

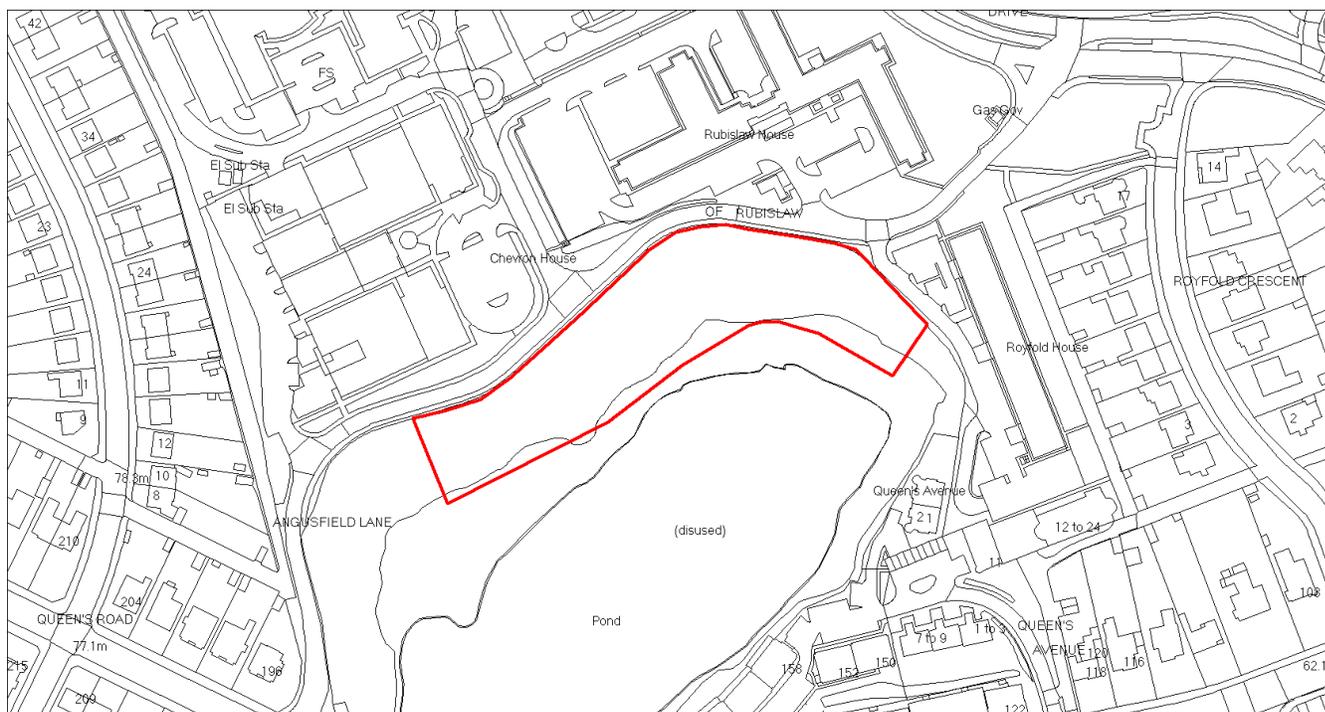
## HILL OF RUBISLAW, RUBISLAW QUARRY

PROPOSED OFFICE DEVELOPMENT OF  
10,840SQM OF OFFICE ACCOMODATION  
WITH ASSOCIATED NEW ACCESS ROADS,  
CAR PARKING AND LANDSCAPING

For: Carrtera Private Equities Inc.

Application Type : Detailed Planning Permission  
Application Ref. : P121692  
Application Date: 05/12/2012  
Officer: Jennifer Chalmers  
Ward : Hazlehead/Ashley/Queen's Cross(M  
Greig/J Stewart/R Thomson/J Corall)

Advert : Section 34 -Proj. Pub.  
Concern  
Advertised on: 19/12/2012  
Committee Date: 18 April 2013  
Community Council : No response  
received



### RECOMMENDATION:

**Willingness to approve, subject to conditions, but to withhold the issue of consent document until the applicant has made a payment to the Council of developer contributions towards Strategic Transport Fund, Developer Contributions in relation to Core Paths and Combined Footway and Cycleway**

## DESCRIPTION

The site is situated within the Hill of Rubislaw office campus and comprises the land adjacent to the northern edge of Rubislaw Quarry.

The site measures 0.96 hectares and at its widest point is approximately 42m and approximately 246m metres long. It comprises a narrow plateau area 10-15m wide adjacent to the road that runs through Hill of Rubislaw, after which the ground falls away steeply to the edge of the cliff face. The north boundary of the site is defined by a 2m high security fence and a line of established cypress trees which screen the site from public view. The south boundary of the site follows the top of the cliff face and has been colonised by predominantly scrub. Outwith the boundary of the application site, the remainder of Rubislaw Quarry is designated a Local Nature Conservation Site and is protected by Tree Preservation Order No 134.

## RELEVANT HISTORY

Conditional outline planning permission (**97/1300**) was granted in July 1998 for the erection of a six storey office development (8359 sq metres GFA) comprising 3 floors of offices and 3 floors of parking (326spaces).

Conditional outline planning permission (**98/1814**) was granted on 14 March 2001 for the erection of a mixed use development of offices (1935 sq metres) and flats (86) with integral parking for 225 cars. The approved drawings were indicative but define a five-storey building with a feature tower extending to seven storeys at its western extremity, with parking on three lower levels.

Approval of Reserved Matters (**A1/0439**) was granted on 12 July 2001. The approved development was similar in height, design and footprint as the outline consent but had a greater proportion of residential use (107 flats), less office floor space (464 sq metres) and less car parking (162 spaces). The proposed building would be 5 storeys in height above street level and 6 storeys high plus two subterranean floors facing south over the quarry. The building would be terminated at either end with contrasting towers, one circular at the east extremity and on 9 storey rectangular tower at the west.

Planning permission **A5/0742** was granted on 29 September 2005 to extend the time limit on the existing Outline Planning Permission from 16 March 2006 to 16 March 2009.

Planning permission **A5/0743** was granted on 29 September 2005 to extend the time limit on the existing Reserved Matters permission from 16 March 2006 to 16 March 2009.

Applications **A5/1198** and **A5/1199** to remove conditions (restricting construction works during the breeding season of peregrine falcons and preventing blasting on site) from the Outline Planning Permission and the Reserved Matters approval respectively were refused on 29 September 2005.

Application **A6/0478** was approved at planning committee on 24 August 2006 to 'Propose amendment to existing planning approval to form 9 no additional flats

and café-bar/restaurant, plus associated car parking and landscaping works'. Work involving the construction of a footpath linkage has been carried out. These works were sufficient to constitute commencement of development and therefore the permission remains in perpetuity.

## **PROPOSAL**

Detailed planning permission is sought to create a proposed office development of 10,840sqm with associated new access roads, car parking and landscaping.

The overall development would measure approximately 246m in length, be approximately 42m deep creating a narrow, sinuous plan and at its highest be 23m above the pavement level on the north side of the site. The net lettable office space would be approximately 9452sqm with 358 internal car parking spaces available on 3 levels below the offices which would be accessed directly from the Hill of Rubislaw.

It is proposed to form a contiguous piled wall along the boundary line after which the initial 6-7m of spoil would be excavated to allow for the provision of underground parking. The office building would be supported above the car park levels on columns allowing a visual disconnection between the two uses. The scale of the building echoes the previous planning application in that it is within the previous footprint and of a similar height to the lower part of that proposed.

The proposed building would be clad in light grey aluminium curtain walling with clear glazing to maximise the views across the quarry. On the south elevation the glazing would provide a delicate crystalline façade to the sweeping curve of the building which both reflects and is reflected by the water below. On the northern elevation the horizontality of the glazed façade would be broken by smooth rendered vertical service zones. Silver grey granite surfaces would be used in and around the entrance and reception to reflect the previous use of the Quarry.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?121692>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

- Pre-Application Consultation Report
- Tree Survey
- Peregrine Falcon Survey
- Transport Assessment
- Drainage Assessment

## **PRE-APPLICATION CONSULTATION**

The proposed development was the subject to pre-application consultation on 8 November 2012 between the applicant and the local community, as required for applications falling within the category of major developments defined in the

'Hierarchy of Development' Regulations. The consultation involved a Powerpoint presentation to local councillors and members of the Community Council. Members of the public were invited to a public display of the proposals on the same day. The public event consisted of display boards with drawings and images of the proposals. Members of the Project Team of Consultants were on hand to answer any queries from the public and note their comments.

Comments were received from 6 members of the public which related to the appearance and scale of the proposal, employment and vehicular traffic movement. There were no adverse comments in relation to the appearance and scale of the proposed building and there were several positive comments made about the increased employment opportunity being brought to the City. No written comments were received on vehicular traffic movement but there were some verbal concerns raised about increased demand for car parking in the immediate area and the tendency for cars to park illegally at present.

In conclusion there were no comments which would suggest a change to the physical appearance or scale of the proposed development; therefore no changes have been made to the proposal submitted as part of the planning application. The traffic issues have been addressed in the Transport Assessment and are considered in the evaluation below.

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

The application has been referred to the Sub-committee because the proposal was advertised as a Project of Public Concern. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Projects Team** – The Roads Engineer has no objection to the planning application, subject to the inclusion of the planning conditions mentioned below.

#### Drainage –

- The engineer is satisfied that the proposals are sufficient and that there will be no impact on the local road network. Surface water will drain into Rubislaw Quarry, which is accepted as a SUDS treatment.
- The foul water drainage proposals and surface water drainage should be as that shown in Fairhurst drawings.

#### External Access –

- A transport assessment in support of the application has been submitted and has been accepted.
- The applicant has agreed to finance the conversion of the existing footway to the north side of Queens Road between Kings Gate and Hill of Rubislaw to a combined foot and cycleway as this will improve cycle accessibility to the development site and encourage a more sustainable mode of transport.
- The applicant has also agreed to upgrade four bus stops (2 each on Queens Road and Anderson Drive) to a minimum standard of a shelter, raised kerbs, lighting and seating.

- A detailed junction analysis of the impact of the development on the surrounding road network has been undertaken. The need to upgrade the traffic signals at the Queens Road / Hill of Rubislaw junction has been identified, and the applicant has agreed to this.
- The trunk road authority has indicated that it accepts the additional traffic with no mitigative work necessary.

Sustainable Transport Fund – A contribution is required

Parking – In total the development will provide 358 car parking spaces, 1 drop off car space, 36 long stay cycle parking spaces, 12 short stay cycle parking spaces, 12 staff motorcycle parking spaces and 4 visitor motorcycle parking spaces. There will also be provision for lockers, showers and changing facilities for cyclists. The engineer is satisfied with all the above parking proposals.

Servicing – The proposals to install a service bay at the front of the building and collection of refuse, both of which will be accessed from Hill of Rubislaw have been accepted.

**Environmental Health** - No objection, however would ask that due to granite releasing Radon Gas, that this be taken into consideration during the design / construction of any buildings to mitigate any potential health concerns.

**Community Council** - No observations received

**Police Scotland** – Would request a condition be attached whereby the applicant must liaise with Grampian Police Architectural Liaison Officer and take appropriate steps to negate any issues or concerns they raise. Would also urge the applicant to consider attaining a Secured by Design award.

**Scottish Natural Heritage** – Content that Aberdeen City Council identifies any natural heritage impacts and addresses these without reference to SNH.

**Transport Scotland** – The Director advises that a condition relating to submission of a Travel Plan be attached to any permission the council may give. The advice provided by Transport Scotland is on the understanding that the impact of the proposed development on the A90(T) Anderson Drive will be offset through an appropriate developer contribution to the Aberdeen City Council Strategic Transport Fund (STF). If a developer contribution is not made to the STF, Transport Scotland may require to reconsider this planning application.

**Scottish Environment Protection Agency** – No objection provided conditions are attached relating to an Environmental Management Plan and Waste Management Proposals.

**Education, Culture & Sport (Archaeology)** – Request condition be attached to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

**Developer Contributions Team** – Core Paths Contributions have been requested

**Scottish Water** – No objection but due to size of proposed development there is a requirement to submit a fully completed Development Impact Assessment form.

**Aberdeen International Airport** – No objection subject to conditions in relation height of building, a landscaping plan and a bird hazard management plan which includes the construction phase.

**North East Raptor Group** – No observations received

## **REPRESENTATIONS**

Two letters of representation have been received, one letter of objection from an adjacent business and one letter of support.

The letter of objection relates to the following issues:

- The local road network already operates at capacity
- The scale, form and massing of the proposed development appears over dominant on the site
- The maximum statutory parking limit for offices is inadequate and additional development of this nature within the Hill of Rubislaw will result in increased 'fly-parking' on surrounding streets
- There will be increased congestion and inconvenience during construction. No method statement submitted to show how pedestrians will be protected during construction.

The letter of support states that the development would provide an admirable and much-needed addition to the office portfolio in Aberdeen.

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Scottish Planning Policy

Economic development should be taken into account by planning authorities when determining planning applications. Authorities should respond to diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised.

The planning system should support economic development in all areas by:

- Taking account of the economic benefits of proposed development in development plans and development management decisions,
- Promoting development in sustainable locations, particularly in terms of accessibility,
- Promoting regeneration and the full and appropriate use of land, buildings and infrastructure,
- Supporting development which will provide new employment opportunities and enhance local competitiveness, and
- Promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

High environmental quality can be an important component in attracting investment into an area and can provide important economic opportunities, for example through tourism and recreation. Planning authorities should therefore ensure that new development safeguards and enhances an area's environmental quality and, where relevant, should promote and support opportunities for environmental enhancement and regeneration. Previously developed land is a potential source of sites for new development and planning authorities should support and promote proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments.

### **Aberdeen City and Shire Structure Plan**

One of the Plan's core objectives is to provide an opportunity to encourage economic development and to create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.

### **Aberdeen Local Development Plan**

Policy H1 (Residential Areas) – Within existing residential areas, proposals for non-residential uses will be refused unless:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

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 D3 (Sustainable and Active Travel) – New development will be designed in order to minimise travel by private car, improve access to services and promote 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.

Policy R7 (Low and Zero Carbon Buildings) – all new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 30% below 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

Policy NE1 (Green Space Network) – The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Policy NE5 (Trees and Woodlands) – there is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Policy NE6 (Flooding and Drainage) – development will not be permitted if:

1. it would increase the risk of flooding:-
  - a) by reducing the ability of the functional flood plain to store and convey water;
  - b) through the discharge of additional surface water; or
  - c) by harming flood defences
2. it would be at risk itself from flooding;
3. adequate provision is not made for access to waterbodies for maintenance; or
4. it would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interest within or adjacent to a watercourse.

Policy NE8 (Natural Heritage) – Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. These are International Designations, National Designations, Local Designations and European Protected Species and Species protected under the Wildlife and Countryside Act 1981.

Policy D6 (Landscape) – Development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
2. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
3. sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

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. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

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

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and / or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

## **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.

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

## **Economic Development**

Scottish Planning Policy states that economic development should be taken into account when determining planning applications. The site is recognised as having been a granite quarry which provided employment and economic development to the area. Over the years a number of companies have

established premises on land to the north of the quarry, making use of the redundant site and generating economic development within the immediate and wider area.

There is no doubt that the development would contribute to the overall economy of the City, by providing high quality office accommodation in a reasonably central location. The Hill of Rubislaw development is recognised as an area having high environmental quality and it clearly attracts investment into the area which is evidenced through the existing business base within the wider site. Although the likely number of new jobs generated by the development has not been specified, the proposal would at the very least help to keep jobs within Aberdeen. Many major businesses have relocated out of Aberdeen in recent years to places such as Westhill. Such an outflow of jobs from Aberdeen is not in the best interests of the City or its economy. There is undoubtedly a strong argument to support new office and business development within the City in order to create and retain jobs in Aberdeen and to help stem the outflow of existing businesses to other locations. It could potentially attract inward investment and jobs.

It is therefore considered that the application complies with the core principles contained in the Scottish Planning Policy and the Aberdeen City and Shire Structure Plan, by encouraging further economic development in the City.

### **Principle of Development**

The principle of a large development on this site has already been established through the approval in 2001 of a mixed use development of offices (1935 sq metres) and flats (86) with integral parking for 225 cars, with a proposed gross floor area of 9000sqm. A limited amount of work on that proposal was started but not continued. This involved carrying out works to footpath links. These works were considered to be sufficient to constitute a commencement of the development and as a result, the planning permission remains valid indefinitely.

### **Design, Scale and Massing of Development**

The proposed shape of the building has been dictated by the shape of the quarry, creating a building that is an elongated curve sitting on the edge of the quarry. The simplicity of the contemporary design, the curved elevations and the quality of the external finishes result in a building of a high standard of design.

In terms of the height of the building the proposed structure would be 5 storeys high from pavement level on Hill of Rubislaw with the main section of the building being approximately 3m higher than the originally approved application, creating a height of 23m from pavement level. This is commensurate with other buildings at Hill of Rubislaw and appropriate for this location. The proposed building would be at its closest point approximately 23m from Rubislaw House which is a 4 storey building and 22m from Chevron House which is a 3 storey building. Seafield House, which is 5 storeys high with roof plant on top, is directly behind Chevron House with a distance of 22m between the two buildings. In terms of size and scale, the proposed building would be in keeping with other nearby buildings as well as there being a similar distance between the proposed building and its nearest neighbours to that existing elsewhere at Hill of Rubislaw.

The proposed development would occupy much of the application site and would be set back approximately 3m from the edge of the road running through Hill of Rubislaw. This would give the impression from this angle of a dominant building but which in the wider context of the site would be compatible with its surroundings.

It is therefore considered that the proposal accords with Policy D1 of the Aberdeen Local Development Plan in terms of the design, siting, scale and massing.

### **Impact on Wider Area**

The building is within an area zoned for residential use but is accessed through and surrounded to the north and east, by the offices at Hill of Rubislaw which is characterised by a mix of 2, 3, 4 and 5 storey office buildings. In that context the proposed building is not considered excessive in relation to the surrounding buildings. The proposed use would also be in keeping with the adjacent office developments.

There are residential properties to the south of the application site on the opposite side of the quarry with the nearest residential property being approximately 40m distant. At this distance it is not considered that there would be any overlooking issues and given the application site is north of the residential properties it is not considered that there would be any adverse impact on daylight or sunlight to these properties.

The site would not be readily visible from Queens Road, which is one of the main approaches into the City, as there is screening to the south west created by the elevated rim of the quarry with mature trees, as well as a mix of 3 and 4 storey buildings and mature trees to the south. There would be no direct impacts on the residential properties to the west in Angusfield Avenue, which are some 70 metres from the site.

There is no conflict with Policy H1 of the Aberdeen Local Development Plan due to the distance and location of the proposed building in relation to the existing residential properties.

In terms of Policy D6 of the Aberdeen Local Development Plan the application site reflects the 'sense of place' created by existing commercial development in the area, does not obstruct important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points particularly from the main city approaches.

### **Traffic Impacts, Access Arrangements and Car Parking**

The Roads Engineer has stated that the statutory maximum of car parking spaces for the site would be 362 spaces. The application as submitted has proposed 358 car parking spaces which is 4 spaces under the maximum and is considered an acceptable amount. There would be 3 levels of car parking underneath the offices which would not be visible from the Hill of Rubislaw along with 1 drop off car space to the front of the building, 36 long stay cycle parking spaces, 12 short stay cycle parking spaces, 12 staff motorcycle parking spaces

and 4 visitor motorcycle parking spaces. The design of the building would allow for a one way system within the car parking area with access ramps to be each end of the main building.

Addressing the issues raised by the objector, Transport Scotland have stated that they accept the additional traffic on Anderson Drive with no necessary mitigative work. The objection in relation to the maximum statutory parking limit being inadequate and additional development of this nature within the Hill of Rubislaw would result in increased 'fly-parking' on surrounding streets, the roads engineer is satisfied with the amount of car parking on the site. The maximum parking provision is statutory, therefore the amount of proposed car parking should not exceed this.

A Transport Assessment in support of the application has been submitted and a resolution has been reached in respect of mitigation and matters that will require to be implemented to support the accessibility of the development. A condition has been attached requiring the submission of a Travel Plan in accordance with the advice of Transport Scotland.

The site is located on a bus route and a cycle route into the City and the development would provide 48 cycle parking spaces as well as lockers, showers and changing facilities for cyclists.

The site is accessible by sustainable travel modes, in accordance with the requirements of Policy D3.

### **Site Drainage and Flooding**

Both SEPA and Scottish Water were consulted. SEPA has no objection to the proposal provided conditions are attached relating to the provision of an Environmental Management Plan and Sustainable Waste Management. Scottish Water have also no objection to the proposal.

The Roads Engineer is satisfied that the drainage proposals are satisfactory. The surface water would drain into Rubislaw Quarry, which is accepted as a SUDS treatment. The drainage proposals as described in the Drainage Assessment are technically competent and therefore acceptable. Any issues regarding the legal right of the developer to discharge surface water into the quarry is a matter for the respective landowners. It is not a relevant material planning consideration.

### **Impact on Natural Heritage**

Rubislaw Quarry is designated a Local Nature Conservation Site. There is also a Tree Preservation Order on the trees to the west of the site. The majority of the site is covered in gorse bushes and self-seeded small trees but there are approximately 22 trees which will be required to be removed from the site.

### **Peregrines**

Peregrine Falcon Surveys were carried in 2005, 2006 and 2007 in relation to past planning applications. It was noted in February 2006 that a Peregrine was found to be roosting in the quarry. Later surveys in 2006 and 2007 found no evidence of Peregrines using, or nesting in, the quarry.

As a result of the quarry's history in relation to Peregrine's, a Peregrine Falcon Survey dated 25<sup>th</sup> May 2012 was carried out which stated that 'no Peregrine Falcons are nesting in the quarry due to the rise in water levels and reductions in nesting ledges by water and colonization by gorse'. Neither SNH or the North East Raptor Study Group have any comments to make in this respect.

### Trees

There are 22 trees due to be felled for the development which range in height from 6.3m to 13.8m and have been identified as 8 Ash, 4 Elm, 1 Sycamore, 1 Whitebeam, 1 Willow, 3 Cherry and 4 Birch which are protected by Tree Preservation Order No 134. Tree Preservation Order No 134 covers part of the application site, mainly around the western, southern and eastern edges. All these trees are located along the north and north eastern boundary to the quarry and are predominantly self seeded with a few being fully matured. Policy NE5 refers to trees that 'contribute significantly' to the site and it is considered that these trees do not. Trees that do 'contribute significantly' to the site can be found along the western and south western boundaries of the quarry adjacent to Queens Road and these will not be felled as a part of this planning application as they provide an important visual feature and contribute to the character of the surrounding.

### Bats

According to records supplied by North East Scotland Biological Records Centre, there are no recorded sightings of bats within the application site which is an area of predominantly gorse and self seeded small trees. Scottish Natural Heritage has made no comment in relation to bats.

### Green Space Network

As previously mentioned the proposed development would have limited impact on existing wildlife habitats and would not destroy or erode the character or function of this area of green space, due mainly to how it currently functions. The principle of development on the site has already been established and this is accepted as a development site. The existing planning permission can at any point still be implemented. Its current function is an area of land that cannot be accessed by members of the public as it is fenced off with security fencing. Therefore it is considered that the proposal does not conflict with Policy NE1 of the Aberdeen Local Development Plan.

Given the above information it is not considered that there would be a significant detrimental impact on the application site or the Local Nature Conservations Site as a direct result of the proposed development in relation to peregrine falcons, trees, bats, the Green Space Network or the general ecology, wildlife and nature conservation value of the quarry. The proposal therefore complies with Policies NE1, NE5 and NE8.

### **Radon Gas**

It is recognised that granite releases Radon gas and that exposure to this can cause lung cancer. Due to the proximity of the proposed development to the quarry, ACC's Environmental Health Officer has requested that a condition be attached, requiring a scheme detailing suitable equipment for monitoring Radon Gas and which has been installed and is fully operational prior to occupation

## **Low and Zero Carbon Buildings**

In compliance with Policy R7, a condition has been attached to ensure that prior to occupation a scheme detailing compliance with the Council's Low and Zero Carbon Buildings has been submitted to and approved in writing by the planning authority.

## **Planning Obligations**

The developer contributions have been assessed based on a gross floor area (GFA) of the commercial premises plus 50% of hard standing and car parking (Gross External Area – GEA). The development in this instance would require a contribution towards Core Paths, a combined footway and cycleway along the section of Queens Road between the Hazlehead Roundabout and the Hill of Rubislaw and a contribution towards the Strategic Transport Fund. The developer has agreed to make the contributions.

## **RECOMMENDATION**

**Willingness to approve, subject to conditions, but to withhold the issue of consent document until the applicant has made a payment to the Council of developer contributions towards Strategic Transport Fund, Developer Contributions in relation to Core Paths and Combined Footway and Cycleway**

## **REASONS FOR RECOMMENDATION**

The proposed development would bring significant benefits to the economy of the City. Scottish Planning Policy (SPP) advises that planning authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that new economic opportunities can be realised. In order to support economic development, SPP advises further that authorities should take into account the economic benefits of proposed development, promote development in sustainable locations, particularly in terms of accessibility, promote the full and appropriate use of land and buildings and support development that will provide new employment opportunities. The proposal would meet a key objective of the structure plan which is to provide opportunities which encourage economic development and create new employment in a range of areas.

The site is recognised as a development site and currently has an active planning permission for a mixed use development of flats and offices which will remain in perpetuity. The size and scale of the proposed building reflects that which currently has permission. The design of the building and proposed external finishes would be of a high standard. Sufficient onsite parking and cycle facilities would be provided. The site is accessible by a variety of travel modes, including public transport. The traffic generated by the development can be accommodated on the local road network.

The proposal would not have a detrimental impact on the character or amenity of the residential area or neighbouring employment area. There would be no significant impact on the ecology and nature conservation value of the quarry. The proposal accords with Policies H1, D1, D3, R7, NE1, NE5, NE6, NE8, NE9,

D6, I1 and T2 of the Aberdeen Local Development Plan, Scottish Planning Policy and the Aberdeen City and Shire Structure Plan both in relation to Economic Development.

## **CONDITIONS**

**it is recommended that approval is granted subject to the following conditions:-**

(1) that no development shall take place within the application site unless the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(2) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site boundary enclosures for the entire development hereby granted planning permission. The building hereby granted planning permission shall not be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

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

(4) that the development hereby approved shall not be occupied unless the car parking spaces, drop off car space, cycle and motorcycle parking spaces, lockers, showers and changing facilities hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing Nos. 201 Rev C and 202 Rev D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than those specified above - in the interests of public safety, free flow of traffic and public amenity.

(5) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan Nos 93323/2051 rev A 3323/2052 rev A or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(6) 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.

(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 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.

(8) 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.

(9) That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of public amenity.

(10) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(11) that the building hereby approved shall not be occupied unless scheme detailing suitable equipment for monitoring Radon Gas has been submitted to and approved in writing by the planning authority and thereafter has been installed in accordance with the details so agreed - in the interests of public safety.

(12) that no development pursuant to this planning application shall take place unless there has been submitted to and approved in writing by the planning authority a location specific Environmental Management Plan (EMP) for the Hill of Rubislaw site. The plan shall be submitted and approved in writing by the Planning Authority at least 2 months before works commence on site or in accordance with any other timescale agreed in writing by the Planning Authority - to prevent pollution of water environment and to minimize and manage waste on site.

(13) that no development shall take place unless waste management proposals which provide adequate arrangements for the segregation, storage, collection and management of business waste, has been submitted to and approved in writing by the Planning Authority - in the interests of public safety.

(14) that no development shall take place unless a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site to be retained during the construction of the development.

(15) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(16) that there shall be no tipping of materials or excavated materials into the quarry - in order to avoid damage and/or destruction of trees and regenerating woodland protected by Tree Preservation Order No 134.

(17) that the construction site and developed area shall be securely fenced to prevent access to the rest of the quarry rim both during and after construction. The fences shall be erected as close to the perimeter of the construction site as is compatible with operational requirements, details of which shall be submitted to and approved in writing for the purpose by the planning authority and shall be implemented in complete accordance with the details so approved - in order to prevent pedestrians from a wider area causing disturbance to peregrine falcons.

(18) that development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of the management of the site, which may be attractive to nesting, roosting and 'loafing' birds and shall be implemented as approved upon completion of the roof and shall remain in force for the life of the building and thereafter the agreed measures shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

(19) that the offices hereby granted planning permission shall not be occupied unless a schedule of work relating to the upgrade of four bus stops (2 each on Queens Road and Anderson Drive) to a minimum standard of a shelter, raised kerbs, lighting and seating has been submitted to and agreed in writing by the Planning Authority and thereafter implemented in its entirety - in order to encourage more sustainable forms of travel to and from the development.

(20) that the development shall not be occupied unless a scheme showing the upgrading of the traffic signals at the Queens Road / Hill of Rubislaw junction has been submitted to and agreed in writing by the Planning Authority and thereafter implemented in its entirety - in order to allow for improved signal timings, thereby improving the capacity of the junction.

(21) that the development shall not be occupied unless there has been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets and that 3 months prior to occupation a Travel Pack shall be submitted to and approved in writing by the Planning Authority - in order to encourage more sustainable forms of travel to the development.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.