway line

represents. The proposal is therefore considered to be consistent with policy NE8 (natural heritage) of the local development plan.

The proposal would not result in any significant disturbance, loss or damage to any recognised recreation, wildlife or woodland resource. While the LNCS may be considered to represent a wildlife link for the purposes of D6 (landscape), its integrity would not be compromised as a result of the development, with the linear route retained and unaffected. The landscape value of the site is limited given its enclosure from the public realm and the previous removal of trees. Appropriate landscaping of the application site to ensure an enhancement and a contribution to local amenity can be secured through application of a relevant landscaping condition.

The site plans provided indicate that the windows facing onto Elmbank Terrace will be approximately 17.5m from the frontage of the nearest adjacent building, though this reduces to around 16.8m when the bay window of that property is taken into account. A guideline distance of 18m is often informally used to ensure adequate separation of windows. This proposed development would fall slightly short of that target, though taking into account that these are windows on the public, street elevations of the respective buildings, the constrained nature of the application site and the degree of the shortfall, it is not considered that there would be any adverse impact on privacy as a result of the proposed scheme.

In terms of the amenity provided to residents, the proposal incorporates shared garden grounds within the site, an acceptable level of privacy and a traditional street frontage. While the location of garden areas to either side of the building is unconventional in comparison to the traditional front and rear garden, significant areas of open space are made available for residents, with the larger garden space to the western end of the site some 40m in length from the end of the building. Due to the nature of the site, these gardens would be relatively narrow, at 4-5m in width, but it is considered that this is compensated by their length. Though narrow, it is considered that the site is capable of providing a useable garden for residents, making an important contribution towards amenity. In considering these points, the proposal is considered to be consistent with policy D2 (design and amenity) of the ALDP.

Turning to the comments raised through Community Council consultation and the representations received following neighbour notification, it is noted that a single representation was received in support of the proposal, on the grounds that the recent development of flats has been a positive addition and that this development would utilise an area of 'waste ground' to good effect. The remaining issues raised can be addressed as follows;

- Loss of privacy to dwellings on the opposite side of Elmbank Terrace has been cited as a major concern, though as previously noted, the proposal falls only marginally short of the 18m guideline commonly used for the separation of windows and, given these are front buildings with frontages onto public footways already, any loss of privacy will be negligible and not to the detriment of residential amenity. It has further been stated that the development would result in properties across Elmbank Terrace being



cast into shade for long periods. Taking into account the height of the respective buildings, (approximately 10.2m to highest part of solar panels on the roof of new building, compared with around 10.8m to the roof ridge of the building opposite) and their orientation on opposite sides of a residential street, it is not considered that any impact on daylight or sunlight would be of an unreasonable level in this urban context.

- The refusal of previous applications on Elmbank Terrace is cited as grounds for refusing this proposal however, as members will be aware, proposals are assessed on their own merits and in relation to the prevailing policies contained in the development plan of the day. As such, any historic refusals for different proposals are of very little relevance to our assessment of this application.
- Similarly, concerns over the effects of structural works required to shore up the embankment are not a matter for consideration through the planning system, with structural matters addressed through building standards and other relevant legislation. Should any such works result in damage to adjacent properties, this would be a private matter between the concerned parties.
- Objectors raised concerns that the proposed building would result in adverse visual impact, appearing grey, grim and soulless, and would incorporate a style and materials alien to the area. Interpretations of the design will vary as this is a subjective matter, though it is not considered that the visual impact of this grey coloured building would be detrimental to the amenity of the area, particularly given the softening provided by the central 'green wall'. As mentioned previously, the wide variety in architectural styles, and the 'blank canvas' presented on the southern side of the road lend themselves well to a contemporary design approach.
- As regards the confined nature of the site, it is acknowledged that this has necessitated an unorthodox design approach, with an unconventional arrangement of internal and external space. Nevertheless, it is considered that the unconventional layout of the site alone does not warrant dismissal of the proposal. It is for this application to demonstrate that in spite of this constrained site, a high standard of environment can be created for student residents.
- The perception that there are already too many students in this area is not a matter for this application to consider as students, like any other members of society, are free to live wherever they choose, and the close proximity of the university makes this area popular with the Aberdeen University's student body.
- That a number of the recently built flats to the eastern end of Elmbank Terrace remain unsold is of no relevance to this planning application, and could be a result of various factors including land being purchased at the peak of the market and being available for sale at a time of stagnating prices.

- The shortfall in car parking has previously been addressed, and it is noted that the Roads Authority have been satisfied that the proposed development would not result in any adverse impact as a result of that shortfall. As mentioned above, the extension of the public footway beyond the building is not practicable or necessary, given that the footway currently terminates in a similar fashion on the southern side of the road. Furthermore, the roads authority has made not objections on the basis of safety as a result of that element of the proposal.
- The condition of the railway sleepers to be re-used as a site enclosure is a matter for the applicant to consider. Any consent may be subject to a condition regarding the use of these sleepers, though it may be prudent to allow substitution for an alternative scheme to the satisfaction of the planning authority, in the event their use is not practicable.
- The concerns raised regarding the glare from solar panels and the associated hazard to drivers appears overstated, as these would be located at third floor level and any glare hazard would be comparable to that of any other solar panels in an urban context. This is not considered to be grounds for refusal of the application.
- Concerns over the validity of the applicant's zero-carbon credentials have been stated, though the environmental performance of any given building is primarily a matter for consideration through application for a building warrant, rather than at the planning stage.
- The Community Council's understanding that the site encroaches on the boundary of a Local Nature Conservation Site is correct. The impact upon that designated site has been addressed elsewhere in this report.
- The view that the area does not have sufficient infrastructure to support the proposed development has been stated. This is a small-scale development which is not considered likely to have any material impact on local infrastructure, facilities and services.
- It is acknowledged that roosting birds commonly utilise flat roofed buildings, however as the roof level of this building is not immediately adjacent to other residential properties, the level of noise nuisance generated is considered likely to be no greater than one would expect in an urban area of Aberdeen.
- The stated non-compliance with the BRE's published information paper on Site Layout Planning for Daylight (1) is noted, though this document does not constitute Council policy and has not been utilised in assessment of this development proposal. The issue of overshadowing has been dealt with above.

In conclusion, the proposed development is considered to be in accordance with the zoning of the site in the local development plan, and would provide an adequate level of amenity for prospective tenants without undue impact upon

adjacent residents or the wider area generally. The proposals are considered to satisfy the provisions of development plan policies in relation to design, amenity landscape protection and natural heritage, with no adverse impact on the existing character and amenity of the surrounding residential area. The proposals would bring in to use a vacant city centre site, providing valuable infill development in the urban area without undermining the existing character of the locality, in accordance with SPP. It is not considered that the proposal would result in any adverse impact on existing on-street car parking provision and would not be to the detriment of road safety.

In order to restrict the occupancy of the building to students in full-time education, the applicant has agreed to enter into a legal agreement to this effect. In addition, the agreement would require the delivery of the on-street car parking spaces as detailed in the submitted plans. Such a legal agreement would bind the land, and would therefore transfer to any subsequent owner of the premises.

The proposal is in accordance with the development plan and no other material considerations are considered sufficient to outweigh this. Therefore, it is recommended that the application be approved subject to the satisfactory conclusion of a legal agreement restricting occupancy of the building during term-times to students engaged in full-time education, and requiring the provision of on-street car parking spaces as detailed on the submitted plans. In addition to this legal agreement, it is recommended that conditions be attached to any consent regarding the following matters: boundary enclosures, external finishing materials, car parking, landscaping and hours of construction.

## **RECOMMENDATION**

### **Willingness to Approve**

#### **REASONS FOR RECOMMENDATION**

The proposed development is considered to be in accordance with the zoning of the site in the Aberdeen Local Development Plan, and would provide an adequate level of amenity for prospective residents without undue impact upon adjacent residents or the wider area generally. The proposal would satisfy the provisions of development plan policies in relation to design, amenity, landscape protection and natural heritage, with no significant adverse impact on the existing character and amenity of the surrounding residential area. This scheme will bring into use a vacant city centre site, providing valuable infill development in the urban area without undermining the existing character of the locality, in accordance with Scottish Planning Policy (SPP). The proposal would not result in any significant adverse impact upon on-street car parking availability and would not be to the detriment of road safety. In summary, the proposal accords with policies D1 (Architecture and Placemaking), D2 (Design and Amenity), D6 (Landscape), NE8 (Natural Heritage) and H1 (Residential Areas), and is considered to be consistent with the infill development aims of Scottish Planning Policy (SPP).

**it is recommended that approval is granted with the following condition(s):**

(1) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(2) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(3) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(4) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(5) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(6) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(7) that no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

(8) that no development shall take place unless it is carried out in full accordance with a scheme to deal with 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.

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 that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.- reason: in order to ensure that the site is fit for human occupation

(9) that no solar panels shall be installed on the roof of the approved building until such time as detailed specifications have been submitted to, and approved in writing by, the planning authority - in the interests of preserving visual amenity.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.