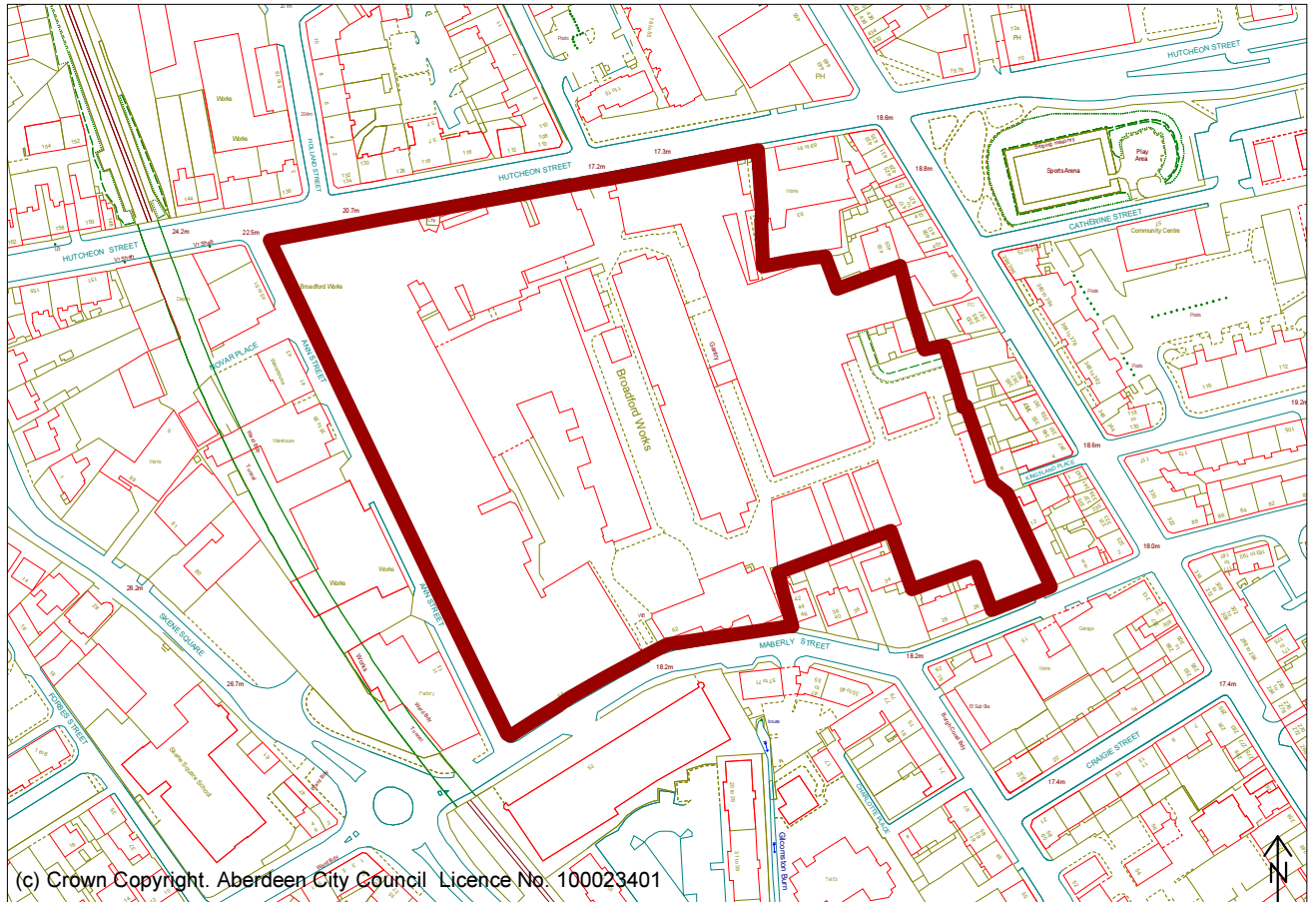


BROADFORD WORKS, MABERLY  
STREET, ABERDEEN

PROPOSED URBAN VILLAGE (MIXED  
DEVELOPMENT) INCLUDING: MAJOR  
RESTORATION AND CONVERSION OF  
IMPORTANT LISTED BUILDINGS  
FORMERLY USED AS A TEXTILE MILL;  
DEMOLITION OF VARIOUS INDUSTRIAL  
PREMISES; CONSTRUCTION OF NEW  
BUILD DEVELOPMENTS COMPRISING  
517 FLATS ( OF WHICH 175 ARE  
CONVERSIONS); 4525M2 OF NON-  
RESIDENTIAL USES INCLUDING A

For: First Construction Ltd

Application Ref.	: P120048	Advert	: Section 60/65 - Dev
Application Date	: 11/01/2012	aff LB/CA	
Officer	: Harry Campbell	Advertised on	: 25/01/2012
Ward: George Street/Harbour (A Morrison/N Morrison)	May/J	Committee Date	: 19 July 2012
		Community Council	:



## **RECOMMENDATION: Approve with Legal Agreement**

### **DESCRIPTION**

Broadford Works occupies a tightly drawn 3.5 hectare site formerly occupied by Richards' textile mills. It is bounded by Hutcheon Street to the north, Maberly Street to the south and Ann Street to the west. George Street runs parallel to the eastern boundary and a large number of individual buildings, generally consisting of commercial properties at ground floor level with flats above, lie between the site and George Street. A number of narrow lanes run from George Street to the boundary of the site, with back yards and gardens abutting the boundary. The site is set in a predominantly residential/mixed use area located less than 1km north of the City Centre. Internally, the site is all but hidden from view as it is inward facing and the tall granite walls of the mill buildings form the principal street frontages. The entire complex comprises a mix of substantial manufacturing buildings clad in granite and red brickwork forming a distinctive element of the City's skyline, created by the eye catching chimneys and hosepipe manufacturing towers and the array of tall mill buildings.

There are 101 separately identified buildings on the site. The whole site is listed Category 'A', including the walls, gates, streetscape and chimneys. The principal buildings comprise mainly 3-6 storey textile manufacturing and storage buildings of granite, some clad with brick, of iron framed or reinforced concrete construction, with granite setted streets between them. As a group, the historic

buildings document the history of flax manufacture from the early 19<sup>th</sup> Century. There are no public traffic or pedestrian routes into or through the site but the main accesses are taken from Maberly Street and Hutcheon Street.

The earliest (1808) and most significant building on the site is the 'Grey Mill'; it is the oldest iron-framed mill in Scotland and the fourth oldest known to survive in the world. Employment on the site peaked at 3,000, and it was once the largest single employer in Aberdeen. The site was owned and operated by Richards plc (formerly Richards & Co) from 1832 until 2002,

The site was later bought by First Construction. The works closed, in 2004, when the employees moved to new premises in Northfield.

The Broadford Works site comprises the largest concentration of Category 'A' listed buildings at risk in Scotland, if not the UK. Most of the buildings are presently in poor condition and have suffered from extensive vandalism and fire damage, but the most substantial and important ones are capable of restoration, provided appropriate capital investment can be found. The site and the individual Category 'A' listed buildings are listed on the Buildings at Risk Register of Scotland.

## **PRE-APPLICATION CONSULTATION**

As this is a major application, there was a statutory obligation on the applicant to undertake consultation with the local community prior to submission of the application. The consultation exercise took the form of a public exhibition held on 8<sup>th</sup> and 15<sup>th</sup> February 2011 and a presentation given to the local Community Council also in February 2011. The exhibition took the form of two drop-in sessions with appropriate displays illustrating the proposals. Three members of staff from the developer's agent were available to explain the proposals and answer questions. Around 60 people attended the events and 15 completed the comments forms that were provided.

Of the 15 comments received, the majority supported the development, which is to be expected given the derelict nature of the site as it presently stands. Only 2 comments were outright objections and these broadly centred on traffic. The main concerns expressed by the Community Council related to piling during construction, car parking and that a proportion of dwellings should be 3 or 4 bedroom family accommodation.

## **BACKGROUND**

A brief resumé of the background to this application may be helpful.

Following initial pre-application enquiries from owners of the site, some ten years ago, the City Council in partnership with Scottish Enterprise Grampian, and in recognition of the site's architectural and historic importance, commissioned from Page & Park Architects a conservation plan and development study for the site. The entire complex is Listed Category A for its special architectural and historic interest and these studies were used as a basis for drawing up a design brief to inform developers about the Council's objectives for the development of the site and to guide appropriate development proposals towards a scheme that respects its conservation value.

The development study proposed a development model based on retaining and refurbishing as many of the existing buildings as possible for reuse, whilst using unobtrusive, peripheral parking which did not intrude upon the sensitive spaces at the core of the site. Any planning application for development of the site was therefore expected to be a conservation-led scheme conforming to the general principles contained in the development study and design brief.

An application for planning permission and listed building consent (ref A4/1262) for conversion of the redundant mill buildings to provide 221 flats, the erection of 177 new build flats, and the provision within existing buildings of retail floor space (2450 sq.m.), a public house (530 sq.m.), a restaurant (250 sq.m.) and offices (900 sq.m.) was submitted in 2004. It was eventually presented to the Planning Committee in August 2007, with a recommendation that be approved, but the Committee disagreed with the recommendation and refused the application on the grounds that:-

(1) The development as proposed makes no provision for affordable housing contrary to national and local policies and guidance which recognise the need to provide housing affordable to those in lower income groups and also the duty placed on the Council in terms of Policy 14 of the Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together) to seek to secure appropriate levels of affordable housing.

(2) The part of the development involving a ten-storey building (Block C) does not conform to the approved Planning Brief for the site and would because of its height and location have a seriously detrimental impact on Hutcheon Street.

(3) The level of retail floor space proposed at 2,450 square metres, in the absence of any kind of impact assessment, has the potential to have a detrimental effect on existing retail outlets on George Street.

That decision was appealed against, the Reporter in February 2010 (after issuing a letter of intent in June 2008) granting planning permission, subject to conditions and a legal agreement, but refusing listed building consent. The Reporter concluded that the exceptional development costs attached to the site, especially involving decontamination and cross funding to secure the preservation of the listed buildings, would leave insufficient residual value to provide affordable housing, which at that time was pegged at 10% of the total number of units applied for. He also considered that the impact of the new build elements of the proposal, including the proposed 10-storey building at the corner of Hutcheon Street and Ann Street, would be unlikely to result in a significant adverse impact on residential amenity or on Hutcheon Street. In addition he considered that there was no basis for refusal on the grounds of retail impact, particularly as the Council had previously approved the design brief which advocated a mixed used development, including retail uses.

The appeal against the refusal of Listed Building Consent was dismissed principally on the grounds that the application lacked significant amounts of detail which could not be remedied by the proposed imposition of a suspensive condition requiring later submission and approval of these details.

Time has moved on since the previous application was decided upon. The applicant has found little interest from developers in developing any part of the

site, principally because the shift in the housing market over the last two or three years, combined with the wide “conservation deficit” between the cost of bringing the Listed Buildings up to an acceptable state of repair and the returns that would be generated by the sale of the residential units. Put simply, the development of the site is uneconomic without determining an acceptable way that will provide “gap funding” that will stimulate interest in developing the site and “cross funding” between the new build elements and the historic elements. Without this there is a likelihood that the historic buildings will continue to deteriorate unless a way forward is found. These issues will be discussed in more detail in the evaluation below.

In the time period since the appeal decision a steering group has been set up comprising the principal stakeholders – The developer (First Construction), Aberdeen City Council, Historic Scotland, Tenants First Housing Co-operative, The Prince’s Regeneration Trust (commissioned by the developer and Historic Scotland), and the National Trust for Scotland. The role of the Steering Group has been to devise a coherent strategy for the Broadford Works site that would enable its phased delivery whilst achieving the appropriate repair and re-use of the listed buildings. A comprehensive and pragmatic strategy is proposed that is capable of ensuring the long term repair and re-use of the Broadford Works site in a way that properly protects its scale and essential character.

## **PLANNING HISTORY**

The most recent planning permission on the site was for conversion of redundant mill buildings to provide 221 flats with 2450 square metres of retail floor space at ground floor level, a public house (530 square metres), a restaurant (250 square metres), offices (900 square metres), the erection of 177 new-build flats and the provision of ancillary car parking (Ref A4/1262) granted on appeal following refusal by the then Planning Committee, contrary to officer recommendation. This was discussed more fully in the Background section above.

## **PROPOSAL**

This is an application for detailed planning permission for a “proposed urban village (mixed development) including: major restoration and conversion of important Listed Buildings formerly used as a textile mill; demolition of various industrial premises; construction of new build developments comprising 517 flats (of which 175 are conversions); 4525m<sup>2</sup> of non-residential uses including a notional 1975m<sup>2</sup> of ground floor retail; 1900m<sup>2</sup> of storage; a 450m<sup>2</sup> nursery and a 200m<sup>2</sup> restaurant; 569 surface and basement car parking spaces and associated engineering and infrastructure works”. The changes to the previously approved scheme can be summarised as follows -

- The retention and restoration of 11 mill buildings as opposed to 13 in the original scheme;
- The submission of a Listed Building Application to cover the demolition of all the remaining buildings on the site – beyond the 11 major buildings being retained. This application is still under consideration;

- The arrangement of the whole site into a series of 7 individual development packages (see attached plan), 5 of which are a combination of listed building and new build opportunity;
- The design of all aspects of the site, from services through to car parking, in such a way that the individual packages can come forward in any order, even all at once; and
- An additional 119 mainly new-build dwellings on the site taking the total dwellings to 517, with 569 car parking spaces many of which will be in basement parking.

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

The application falls within the category of a project of public concern by virtue of the fact that a small part of the proposal involves development of a height greater than 20 metres. As such the application does not fall within the Council's approved scheme of delegation.

### **CONSULTATIONS**

**ROADS SECTION** – No objections subject to the attachment of suitable conditions and a the signing of a legal agreement.

- A puffin crossing on Maberly Street, the upgrading of crossing facilities at the traffic lights at the Berryden Road/Hutcheon Street junction, the upgrading of the existing controlled crossing at Skene Square to a puffin crossing, and the upgrading of pedestrian crossing facilities at the Ann Street junctions with both Maberly Street and Hutcheon Street are all required.

Other requirements are

- A capitalised payment for the maintenance for 10 years of any new traffic signals with an agreed cost secured through a legal agreement
- Creation of a shared cycle track linking to the existing national Cycle Route at Mounthooly
- Upgrading of crossing facilities at Hutcheon Street/Berryden Road and Hutcheon Street/George Street to allow use by bicycles
- The installation of bus shelter, timetables, boarding kerbs and clearway markings at bus stops on Hutcheon Street (near Ann Street), Skene Square (south of Maberly Street), Berryden Road (north of Hutcheon Street) and George Street (north and south of Hutcheon Street)
- Provision to the first owner of each flat of 2 annual memberships to a car club and the provision within the development of 4 parking spaces specifically for car club use

- A Travel Plan secured by way of a legal agreement should be agreed. This must include future modal share targets, a monitoring regime, funding commitments, a programme of implementation, a travel pack for each residential property, and a mechanism for the review of targets and implementation measures. A travel plan co-ordinator should also be in place from first to final occupation of the development.
- Strategic Transport Fund (STF) payments will be required through legal agreement. The final amount will be dependent on the proportions of uses that are eventually implemented therefore flexibility is required. Estimated STF contributions would be £135,604 if a foodstore is included or £40,270 if there is no foodstore.

ENVIRONMENTAL HEALTH – Phase 1 Geo-Environmental Site Assessment and Phase 2 Geo-Environmental Site Investigation have been submitted and assessed. These provide an adequate coverage of the site and assessment of potential risks. There are still some issues that need to be addressed prior to the commencement of development -

- Gas monitoring requires updating and risk assessment updated if required
- A Remediation Statement should be submitted providing specific details for on-site remediation
- Prior to occupation of any dwellings a Validation Report should be submitted for approval giving full details of all remedial works carried out on the site.

COMMUNITY COUNCIL – No comments received.

SEPA – No objections subject to suitable conditions being applied relating to (i) Sustainable Urban Drainage (SUDS), (ii) re-alignment of the Gilcomston Burn culvert, and (iii) the submission of an Environmental Management Plan for each phase of the development.

HISTORIC SCOTLAND – Pleased with the fresh approach being taken in tackling this complex regeneration project. It is essential that a robust S75 agreement be prepared to ensure the appropriate management and co-ordination of the various development packages. Satisfied with the approach being taken to allocate particular listed buildings to each development package. Appreciate that detailed proposals for the listed buildings are not finalised at this stage but that applications for listed building consent will be submitted as end users are confirmed and their requirements are clarified.

## **REPRESENTATIONS**

Four letters of representation have been received from nearby residents. Two of the letters express objections to the proposals, one conveys mixed comments, whilst one is broadly supportive.

The main issues raised by objectors relate to:-

- Vehicular access from Maberly Street
- Lack of industrial museum. Grey Mill should be industrial heritage museum
- Should be some affordable housing
- Not enough car parking provision
- Could cause traffic problems on Maberly Street
- Concerns about the positioning of new-build Block J relative to properties at 12 Maberly Street and 8 Kingsland Place
- Also concerns about heights of new-build Blocks G and H

Supporting comments relate to:-

- Agree that old hosepipe lining tower be made available for public access
- Anti-social behaviour and fire raising on site has gone on too long
- Proposals have potential to reflect unique industrial heritage
- Could be good for arts community if workshop/community space is provided
- Development could diversify local economy and make city centre attractive again and therefore should be embraced

### **PLANNING POLICY**

The site falls within a wider area allocated for H2 (Mixed Use) purposes in the adopted Aberdeen Local Development Plan. It is also identified as an Opportunity Site (OP90) for development. OP90 states "Planning Brief advocates redevelopment of the site as an Urban Village.

Other relevant Local Development Plan policies which the application should be assessed against are:-

Policy I1 – Infrastructure Delivery and Developer Contributions

Policy D1 – Architecture and Placemaking

Policy D2 – Design and Amenity

Policy D4 – Aberdeen's Granite Heritage

Policy D5 – Built Heritage

Policy H3 – Density

Policy H4 – Housing Mix



Policy H5 – Affordable Housing

Policy NE6 – Flooding and Drainage

Policy R7 – Low and Zero Carbon Buildings

Higher Level Structure Plan Targets and Objectives are also relevant.

These include:-

At least 75% of all homes built should be in strategic growth areas by 2030

At least 50% of all homes built should be in Aberdeen City by 2030

Increasing the population of the City Region to 480,000 by 2030

Moving towards building at least 2,500 new homes a year by 2014 and 3,000 new homes a year by 2020.

## **EVALUATION**

The application falls to be considered in the context of development plan policies and any other relevant material considerations.

The development plan consists of the approved Aberdeen City and Shire Structure Plan and the adopted Aberdeen City Local Development Plan.

The **Structure Plan** contains a number of high level objectives and targets which are relevant to this proposal.

- at least 75% of all homes built should be in strategic growth areas by 2030. *The whole of Aberdeen City falls within a strategic growth area and approval of this application would help to achieve the structure plan target by increasing the stock of housing land.*
- at least 50% of all homes built should be in Aberdeen City by 2030. *Approval of this application would help to achieve the structure plan target by increasing the stock of housing land.*
- increasing the population of the City Region to 480,000 by 2030. *The delivery of these proposed 517 flats would contribute towards achieving this aim by increasing the availability of housing stock in the area.*
- moving towards building at least 2,500 new homes a year by 2014 and 3,000 a year by 2020. *Again the proposal would help to achieve these targets.*

The Structure Plan also contains objectives and targets for providing sustainable mixed communities.

- to increase the range and quality of housing and the residential environment.
- for 40% of all new housing to be on brownfield sites.
- for all housing development of over one hectare in strategic growth areas to be in line with approved supplementary guidance and generally have no less than 30 dwellings per acre.

*The proposal meets all of the objectives relating to sustainable mixed communities.*

The **Aberdeen Local Development Plan** has a number of policies that are relevant to varying degrees.

Policy H2 (Mixed Use) states that applications for development or change of use within these areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

*The site falls within a wider area allocated for mixed use. The existing uses in the area surrounding the application site consist of mainly of flats to the north and south on the opposite sides of Hutcheon Street and Maberly Street respectively. To the west, on the opposite side of Ann Street, there are a number of small business premises, while to the east are the rear gardens and yards of 2 and 3 storey properties facing onto George Street. These properties generally accommodate commercial premises at ground floor level with flats above. Implementation of this application would greatly improve the amenity of the vast majority of surrounding properties by removing the dereliction and unsightly buildings found on the site, refurbishing the most important historic buildings and improving security by deterring unauthorised entry into the site. This high quality scheme would create north – south linkages through the site by providing public access where none exists at present. It would significantly increase the population in the immediate locality, potentially increasing demand for local businesses and services.*

Policy D1 (Architecture and Placemaking) seeks to achieve high standards of design in new developments by ensuring that they are designed with due consideration for their context and make a positive contribution to their setting.

*It is considered that the proposals have taken account of the industrial context and heritage of the site and make a positive contribution to the setting of the retained buildings and the wider neighbourhood. The scale, fenestration, external materials and orientation of the buildings are suitable for the site, reflecting the character of the retained industrial buildings. The proposed surface treatments of granite sets are also acceptable. The industrial heritage of the site, its historical layout and function would still be evident. Public access to the site would allow greater appreciation of its historical significance. The spaces between the retained and new buildings also reflect the character of the site.*

Policy D2 (Design and Amenity) requires a number of design principles to be applied to new developments.

- Privacy shall be designed into higher density housing
- Residential development shall have a public face to a street and a private face to an enclosed garden or court
- All residents shall have access to sitting out areas in the form of balconies, private gardens, terraces, communal gardens or other means
- Parking should not dominate the space within private courts. Underground or decked parking shall be expected in high density schemes
- Individual flats or houses shall be designed to make the most of opportunities for views and sunlight
- Developments shall include measures to design out crime and design in safety
- External lighting shall take account of residential amenity

Policy D4 (Aberdeen's Granite Heritage) encourages the retention of granite buildings throughout the City. Conversion and adaptation of redundant granite buildings will be favoured. The City Council will also seek to retain original setted streets and granite pavements if they contribute significantly to a sense of place.

*The proposal complies with this policy by retaining and refurbishing the most important granite and red brick listed buildings on the site. The proposal will also retain and improve the granite setted streets within the site, thereby maintaining reference to the site's industrial and granite heritage.*

Policy D5 (Built Heritage) states that proposals affecting Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

National planning policy on the historic environment is set out in Scottish Planning Policy (SPP), and is supported by Planning Advice Note (PAN) 2 / 2011 Planning and Archaeology (published July 27, 2011) and PAN 71 Conservation Area Management. The SPP should be read in conjunction with the Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance, produced by Historic Scotland. Together these provide the Scottish Government's policy and advice on planning for the historic environment and should be taken into account by planning authorities when determining applications for listed building consent or planning permission for development which may affect the historic environment. Developers should also take Government policy and guidance on the historic environment into account when forming development proposals.

Key elements of the policy include:

- Encouraging a positive and proactive approach to managing change in the historic environment, enabling development and securing best viable use;

- Ensuring the special qualities of the historic environment are protected, conserved and enhanced. This should cover statutory and non-statutory designations, while recognising that the latter, such as archaeological remains, can be a material consideration in the planning process.

*It is considered that the proposal follows the principles established by the above Scottish Government policy background. A full Conservation Plan for the site has been prepared, identifying the key buildings and the Very Important Buildings which must be retained and refurbished to ensure that the historic environment on the site is protected. The Council and applicant have taken a positive and collaborative approach to encouraging change on the site by and identifying practical ways to make the site viable for developers.*

SHEP identifies the following key aims for maintaining quality in the historic environment.

proper repair and maintenance of the historic environment is generally the most sustainable course of action;

management, and any proposed alteration or change of use, should be appropriate and follow best conservation practice;

to retain historic character and future performance of older buildings it is important to use appropriate and compatible materials and construction techniques;

it is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials;

provisions for access should be appropriate to the character of the historic environment and should be adequately monitored.

Policy H3 (Density) requires an appropriate density of development on all housing allocations and windfall sites. All residential developments over 1 hectare must:

- Meet a minimum net density of 30 dwellings per hectare
- Have considered the the site's characteristics and those of the surrounding area
- Create an attractive residential environment
- Consider providing higher densities in the City Centre, around local centres, and public transport nodes

*The proposal fulfills all of the above criteria. The proposed net density is around 142 dwellings per hectare, well in excess of the minimum required density. The extensive studies, including the conservation plan and design brief, undertaken over the last few years have taken full consideration of the site's characteristics*

*and those of the surrounding area. An attractive residential environment, including refurbishment and restoration of the most important listed buildings on the site, would be created if the proposal is implemented. The higher densities proposed on the site are fully compatible with the aims of the development plan, the characteristics of the site and the site's location close to the City Centre.*

Policy H4 (Housing Mix) requires housing developments larger than 50 units to achieve an appropriate mix of dwelling types and sizes.

Policy H5 (Affordable Housing) requires housing developments of 5 units or more to contribute no less than 25% of the total number of units as affordable housing.

*The planning history and special characteristics of this site are very relevant to the application of Policy H5 to the proposal. Policy H5 states that housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. In determining the previous appeal on the site, the Reporter, when considering the issue of affordable housing, referred to the appropriate development plan policies which at that time required 10% affordable housing provision. Officers had considered that, because of the exceptional development costs of this site and the "conservation funding gap", it would be inappropriate to seek affordable housing provision on the site. The Reporter stated that the policy did not specify that affordable housing be provided on every development site and that the Council had placed too much weight on the issue. He went on to state that he agreed that the applicant had demonstrated the complexities of the of the proposed development, that exceptional development costs would be incurred and that the provision of affordable housing as part of the development would be unreasonable. He concluded that the desirability of preserving the listed buildings outweighed the provisions of the affordable housing policy at that time. It is considered that this is still the case with the amended proposal and it is recommended that no affordable housing be sought to ensure that maximum cross funding opportunities are available to secure the preservation and upgrading of the listed buildings.*

Policy NE6 (Flooding and Drainage) states that development will not be permitted if it would increase the risk of flooding.

*The applicants have submitted a detailed drainage assessment which has been examined by SEPA. SEPA considers the proposed mitigation measures to be acceptable provided appropriate conditions are attached to the planning permission, should it be granted. Appropriate conditions have been included in the recommendation and it is considered there are no outstanding drainage issues attached to the proposal.*

Policy R7 (Low and Zero Carbon Buildings) requires all new buildings to be installed with low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

*The above requirement does not apply to the change of use or conversion of the historic buildings on the site but will apply to the new build elements. An appropriate condition can be attached to require the submission of appropriate information before any phase of new build takes place on the site.*

Turning to the letters of representation that have been received, the issues raised have generally been dealt with above. However, specific issues have been raised.

Vehicular access from Maberly Street and Potential Traffic Problems – Roads officials are satisfied that the proposal is acceptable in terms of access and traffic impact provided appropriate traffic management improvements are implemented. These are covered by conditions.

Lack of Industrial Museum – approval of this application would not preclude the future use of part of the original mill as an industrial museum. Indeed such a use would be a welcome element within the urban village. However, there is as yet no commitment from any of the stakeholders that such a facility would be provided and how such a facility would be financed, managed and run. It is an issue that could be investigated in future, and be subject to a further planning application, should there eventually be a willingness to progress with a museum proposal.

Affordable Housing – this has been evaluated under Local Plan Policy H5 above.

Not Enough Car Parking Provision – A total of 569 car parking spaces would be provided on the site, with 517 of these being for the use of residents. Roads officials have stated that the residential element of the proposal alone would normally require 714 spaces. However the site has the potential to be well served by sustainable transport modes and the proposed car parking arrangements are considered acceptable. Car parking provision also has to be balanced against the need to preserve the industrial heritage of the site and the spaces between the buildings. To help achieve this limits need to be placed on the amount of surface car parking, particularly in the historic part of the site. The applicant has successfully achieved this by introducing covered and undercroft parking on significant parts of the site. It is considered that a good balance has been struck between car parking provision and the need to minimise its visual impact.

Height of New Build Blocks G and H – Blocks G and H would be the equivalent of 5 storeys in height, both being some 17 metres high. Block H would be located some 12 metres or so to the west of the boundary of the property at 8 Kingsland Place. There would be overlooking towards 8 Kingsland Place, and less so towards, 12 Maberly Street from living room windows in Block H. It is not considered that Block G would have any adverse impact on the amenity of either 8 Kingsland Place or 12 Maberly Street. On balance it is considered that these impacts are acceptable given the inner city location of the application site and the densely built-up character of the surroundings.

Effect of New Build Block J on adjacent properties at 12 Maberly Street and 8 Kingsland Place - The objector has expressed concerns about the potential effects of Block J on his properties, particularly in terms of overlooking and overshadowing. Block J would be the equivalent of four storeys in height and would accommodate 8 dwellings. It would front on to Maberly Street, on the west boundary of 12 Maberly Street, which would be located some 12 metres north east of the closest part of Block J. There would be no windows on the east elevation of the block. However there would be access balconies on the north elevation at the equivalent of 2<sup>nd</sup> and 3<sup>rd</sup> floor levels and this would afford the

*possibility of overlooking, at an oblique angle, the front garden of 12 Maberly Street. This has to be balanced against the need to provide a frontage onto Maberly Street which respects the local townscape. Block J would in effect occupy a gap site with tenemental properties on either side (albeit with the garden frontage of 12 Maberly Street immediately to the east). It is considered that the scale of building proposed offers the best design solution in townscape terms. The site is also located in a densely built up inner city area where high levels of privacy and minimal overlooking are more difficult to achieve. It is considered therefore that on balance the objector's concerns are outweighed by the need to fully integrate the proposed development with its physical surroundings. Similarly an overshadowing plan submitted by the applicant shows that there would be some overshadowing of the garden at 12 Maberly Street at noon and at 3pm during the Autumnal equinox and later in the year. Again this is considered to be acceptable in the context of the development site as a whole. It is not considered that Block J would adversely affect the amenity of the objector's property at 8 Kingsland Place, which is located some 39 metres north of Block J.*

Comments of support have also been submitted. These welcome the redevelopment of the site and the associated environmental improvements and regeneration that would flow from that.

#### Other Material Considerations

##### Implementation -

The detailed proposals, if approved, will define the overall design, and especially which buildings are to be retained for conservation and which are to be removed to allow the new enabling development. The details of the conservation design (windows, rainwater goods, doors etc) for the retained listed buildings are all specified within the application drawings submitted.

A Section 75 agreement will set out a route map to be followed, which will ensure the listed buildings are restored through the cross-funding which will result from the new build development being approved.

The next stage would be for individual packages to advance with a new developer. There will have to be a Listed Building Application submitted at that stage, but this will principally cover the precise detail of the restoration work.

#### **SUMMARY**

This is a welcome proposal which should result in the restoration of the most important historic buildings on the site, provided suitable funding arrangements are put in place by way of the proposed legal agreement. The proposed route map and development packages will enable the new build elements to cross-fund the restoration of the listed buildings.

## **RECOMMENDATION**

### **Approve with Legal Agreement**

#### **REASONS FOR RECOMMENDATION**

The proposal complies with the development plan both in terms of achieving high level Structure Plan targets and meeting land use, amenity and design objectives and policies contained in the Local Development Plan. A high quality urban regeneration scheme would be created, resulting in the preservation of the most important listed buildings on the site and retention of the industrial heritage and character. The proposed development packages would enable new build development to cross fund improvements to the historic buildings.

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

(1) that the development hereby approved shall not commence unless a) a scheme showing full details of any proposed townscape features to be erected or installed (including, but not limited to, barriers, bollards, street lamps, planting boxes, hard surfaces and litter bins) has been submitted to, and approved in writing by, the planning authority. No part of the development shall be occupied unless the townscape features relevant to that part of the development have been installed or erected and are fully operational.

Reason - to preserve and enhance the character of the site and in the interests of residential amenity.

(2) The phasing of the development shall comply with the approved phasing plan, or other such plan as may be subsequently approved in writing by the planning authority.

Reason: to ensure the orderly development of the site.

(3) That 569 car parking spaces shall be provided as shown on the approved drawings, or other such drawings as may be approved for the purpose by the planning authority. No block shall be occupied unless the car parking spaces relative to that block have been provided in full accordance with the approved drawings. 517 of the spaces shall be restricted for the use of residents of the development only and none of these spaces shall be allocated to any individual flat.

Reason: to ensure that sufficient parking facilities are provided.

(4) No development shall commence until a detailed scheme and specifications for the provision of a minimum of 133 secure cycle parking spaces has been submitted to and approved in writing by the planning authority. No block shall be occupied unless the cycle parking spaces relative to that block have been provided in full accordance with the approved scheme and are available for use.

Reason: to promote sustainable transportation

(5) No development shall commence until a detailed scheme of traffic management relating to vehicle and pedestrian circulation within the site has been submitted to and approved in writing by the planning



authority. No part of the development shall be occupied unless the approved scheme of traffic management relative to that part has been implemented in full accordance with the approved scheme and is fully operational.

Reason: in the interests of pedestrian and traffic safety.

(6) No development shall commence until further details of the design of the proposed junction arrangement at the principal vehicular access to the site from Hutcheon Street has been submitted to and approved in writing by the planning authority. No part of the development shall be occupied unless the approved junction details have been implemented in full accordance with the approved scheme and are fully operational.

Reason: in the interests of road safety and the free flow of traffic.

(7) that prior to the commencement of any works within any phase of the development, a site specific environmental management plan (EMP) for that phase shall be submitted for the written approval of the planning authority, in consultation with SEPA and all work shall be carried out in full accordance with the approved plan - to control pollution of air, land and water.

(8) that the Sustainable Urban Drainage scheme for any phase of the development shall be designed and constructed in accordance with approved drawing numbers A/03341/951-1, 951-2, 951-3, 951-4, 951-5, 951-6, 951-7 951 Rev 1 and 952, (or such other drawings as may subsequently be approved in writing for the purpose by the planning authority) and CIRIA C697: The SUDS Manual and shall be implemented and operational prior to the first occupation of any building within that phase - to ensure that each phase of the development receives suitable treatment of surface water in the interests of protection of the water environment.

(9) No development shall commence until an amended Phase II Supplementary Environmental Audit providing additional information on trial pit and borehole investigation, water and gas sampling and the additional mitigation measures proposed for dealing with any land contamination impacts that may be identified, has been submitted to and approved in writing by the planning authority.

Reason: in the interests of public health.

(10) No development shall commence until a noise assessment prepared by an independent qualified noise consultant has been submitted to and approved in writing by the planning authority. The assessment shall identify all sources of noise likely to adversely affect occupants of the development and all sources of noise arising from within the site likely to affect occupants of residential properties outwith the site.

The assessment shall identify the detailed measures necessary to mitigate against the adverse impacts of any noise source identified as required by this condition. No part of any building shall be occupied unless the noise mitigation measures identified in the assessment as applicable to that phase have been implemented and are fully operational.

Reason: to minimise noise disturbance to the occupiers of the site and

residents living  
nearby.

(11) No development shall commence until detailed proposals for the storage and collection of refuse generated within the site, including recycling facilities, have been submitted to and approved in writing by the planning authority. No part of the development shall be occupied unless the refuse facilities particular to that part have been implemented and are fully operational.

Reason: in the interests of public health.

(12) No development in respect of the restaurant or nursery hereby approved shall commence until schemes detailing the proposed ventilation and filtration systems to be used to disperse cooking fumes emanating from the premises have been submitted to and approved in writing by the planning authority. Neither of the premises shall be occupied unless the ventilation and filtration scheme particular to that building has been implemented and is fully operational.

Reason: in the interests of residential amenity.

(13) No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the planning authority.

Reason: in order to protect items of historical importance which may exist within the application site.

(14) No development shall commence until a detailed scheme and specifications for the provision within the application site of a suitably surfaced children's play area containing a minimum of 5 items of play equipment, seating and a receptacle for litter disposal has been submitted to and approved in writing by the planning authority.

No part of phase 7, or other such part of the development as may subsequently be agreed in writing by the planning authority, shall be occupied unless the approved play facilities have been provided in full accordance with the approved scheme and are available for use.

Reason: to ensure the provision of adequate play facilities.

(15) 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.

(16) 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.

(17) that prior to the development of Block G and any realignment of the existing Gilcomston Burn culvert, a survey of the existing culverted burn within the site shall be undertaken, and a plan of the location of any proposed engineering activities (including realignment of the existing culvert) in the water environment including a justification for each proposed engineering activity and details of mitigation measures to address any adverse impacts shall be agreed in writing with the planning authority, in consultation with SEPA, and thereafter implemented - in the interests of protection of the water environment.

(18) that no development of any proposed new building on the site shall take place unless details of the zero and low carbon equipment to be incorporated into that building and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the the City Council's relevant published Supplementary Planning Guidance 'Low and Zero Carbon Buildings'.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

**Plan numbers (A01) require to be entered on Schedules screen before report is progressed**