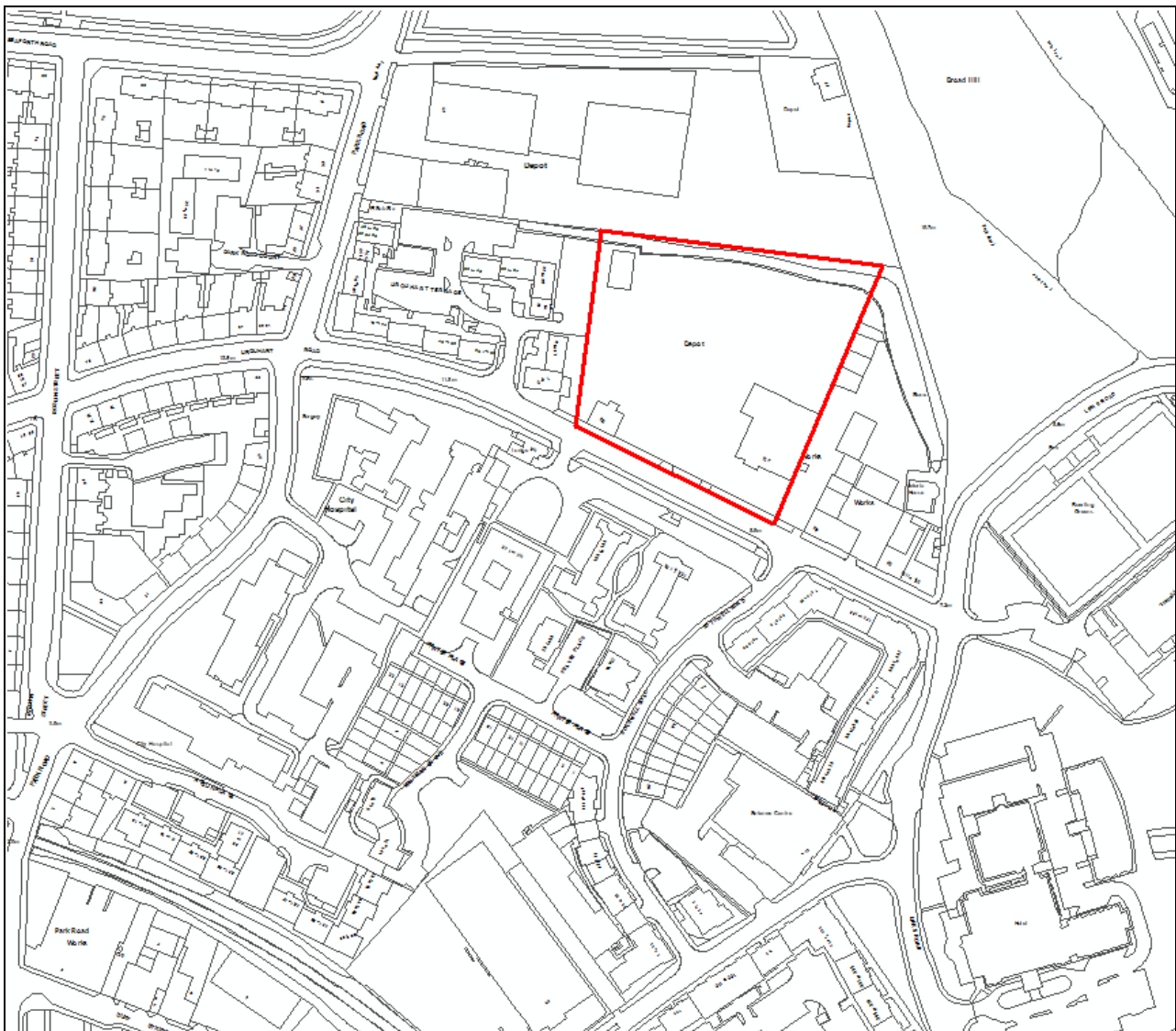


105-107 URQUHART ROAD, ABERDEEN

DEMOLITION OF EXISTING BUILDINGS
AND THE ERECTION OF 100 FLATS WITH
ASSOCIATED CAR PARKING AND
LANDSCAPING

For: Barratt East Scotland

Application Ref.	: P120640	Advert	: Full Notify not poss.
Application Date	: 02/05/2012	(neighbours)	
Officer	: Matthew Easton	Advertised on	: 30/05/2012
Ward: George Street/Harbour (A May/J Morrison/N Morrison)		Committee Date	: 17 January 2013
		Community Council	: No response received



RECOMMENDATION: Approve Conditionally with Legal Agreement to secure affordable housing and developer contributions towards community facilities, recreation, libraries, core path network, education, local transport improvements and the strategic transport fund, to ensure that parking within the site remains unallocated and to safeguard land within the site for a potential link to the residential development to the north.

DESCRIPTION

The application site is a former depot and yard located at the eastern end of Urquhart Road, between the junction with Park Road & Park Street to the west and Links Road to the east.

The site extends to 1.052 hectares, is generally flat and very roughly square in shape. It comprises of predominately open storage yard however there are several small buildings around the site. A small single storey granite building is situated at the front of the site hard up against Urquhart Road, there is a small industrial shed in the north west corner of the site and larger shed along the eastern boundary. The frontage with Urquhart Road comprises a 1.5m high granite wall and an access point into the site.

There are a few trees along the northern boundary of the site and in the south west corner.

To the immediate west of the site is Urquhart Terrace, a development of 3½ storey flats dating from the early 1980's which is separated from the site by a brick wall. The northern boundary of the site is formed by a steep embankment approximately 4m high. Located at the top of this embankment is a large storage yard (52 Park Road) which is accessed from Park Road.

Beyond this is a gas storage depot (56 Park Road) which is classified as a major hazard site by the Health and Safety Executive (HSE) for the purposes of land use planning. The application site is within the middle and outer HSE consultation zones of the gas depot.

Immediately to the east of the site are small light business and industrial units at 109 Urquhart Road. Uses include a scaffolders yard, various workshops and a gym. The boundary between the site and these uses comprises a wire fence.

Opposite the site, on the south side of Urquhart Road, is the former City Hospital which was converted to residential use in the mid 2000's. The buildings date from the 1870's and are category C listed.

The wider area is predominately residential in character with recreational uses located to the east along the beach front.

PRE-APPLICATION CONSULTATION

Pre-application consultation with the community was undertaken by the developer prior to the application being submitted. This comprised a drop-in exhibition held in March 2012 at the Satrosphere Science Centre on Constitution Street, a short distance away from the site. Invites were sent to the local Councillors for the ward, Castehill and Pittodrie Community Council and the event advertised in the local press. Unfortunately the exhibition was poorly attended with only four members of the public visiting.

The Pre-Application consultation report submitted by the applicant indicates that those attending the event were generally happy that the site was being developed and found the proposals to be in keeping with the area but still

modern and providing a good level of open space. Observations were received with regard to long-distance views and with the potential for there to be an increased level of traffic on Urquhart Road. It was also stated that the building should be restricted to a maximum of 3 storeys and should be set back from Urquhart Road.

Despite what the pre-application report states, the appendix which contains a comments form received, showing that concerns were in fact raised with regards to the design, position and height of the proposed buildings and their relationship with the City Hospital development.

HISTORY

There is no recent planning history for the site. The site has been used for various industrial storage purposes and as a depot over the years.

PROPOSAL

It is proposed to demolish all existing buildings on the site and construct a development of 100 two bedroom flats with associated car parking and landscaping.

Layout / Design

The development would comprise two 4 storey L-shaped blocks which would have frontages to Urquhart Road. The blocks would be set-back from the pavement by 2m and extend across the majority of the site frontage except for the access to the development which would be located generally where the existing access is and between the two proposed blocks.

Further into the development would be three blocks sited in a U-shaped arrangement around a central area of open space. The middle block would be 4 storey and those on either side 3 storeys and connected to the middle block by single storey cycle stores.

The blocks would be generally around 16m in height. They would be finished in facing block to the ground floor and dry dash render to the upper floors. The roofs would have a 37.5° pitch and be finished in grey roof tiles. Windows and doors would be white uPVC and rainwater goods black uPVC.

Foul water would discharge to the combined sewer on Urquhart Road. Surface water from roofs would discharge into the combined sewer via two underground cellular storage tanks. Surface water within the car parks would be collected via gulleys, treated via a filter trench and thereafter discharged to the combined sewer via the cellular storage.

There would be a central area of open space in the middle of the site and smaller areas beside each of the blocks with seating areas. Landscape planting would also be interspersed throughout the car parks.

Access and Car Parking

Access to the development would be taken from Urquhart Road. An 'entrance avenue' would be formed between the two main blocks and the six parking

spaces in this area would be for the exclusive use of disabled motorists. The street has been designed as a shared surface and would include street trees and landscaping.

The remainder of the parking spaces would be unallocated and would be generally along the west and eastern boundaries of the site, bringing the total number of parking spaces to 139.

Off-Site Works

Alterations would be made to the Urquhart Road / Park Road junction involving the provision of footway build outs in order to provide increased visibility for drivers.

Improvements would be made to two bus stops on Urquhart Road. This is likely to include the provision of timetables, boarding kerbs and clearway markings at both stops and a shelter for the city bound stop.

Supporting Documents

A design statement, pre-application consultation report, transport assessment, bat survey and ground investigation report have been submitted in support of the application.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application is before the sub-committee because the Council is currently owner of the site. If planning permission is granted the applicant would purchase the site from the Council.

CONSULTATIONS

ROADS SECTION – No objection to the proposal. Details comments are as follows –

- A supporting transport statement has been submitted and has been examined by the road service. It is noted that the development would impact upon the capacity of the Urquhart Road / Park Road junction but not to a degree which would require mitigation. However due to the constrained visibility for drivers existing Park Road southbound and difficulties for pedestrians crossing Urquhart Road the junction is inadequate to safely accommodate additional traffic from the development. The applicants proposal to modify the northern side of the junction to increase visibility is agreed.
- A pedestrian link should be formed between the development and the development to the north. The land for this should be safeguarded through a legal agreement.
- The development is within satisfactory distance of existing bus routes. The developer's intention to upgrade the two nearby bus stops is welcomed.
- Agree with the intention to provide 1.5 car parking spaces per flat and 0.8 spaces per affordable housing unit. All spaces must be unallocated and this should be secured through legal agreement.

- The proposal to provide 1 long term cycle space per flat and 2 short stay spaces beside each block. The current proposed cycle stands do not meet the required standard and further detail should be required.
- The principal of forming a priority junction and the proposed layout is acceptable.
- The internal layout has looked to address the aspirations of *Designing Streets*.
- A residential travel pack for future residents should be secured through legal agreement.
- A contribution towards the strategic transport fund (which takes into account the existing industrial use of the site) should be made by the developer.
- It is noted that surface water would be discharged to the Scottish Water combined sewer.

ENVIRONMENTAL HEALTH –

- Due to the previous use of the site there is a potential that the land may be contaminated. Therefore an assessment should be carried out to determine if this is the case.
- A condition should be attached controlling the hours of construction work.
- Suitable and adequate bin storage facilities should be provided.

COMMUNITY COUNCIL – No response received.

HEALTH AND SAFETY EXECUTIVE (HSE) – In relation to the gas storage depot at 56 Park Road, HSE do not advise on safety grounds against the granting of planning permission.

PLANNING GAIN TEAM – Developers contributions are sought for affordable 25% housing, primary education, community facilities, sports and recreation, playing fields, libraries, core path network and the strategic transport fund.

GRAMPIAN POLICE (ARCHITECTURAL LIAISON OFFICER) – The general layout is excellent in terms crime prevention and levels of natural surveillance. Further advice is provided on crime prevention and security matters.

SCOTTISH WATER – Scottish Water do not object to the proposed development and advise that the Invercarnie and the Nigg Water Treatment Works may have capacity to serve the development. Initial investigations highlight that there may be a requirement for the developer to carry out works on the local network to ensure there is no loss of service to existing customers. The developer should discuss this with Scottish Water directly.

SCOTTISH ENVIRONMENT PROTECTION AGENCY (SEPA) – In terms of surface water drainage SEPA advise that they are satisfied with the proposed drainage measures from a water quality perspective and are satisfied with the proposal to discharge foul drainage to the public sewer. SEPA request that a condition is attached requiring an environmental management plan to be submitted which would control pollution during construction.

REPRESENTATIONS

Three letters of representation have been received, one from Aberdeen Football Club, one from a resident of Urquhart Road and one from a citizen living in the city centre. In summary, the following matters are raised –

- Aberdeen Football Club were expected to pay for the installation of traffic signals at the Urquhart Road / Park Road junction as part of the re-development of Pittodrie for 350 residential units (planning permission not yet granted). Therefore Barratt should also be obliged to pay for traffic signals at the junction.
- The proposed development is out of keeping with the residential development at the old city hospital as it would be abutting the pavement and would be four storeys in height. In contrast the former city hospital development is set back from the road and is two storeys in height.
- There is the potential that traffic would exacerbate the situation at the already busy junction of Park Road and Roslin Street.
- The public consultation was carried out in a poor manner.
- The proposed development is bland.

PLANNING POLICY

Aberdeen Local Development Plan 2012

Policy I1 (Infrastructure Delivery and Developer Contributions) – Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed.

Policy T2 (Managing the Transport Impact of Development) – New developments will need to demonstrate that sufficient measures have been taken to minimize the traffic generated.

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 siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution

Policy D2 (Design and Amenity) – In order to ensure the provision of appropriate levels of amenity the following principles will be applied: 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, this can be provided by balconies, private gardens, terraces or communal gardens or other means acceptable to the Council; when it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads; individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or

orientation are not acceptable; development proposals shall include measures to design out crime and design in safety; and external lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Policy D3 (Sustainable and Active Transport) – New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order - walking, cycling, public transport, car and other motorised vehicles.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation.

Policy BI5 (Pipelines and Controls of Major Accident Hazards) – In determining planning applications for development within consultation distances for hazardous installations, the City Council will take full account of the advice from the Health and Safety Executive and will seek to ensure that any risk to people's safety is not increased.

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

Policy H3 (Density) – The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments of over one hectare must:

- meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;
- have consideration of the site's characteristics and those of the surrounding area;
- create an attractive residential environment and safeguard living conditions within the development; and
- consider providing higher densities in the City Centre, around local centres, and public transport nodes

Policy H4 (Housing Mix) – Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families and older people. This mix is in addition to affordable housing contributions.

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

Policy NE4 (Open Space Provision in New Development) – The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development. The nature of the provision is set out in Supplementary Guidance on Open Space. Communal or public open space should be provided in all residential developments, including those on brownfield sites.

Policy NE6 (Flooding and Drainage) – Surface water drainage associated with development must be the most appropriate available in terms of SUDS; and avoid flooding and pollution both during and after construction. Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

Policy NE8 (Natural Heritage) – Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified.

Policy R2 (Degraded and Contaminated Land) – The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use.

The ADLP identifies the site as Opportunity Site 125 (OP125) for mixed use development.

Supplementary Guidance

Planning Brief (105 – 107 Urquhart Road) – A planning brief for the site was approved in June 2010 and sets out the framework that should guide development of the site.

National Guidance

Designing Streets – Sets out national policy and guidance on creating streets which consider place before movement.

EVALUATION

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when

determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

Principle of the Proposed Use

The site is within an area zoned for Policy H2 (Mixed Use) purposes. In these areas 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. Urquhart Road is predominately residential in character, with 19th century tenements at its western end and more recent developments at its eastern end. Furthermore the adopted planning brief suggests that either mixed use or residential development would be acceptable at the site.

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. Although there are light industrial units to the immediate east of the site, none of the units consist of particularly disruptive uses. A suitable level of amenity could be achieved for future residents of the development. It is unlikely that the presence of

It is considered therefore that the proposal complies with Policy H2 (Mixed Use Areas).

Policy H3 (Housing Density) requires sites of over 50 units to meet a minimum density of 30 units per hectares. In this case the site area is just slightly over one hectare and would accommodate 100 units. The proposal significantly exceeds the requirements of Policy H3, however the density is considered to be appropriate and generally in accordance with modern developments in the area.

Policy H4 (Housing Mix) requires developments of larger than 50 units to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families and older people. Although all units within the development would have two bedrooms, there would be a variety of different floor spaces (between 640sqft and 740sqft) and a mix of open plan and closed room layouts. The developer maintains that such a mix of flat types have been successful in completed developments and has proved popular with first time buyers, other owner occupiers and buy to let landlords. Therefore, although the mix of units could be improved upon, with perhaps one and three bedroom properties being offered, it is not considered that on this occasion this would be a significant matter which should hinder the grant of planning permission.

Layout and Design

The proposed layout is largely in accordance with that suggested in the Planning Brief for the site, with the buildings being close to boundary of the site with Urquhart Road.

The layout makes good use of the available space within the site and takes into account the presence of the major hazard establishment consultation zone (see below) by having the larger blocks outwith the zone, ensuring any safety implications are minimised.

Concern has been raised by an objector with regard to the relationship the development would have with the City Hospital development and how it respects its character. Although the City Hospital development which is opposite the site is of a lesser density than that proposed, it is considered that the context of each site is different. The city hospital was a conservation led re-development which required existing buildings to be retained. However with the existing site not possessing such restrictions there is the opportunity to create a higher density of development in order to make more efficient use of the land and contribute towards demanding housing numbers proposed in the local development plan. The former city hospital buildings are set back from Urquhart Road and set behind trees and landscaping. Therefore the separation between the two is regarded as being satisfactory and would result in the two being seen in their different contexts, maintaining the setting of the listed buildings.

An entrance avenue to the development would be created between the two main blocks. The concept of this street has taken account of the national policy document *Designing Streets* and is therefore proposed as a shared surface. The use of street trees, landscaping, street furniture and different surface materials would help to regulate vehicle speed, create a more pedestrian friendly environment and aims to give the area a sense of place as oppose to simply being a car park or road.

In order to allow the creation of the entrance avenue and for the focus of the development to be an area of central open space, rather than a large expanse of car parking, it has been necessary to locate the majority of parking spaces along the west and east boundaries. This would result in the north west and north east corners of the site to appear somewhat dominated by car parking. However, it is considered that the benefit of having less parking in the centre of the site would outweigh this drawback and that it would not be a significant issue. Furthermore, landscaping and trees would be included around the parking areas which would help to lessen the parking areas' dominance.

Useable outdoor space would be in close proximity to all buildings, with outdoor seating areas available around the development.

The design and appearance of the buildings would be typical of recent residential development in the area, such as the Barratt Homes development at Erroll Street. The built form has taken account of the character of Urquhart Road and would help to reinforce that character. An active street frontage would be created, with doors both onto the street and into the open space and car parks at the rear. A representation has been received suggesting that the proposed development is 'bland'. Whilst the architectural style of the buildings

may not be to everyone's taste, it is inoffensive and is largely in harmony with similar developments in the area such as the Renaissance and Bannermill developments on Links Road.

The layout and design of the development is considered to be acceptable and to have taken account of national and local guidance.

Traffic and Car Parking

A total of 139 unallocated parking spaces would be provided within the development. This includes eight disabled spaces. The number of spaces provided is considered to be acceptable based on the spaces being unallocated. This would be secured through the legal agreement.

Secure cycle parking spaces for 118 bicycles would be provided in cycle stores spread throughout five locations within the development. Short-stay Sheffield stands with spaces for 36 bicycles would be provided in convenient locations with passive surveillance. Two external areas for the parking of 13 motorcycles would also be provided with secure points to lock bikes to.

The site is considered to be in a readily accessible location; with the city centre approximately 15-20 minutes walk away and bus stops available to the west of the site on Urquhart Road and to the east on Links Road. These stops are both within 160m distance and served by First Bus routes 15 and 13 respectively. The closest shops are located on Urquhart Road and King Street and at the Beach Boulevard retail park, both approximately 5m walk away. Leisure facilities are also located within close proximity at Queens Links. Residential travel packs would be provided to residents which would give details of public transport and other sustainable transport measures.

The transport assessment demonstrates that local junctions within the area would operate within capacity after traffic generated by the development was taken into account and that there would be no major impact upon existing queue lengths at peak times. However, due to the sub-standard visibility at the Park Road / Urquhart Road junction, any increase in traffic using the junction would have an impact upon road safety. Therefore, at the developer's expense, it is proposed to mitigate this impact by providing footway buildouts in order to provide increased visibility for drivers. No other local junctions have been identified as being adversely affected by the proposed development.

With regard to the objection from Aberdeen Football Club, the size of this development is considerably smaller than that proposed at the Pittodrie site. The level of traffic and in particular the number of turning movements at the Urquhart Road / Park Road junction which the development is predicated to generate, would not justify signalling the Urquhart Road / Park Road junction at this time. Another objection was concerned with additional traffic on Roslin Street. However, Roslin Street was not identified as a street which would be affected by the proposed development. The impact upon the Urquhart Road / Park Street junction has already been addressed in the previous paragraph.

It is considered that the proposal complies with Policy T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel).

Major Hazard Site

The Calor Gas depot at 56 Park Road is classified as a major hazard establishment and is permitted to store up to 70 tonnes of liquefied petroleum gas (LPG). As such there is a risk posed to the surrounding population if an accident occurs. This risk is regulated and managed mainly by legislation enforced by HSE; however the planning authority also has a role when determining applications for new development in the vicinity of major hazard sites.

The storage depot is approximately 40m to the north which results in the roughly the northern half of the development site being within the outer consultation zone of the depot. The remainder of the site is not within any consultation zone. Taking into account the development type, the number of units proposed within the outer consultation zone and the distance from the storage depot, HSE do not advise, on safety grounds, against the granting of planning permission.

Therefore, taking this advice into account as well as Policy BI5 (Pipelines and Controls of Major Accident Hazards), it is considered that any risk to potential residents of the development would be minimal and that there would be no reason to refuse planning permission on safety grounds.

Affordable Housing / Developer Contributions

The developer has agreed to offer a 25% affordable housing contribution. It is likely that sixteen flats would be provided on site at mid-market rent, a mix of mid-market and social rent or as part of a low cost home ownership scheme. The remainder of the contribution would be in the form of a commuted sum for the provision of affordable housing elsewhere in the city. The sixteen flats (two blocks of eight units) would be located within the blocks facing Urquhart Road.

A legal agreement would be required in order to secure the affordable housing. In consultation with the Council's Housing Service the agreement would be written with a degree of flexibility so that the provision of the affordable housing can be tailored to the requirements of the registered social landlord. There would also be the provision for the developer to pay 100% of the contribution as a commuted sum should it not be possible to secure a registered social landlord for the sixteen flats.

Developer contributions have also been negotiated for community facilities, recreation, libraries, core path network and strategic transport fund.

Primary school pupils are zoned to Hanover Street Primary School which is expected to exceed capacity in 2015. Therefore contributions are sought for the equivalent of two primary school pupils being generated. Secondary school pupils would be zoned to St. Machar Academy; however there is spare capacity within the school and therefore no requirement for contributions at this point in time.

It is considered that the development would provide suitable contributions to offset its impact on local infrastructure and services, in accordance with Policy

I1 (Infrastructure Delivery and Developer Contributions) and H5 (Affordable Housing).

Contaminated Land

A quantitative environmental risk assessment has been submitted which has been considered by the Contaminated Land Unit, who are generally in agreement with the findings of the report. However in order to determine if ground/groundwater has indeed been contaminated, validation samples should be collected from underlying soil. Details of the 'clean' topsoil to be imported to the site should also be submitted for checked. Therefore, in accordance with condition R2 (Degraded and Contaminated Land) a condition has been attached in order to ensure that required details are submitted and site remediated to the appropriate level if required.

Drainage

Foul water would discharge to the public combined sewer on Urquhart Road which is considered acceptable. Surface water would receive the required levels of treatment and SEPA have confirmed that from a water quality perspective this would be acceptable. The rate of discharge into the combined sewer has been agreed with Scottish Water who confirm that there is capacity within existing infrastructure to deal with both foul and surface water.

The proposal is therefore considered to comply with Policy NE6 (Flooding and Drainage).

Protected Species

Bats are a European protected species under the Conservation (Natural Habitats, &c.) Regulations 1994 and as such it is illegal to amongst other things either deliberately or recklessly capture, injure or kill a wild bat or deny it the use of its roost. It has been suggested to the Council that bats may be roosting within buildings on the site and records do show that Pipistrelle bats have been sighted within 1km of the site in recent years. Therefore a bat survey was commissioned by the applicant to determine if bats are present.

The result of the survey shows that no bats or signs of bats were found in any of the buildings. There are few suitable roosting sites for bats as most of the buildings have no obvious crevices. The condition of the building adjacent to Urquhart Road is assessed as being too poor to be attractive to bats and the surrounding area has few landscape features which would be suitable as foraging areas for bats. Therefore no mitigation measures are proposed. This is considered acceptable and in accordance with the Policy NE8 (Natural Heritage) 'Bats and Development' Supplementary Guidance no further action is required.

Other Material Considerations

- Concern was raised with how the pre-application public consultation was undertaken. The concerns are noted and whilst it is disappointing that the pre-application process did not attract a great deal of feedback, it is considered that it was undertaken in the correct manner and in accordance with the regulations. Additionally, public consultation was previously

undertaken on the planning brief for the site, which similarly received little feedback.

- All other concerns raised through representations have been addressed in the relevant part of the report.

RECOMMENDATION

Approve Conditionally with Legal Agreement to secure affordable housing and developer contributions towards community facilities, recreation, libraries, core path network, education, local transport improvements and the strategic transport fund, to ensure that parking within the site remains unallocated and to safeguard land within the site for a potential link to the residential development to the north.

REASONS FOR RECOMMENDATION

It is considered that a residential use at the site would be compatible with the surrounding land uses and accords with Policy H1 (Mixed Use Areas). Account has been taken of the major hazard site to the north and there are no public safety concerns. Account has been taken of the former use of the site and the potential for the land to be contaminated. Suitable remediation measures would be put in place in accordance with Policy R2 (Contaminated Land).

The layout and design of the development takes account of Policy D1 (Architecture and Placemaking), D2 (Design and Amenity), H3 (Density), H4 (Housing Mix), NE4 (Open Space) and Designing Streets and the planning brief for the site.

Adequate car, cycle and motorcycle parking has been provided in accordance with Policy T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel). Traffic generation would be minimal and within the capacity of local junctions.

Developer contributions have been sought for affordable housing, developer contributions, alterations to the Urquhart Road / Park Road junction and improvements to bus stops in the area in accordance with Policy I1 (Infrastructure Delivery and Developer Contributions) and Policy H5 (Affordable Housing). A section 75 legal agreement would be entered into in order to secure these contributions.

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

(1) 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 buildings 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

(2) that no development shall take place unless a scheme detailing the proposed site boundary enclosures for the development site which should including reuse of existing granite for the boundary wall along Urquhart Road. Thereafter no unit within either phase shall be occupied unless the boundaries for that phase have been provided in accordance with the said scheme and the approved phasing plan (drawing 120629-01) or such other drawing as may subsequently be submitted and approved in writing by the planning authority - in order to ensure that suitable boundary enclosures are provided.

(3) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in complete accordance with the said scheme unless a written variation has been approved by the planning authority - in the interests of visual amenity.

(4) that no unit within either phase shall be occupied unless car parking provision for that phase has been made in accordance with drawing A4748/P(-)02(Rev.G) and the approved phasing plan (drawing 120629-01) or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Thereafter, such areas shall not be used for any other purpose other than for the parking of cars ancillary to the development - in the interests of public safety and the free flow of traffic.

(5) that no unit within either phase shall be occupied until such time as all drainage works for that phase have been installed and are operational in accordance with Drainage Assessment 92267 (April 2012) by Fairhurst and the approved phasing plan (drawing 120629-01) or such other details as may subsequently be submitted and approved in writing by the planning authority -

in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(6) that no development shall take place unless a further detailed scheme of hard and soft landscaping for the site (which includes indications of all existing trees and landscaped areas on the land, 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, all hard landscaping including proposed materials and street furniture) has been submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(7) 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 that particular phase of the development (in accordance with drawing 120629-01) 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.

(8) that no development shall take place unless a further detailed scheme of refuse and recycling storage has been submitted to and approved in writing by the planning authority. Thereafter no unit within either phase shall be occupied unless the refuse and recycling storage for that phase has been provided in accordance with the said scheme and the approved phasing plan (drawing 120629-01) or such other drawing as may subsequently be submitted and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(9) that no unit within either phase shall be occupied until such time unless the cycle storage facilities for that phase have been provided and are available for use in accordance with drawings A4748/P(-)02(Rev.G) and A4748/L(8)01 and the approved phasing plan (drawing 120629-01) or such other drawing as may subsequently be submitted and approved in writing by the planning authority - in the interests of encouraging more sustainable modes of travel.

(10) that no development shall take place unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations have been submitted to and approved in writing by the planning authority. Thereafter no unit within either phase shall be occupied unless the equipment has been provided in accordance with the said scheme and the approved phasing plan (drawing 120629-01) or such other drawing as may subsequently be submitted and approved in writing by the planning authority - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the City Council's relevant published Supplementary Planning Guidance 'Low and Zero Carbon Buildings'.

(11) 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.

Dr Margaret Bochel

Head of Planning and Sustainable Development.