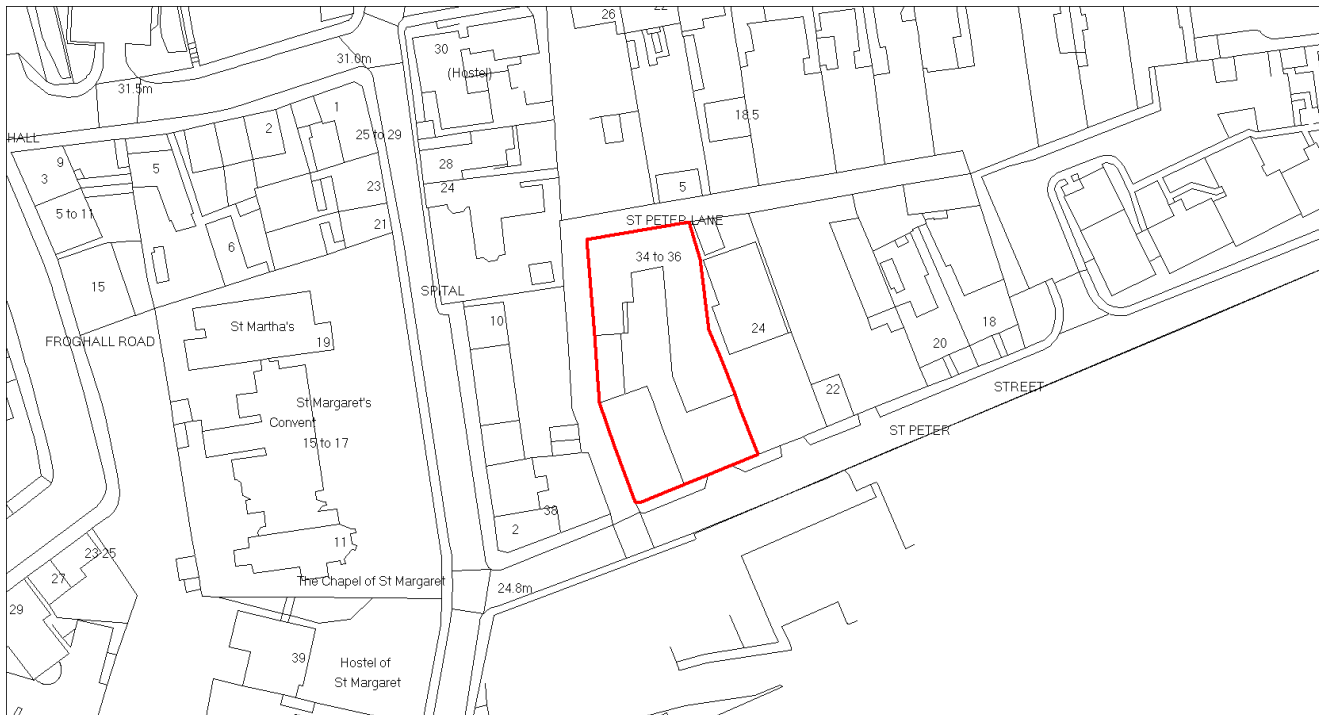


34-36 ST PETER STREET, ABERDEEN

DEMOLITION OF EXISTING BUILDINGS
AND REDEVELOPMENT OF SITE TO
PROVIDE STUDENT RESIDENTIAL
STUDIO ACCOMMODATION.

For: Scape Homes Limited

Application Ref.	: P120946	Advert	: Can't notify
Application Date	: 04/07/2012	neighbour(s)	
Officer	: Gavin Evans	Advertised on	: 13/02/2013
Ward: George Street/Harbour (A Morrison/N Morrison)	May/J	Committee Date	:
		Community Council	: Comments



RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold issue of the consent document until such time as the applicant has entered into an appropriate agreement regarding the payment to the Council of developer contributions towards the extension and/or enhancement of core paths in the locality.

DESCRIPTION

This brownfield site, which is currently occupied by a construction firm and used as a builder's yard, extends to approximately 3225sqm and is located on the northern side of St Peter Street, facing onto the redeveloped First Bus Headquarters. The western and northern boundaries of the site are enclosed by St Peter's Lane, a poorly maintained and somewhat overgrown private lane.

The site currently makes little contribution to the streetscape on St Peter Street, with car parking and open storage areas enclosed by a combination of steel mesh fencing and harled blockwork walling of approximately 2.5m in height. Existing buildings are confined to the rear half of the site, and include a mix of flat-roofed and mono-pitched buildings of no great architectural merit, generally constructed using harled blockwork and not exceeding 2 ½ storeys in height.

To the west of the application site, on the opposite side of St Peter's Lane, are 3-4 storey residential blocks fronting onto the Spital. The ground rises to the west, with the Spital set several metres above the level of the application site. As a result, the residential blocks described above, which present 3 floors to the Spital but 4 to their rear elevation, have a degree of elevation and prominence when seen looking westwards along St Peter Street.

RELEVANT HISTORY

Application P111465, submitted in October 2011, proposes the construction of a flatted development comprising 28 units on land immediately to the east of the current application site, currently comprising industrial premises, a builder's yard and vacant land. This application has been signed off internally for conditional approval, subject to successful conclusion of a legal agreement relating to affordable housing and developer contributions, under the Council's current scheme of delegation. The relevant legal agreement has not yet been concluded, so no formal consent has been granted or issued.

PROPOSAL

Detailed planning permission is sought for the construction of a five-storey student accommodation building comprising 125 studio units and associated communal areas and outdoor garden/amenity space. All existing buildings on the site would be demolished.

The proposed development involves the construction of a single building on the site, with frontages on its southern and western boundaries, facing out onto St Peter Street and St Peter's Lane respectively. The new building would be built across five floors, although it is noted that the top/4th floor is much reduced in its footprint and accommodation, with 14 rooms/units compared to the 31 on the floor immediately below (3rd floor). Each room would have its own kitchen and shower/w.c. facilities, with shared facilities such as a common room, laundry, office, secure cycle-storage provision and mailboxes provided at ground floor level. The maximum height of the building would be approximately 15.8m, taken from its highest point at the eastern side of the site, where ground level is lowest. The highest point of the building would be approximately 38m above ordnance datum, with the adjacent 5-storey block facing onto the Spital achieving a height of 37.2m above ordnance datum, to its eaves.

Both vehicular and pedestrian access would be taken from St Peter Street, with a new road access opening onto 13 car parking spaces. Outdoor amenity space/garden grounds would extend to some 287sqm, and would be laid out adjacent to the eastern site boundary. As regards external appearance, the building would be of contemporary design, incorporating a mixed pallet of materials. At ground floor, the principal elevation to St Peter Street would feature natural granite and substantial areas of full-height glazing, with reconstituted granite block used along its secondary frontage onto St Peter's Lane. At upper floor levels, elevations would incorporate a combination of white and 'heather' coloured renders, aluminium windows and anodised aluminium louvres. The uppermost floor would be set back from those below and finished in a dark grey render.

The proposal has undergone comprehensive re-design since its initial submission, as it was considered that the initial proposal did not make the most efficient use of the available footprint and would not have proven to be cost-effective to build. As a result, the revised proposal has been subject to re-notification of neighbours and re-advertisement in the local press, in order to provide further opportunity for representations to be made.

The applicants have stated that the studio layout is intended to cater for the post-graduate market. The applicant has shown a dedicated office for an on-site management facility, and it is the intention that the on-site manager would occupy the office and be available as the first point of contact for students. The management company responsible for the development will also be responsible for the soon to be opened Loch Street student accommodation development. In addition to the on-site manager, student wardens will be in residence, benefitting from a reduced rent agreement in return for out-of-hours duties.

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?120946>

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

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because 19 representations have been received in relation to the proposed development (22 total, but 3 of these involved additions to previous representations by the same persons). Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – No objection to approval of the application. Recommend submission of further details in relation to adequate refuse collection points, surface water drainage, and provision of a Travel Plan statement.

Environmental Health - No objection to the approval of the application, but recommend the attachment of suitable conditions addressing the following matters – (1) provision of a noise assessment and implementation of any recommended works; (2) provision of a scheme to deal with contaminated land on site; (3) provision for the storage and collection of refuse, including recycling facilities; and (4) restriction on hours of construction.

Developer Contributions Team – Developer contributions are necessary in respect of the extension and/or enhancement of the Core Path network.

Enterprise, Planning & Infrastructure (Flooding) – No response

Education, Culture & Sport (Archaeology) – No response

Community Council – Objects to the proposed development on the following grounds: This is a considerable development within a Conservation Area, and therefore should be carefully considered by a Sub-Committee rather than a single officer; impact on sewage system has not been considered. There is potential for a major increase in demand; Mains water pressure already low in the area. This development may adversely affect water pressure; The height of the proposed 5-storey development warrants careful consideration in terms of its impact on the surrounding gardens, particularly in terms of sunlight.

Scottish Water – Advise that there is sufficient capacity in existing water infrastructure systems. While it is acknowledged that there are existing water pressure issues in the area, this should not necessarily impede connection to the network.

REPRESENTATIONS

A total of 22 letters of representation have been received, though it is noted that some objectors submitted two letters, following changes made to the proposal and the resulting re-notification and re-advertisement (19 for the purposes of counting towards the Council's scheme of delegation). The objections raised relate to the following matters –

1. Potential impact on amenity resulting from the increase in an already disproportionately large student population.
2. Insufficient car parking provision, resulting in increased demand for available on-street car parking.
3. Potential for noise nuisance arising from deck-access arrangements (original scheme).
4. Design of the proposed building is not in keeping with the traditional character and proportions of adjacent tenements on the Spital and further along St Peter Street.
5. The proposal represents over-development of a small site.
6. There would be an under-provision of outdoor amenity space for residents.
7. Concern that new openings formed in the wall bounding the rear gardens of properties on the Spital would encourage public access and infringe upon private property rights.
8. Concerns raised regarding potential for property damage and interruption of utility services during construction.
9. Concern that the re-surfacing and pedestrianisation of St Peter's Lane would restrict access to existing garages and preclude the possibility of new garages being built along the lane.

10. The height of the proposed building is excessive and not in keeping with its surroundings.
11. Loss of privacy to properties on Spital and their associated garden grounds.
12. Concerns regarding the anti-social behaviour of the student residents, based on experience of the existing student population in the area.
13. Loss of views
14. Devaluation of property
15. Loss of light to properties on the spital.
16. Inadequate access for emergency vehicles.
17. Residents of the development would be deprived of natural light due to the orientation of the building.
18. Potential for adverse impact on the character and appearance of the nearby Old Aberdeen Conservation Area.
19. Potential for residents of the new development to be disturbed by activity at the adjacent bus depot.
20. Potential for disturbance arising from light spillage from bus depot.
21. Concern regarding the absence of 24 hour supervision of students.
22. Potential for increased litter and refuse problems.
23. Residents of the new development would not enjoy adequate privacy at ground floor level.
24. Additional strain on drainage, sewerage and water systems.
25. All documents not made available at the start of the 21 day notification period.

PLANNING POLICY

Policy I1: Infrastructure Delivery and Developer Contributions

The level of Developer Contributions required for any given development will either relate directly to the development proposed or to the cumulative impact of development in the area, and will be commensurate to the scale and impact of the development proposed. Such contributions will be assessed using the criteria set out in the Infrastructure and Developer Contributions Manual.

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

Policy D1: Architecture and Placemaking

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

Policy D2: Design and Amenity

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

Policy D3: Sustainable Travel

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.

Policy H2: Mixed Use Areas

Applications for development or change of use 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 and 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.

Policy R7: Low and Zero Carbon Buildings

All new buildings must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the level set by 2007 building standards. This percentage increases as specified in the relevant 'Low and Zero Carbon Buildings' Supplementary Guidance, and presently stands at 30%.

Supplementary Guidance

The Council's supplementary planning guidance 'Low and Zero Carbon Buildings' is a relevant material consideration.

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

Principle of Student Accommodation Use

The principle of establishing student accommodation use on this site will be determined by its relationship with the uses and character of the surrounding area, as required by policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan, and by the quality of the environment created by the proposed accommodation.

Policy H2 requires that development proposals within mixed use areas must avoid undue conflict with the adjacent land uses and amenity. It is noted that there is a relative mix of uses in the area immediately surrounding the site at present. The site itself is in use as a builder's yard, with premises to the east including a car auction yard and a disused former builder's yard. Further to the east are traditional residential tenement blocks and the Liberty Living St Peter's Halls student accommodation development. To the south of the site, on the opposite side of St Peter Street, lies the redeveloped First Group headquarters, including bus depot and office accommodation. To the west of the site, on the opposite side of St Peter's Lane, lie the rear gardens of residential blocks fronting onto the Spital.

It is relevant to consider how student accommodation use would interact with these adjacent uses and identify any potential for conflict between the respective uses. Student accommodation in the form proposed is considered to represent a 'sui generis' use for the purposes of consideration against the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), which is distinct from ordinary residential use. Such dedicated student accommodation is generally relatively dense in its arrangement, with some variation as regards the extent of communal/private facilities. In this instance, the accommodation would be largely self-contained within compact individual units, each of which would benefit from kitchen and w.c. facilities. Laundry, garden grounds/amenity space and recreational/common room facilities would be located at ground floor level, with access shared amongst residents. Whilst concerns are raised by objectors regarding the potential for anti-social behaviour by the student residents, it is important to underline that the fact that the accommodation is specifically for students is relevant only insofar as requirements for car parking provision differ from those of mainstream residential accommodation, and the relative proximity of the site to the Aberdeen University campus. It is not appropriate for the planning system to pre-judge the actions or behaviour of residents solely on the basis that they are students.

The nearby First Group Headquarters site features a 2-storey office building along its northern boundary, and it is reasonable to expect that any noise arising from within that site would consequently originate from a reasonable distance into the site, and that the building would provide a degree of buffering of any noise. Officers in the Council's Environmental Health section have highlighted that

occupants of the proposed development may be exposed to noise arising from the remaining commercial premises and from the First Group site, but are of the opinion that any such noise can be addressed via the incorporation of appropriate mitigation measures. It is recommended that a noise assessment be provided in order to ascertain the impact of any noise nuisance, and that any appropriate mitigation measures are implemented in the development of the application site. This indicates a degree of confidence that any such issues can be overcome, ensuring an adequate environment for potential residents, so far as noise arising from adjacent uses is concerned. The proposed student accommodation is not considered to result in any fundamental conflict with the adjacent commercial uses and the First Group site, on the basis that an appropriate environment can be afforded to residents. As regards the nearby residential uses on the Spital, Merkland Road and St Peter Street, it is noted that the use of the proposed development is residential, albeit a specific type of residential use. Given the degree of similarity in use, it is not considered that the principle of student accommodation adjacent to existing residential development should be a matter of concern, notwithstanding the specifics of a given proposal. Taking these matters into account, it is considered that the proposed development would, in principle, accord with the requirements of policy H2 (Mixed Use Areas) on the basis that its use would not result in undue conflict with the adjacent land uses and amenity. The specific relationship between this development proposal and its neighbours remains to be assessed later in this report, both in terms of its impact on existing residential amenity and potential to impinge upon the viability and operation of existing businesses.

Design, Scale and Form of Development

Design quality will be assessed in terms of both Policy D1 (Architecture and Placemaking) and Policy D2 (Design and Amenity) of the Aberdeen Local Development Plan. Policy H3 (Density) is also of relevance. Policy D1 states that all new development should be designed with due regard for its context and make a positive contribution to its setting. In assessing this, matters including scale, massing, colour, materials, details and the proportions of building elements will be taken into account.

The proposed student accommodation development represents a high-density form of development, which seeks to make the most efficient use of the available site area by using a compact, self-contained unit the starting point in the design process. The building proposed would achieve a maximum height of approximately 15.5m, with four full storeys and a partial top floor, which is set back from the lower floors and finished in different materials in order to assist in minimising the massing and visual impact of the building. Elevations are broken up through the use of a range of materials, with sections of 'heather'-coloured render set against a white rendered background. The upper floor would be finished in a dark grey render, while the ground floor incorporates natural granite on the St Peter Street elevation and reconstituted granite on the secondary elevation to St Peter's Lane.

The height of the building is considered to be consistent with its context, achieving a height of approximately 15.5m (measured from ground level) to its highest point and 12.8m to the uppermost part of the third floor, above which the

massing steps back in a manner intended to replicate an attic floor. The application drawings show the adjacent block to the west, incorporating numbers 2-4 Spital and 38 St Peter Street, as reaching a height of 13.5m overall and 11m to eaves, while the current residential application to the east, at 22 St Peter Street would achieve a height of 14.8m to its highest point, stepping down to 11.3m, and incorporates a contemporary flat-roofed design. This is generally consistent with the height of buildings on St Peter Street stepping up from east to west, culminating in the 4-storey blocks facing onto the Spital, where the ground level is at its highest.

The building would present a contemporary frontage onto St Peter Street, with extensive use of glazing to ensure that the frontage is as 'live' as is possible. The principal entrance to the building is via its St Peter Street elevation, and the area fronting the street incorporates common room, letterboxes, office and laundry, with the result that much of the activity within the building will be at this frontage. In summary, it is concluded that the proposal would represent an enhancement of the existing site, and that the siting, design and external appearance of the building would be sufficiently consistent with its surroundings to demonstrate that due regard has been given to the context of the site. While the use of a flat-roofed design differs from the more traditional blocks on the Spital and St Peter Street, it is noted that there is already a degree of variety along the length of the street and that the proposal would sit comfortably alongside the adjacent scheme at 22 St Peter Street, which also took a contemporary design approach. The use of natural granite at the main entrance to the building and on its principal frontage helps in making a connection to the more traditional buildings in the area and reflects the vernacular building materials of the north-east. Taking these matters into account, it is concluded that the proposal demonstrates due regard for its context, and would make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

The relative density of the proposal is considered to make efficient use of the site while retaining appropriate scale in massing in relation the surrounding buildings. Appropriate provision has been made for garden grounds and car parking, and to it can be considered that the proposal demonstrates an appropriate density of development for this site, as sought by policy H3 of the Aberdeen Local Development Plan.

Amenity Afforded to Occupants of Proposed Development

Policy D2 (Design and Amenity) seeks to ensure that an appropriate environment is created for the residents of new development. Factors for consideration include adequate privacy, the provision of a public face to a street and a private face to an enclosed garden or court, and appropriate access to sitting out areas, which may be provided by way of balconies, private gardens, terraces, communal gardens or other means appropriate to the site. In this proposal an area of communal garden ground would be laid out adjacent to the eastern site boundary, enclosed to the south and west by the L-shape of the new building. This area of communal garden extends to 291sqm in the current proposal, increased from 188sqm in the original submissions, and would be provided in one convenient, enclosed and useable block. The student accommodation units

within the block would benefit from appropriate privacy by virtue of their distance from adjacent buildings, which at 18-20m along the west-facing elevation is consistent with this urban context. As noted previously, the building would present a public face to St Peter Street, with much of the active/communal space arranged around the main entrance on that principal elevation. In summary, the proposal can be considered to accord with the terms of policy D2 (Design and Amenity) of the Aberdeen Local Development Plan.

Visual Impact of the Development

The visual impact of the proposed development would be largely a result of its height and composition, which have been addressed above. It is considered that the use of a variety of materials and the different treatment of ground and top floors helps to break up the massing of elevations, while the height of the building is broadly consistent with its context. Taking these factors into account, it is concluded that the appearance of the building and its associated visual impact are acceptable.

Traffic Impacts, Access Arrangements and Car Parking

Policy T2 (Managing the Transport Impact of Development) directs developers to the Council's Transport and Accessibility Supplementary Guidance, which sets out the parking standards for different types of development and land uses. Consultation with the Council's Roads Projects team concludes that the level of car parking provided by the development is acceptable, and also that adequate provision has been made for short-stay and long-stay cycle parking. Pedestrian and public transport accessibility is acceptable. It is recommended that conditions be attached to any consent to require further details in relation to the following matters: provision of an appropriate refuse collection point; details of sustainable urban drainage systems; and provision of a Travel Plan statement for review.

The potential for student accommodation in a location which is within close proximity to the University campus presents an opportunity to encourage more sustainable forms of travel by locating uses in close proximity to major trip sources. That the development site is conveniently located for the university will minimise traffic generation arising from the new development and encourage active travel via walking and cycling, in accordance with the terms of policies T2 (Managing the Transport Impact of Development) and D3 (Sustainable Travel) of the Aberdeen Local Development Plan.

Supplementary Guidance

The Council's supplementary planning guidance 'Low and Zero Carbon Buildings' is a relevant material consideration. No details of the incorporation of Low and Zero Carbon generating technologies have been provided in support of the application, and it will therefore be necessary to attach a condition to any consent in order to obtain such details and to ensure installation of equipment prior to occupation, should members resolve to approve the application.

Relevant Planning matters raised by the Community Council

Relevant planning matters raised by the Old Aberdeen Community Council can be summarised and addressed as follows;

Due to the significance of the development, the Community Council felt that the application would be better considered by the Sub-Committee.

Acknowledged. The Community Council's objection to the proposal is sufficient to require referral to the Development Management Sub-Committee under the Council's current scheme of delegation.

Impact on sewage system has not been considered. There is potential for a major increase in demand.

Consultation with Scottish Water regarding the proposed development has raised no concerns regarding the capacity of the sewerage system.

Mains water pressure already low in the area. This development may adversely affect water pressure.

Consultation with Scottish Water regarding the proposed development has acknowledged existing issues with water pressure, but notes that this is not an insurmountable issue, and would not preclude the granting of planning permission for the proposed development.

The height of the proposed 5-storey development warrants careful consideration in terms of its impact on the surrounding gardens, particularly in terms of sunlight.

As noted previously in this report, the height of the proposed building is comparable with those seen in the surrounding area, and can be integrated effectively into the existing streetscape. As regards its potential impact on adjacent garden, it is acknowledged that the building would be within approximately 6m of rear gardens pertaining to residential properties on the Spital, however the open aspect to the south enjoyed by these gardens would be unaffected. The extent of any overshadowing is considered restricted to a limited period within the day, and is not considered to result in a significantly adverse impact on existing residential amenity.

Relevant Planning Matters Raised in Written Representations

The matters raised in representations have been summarised previously in this report. The majority of these issues are addressed elsewhere in this report. Responses can be summarised as follows;

- Issues 1, 12 and 21 raise concerns regarding anti-social behaviour by student residents and the absence of supervision on-site. The 'Proposal' section of this report outlines the intended management arrangements and the provision of student wardens out of normal working hours. While the building would be occupied by students, it is highlighted that the on-site use is that of residential accommodation and any preconceived ideas about the potential for anti-social behaviour by residents are not relevant to this assessment.
- Issue 2 is addressed in the 'Access Arrangements and Car Parking' section.
- Issues 4, 5 and 10 are addressed in the 'Design, Scale and Form' section.
- Issue 6, relating to the appropriate provision of amenity space, is addressed in the 'Amenity Afforded to Residents' section of this report.
- Issues 3, 7 and 9 refer to the proposals as shown in the original scheme, and are no longer relevant to the proposed development following its re-design.

- Issue 8, relating to damage caused during construction, is not relevant to the assessment of this development proposal. Should any damage occur, it will be for the landowners and the parties responsible for causing damage to resolve this independent of the planning system.
- Issue 11 raises the prospect of a loss of privacy for residents in blocks fronting the Spital. The distance between the new building and the existing buildings on the Spital is in the range of 19-20m, which is sufficient to ensure adequate privacy where windows of habitable rooms are directly facing each other. The distance between the face of the new building and the adjacent communal garden grounds of these properties on the Spital is circa 6-8m. It is further noted that the gardens in question are in communal use and are currently overlooked by the neighbouring blocks on the Spital. Taking these matters into account, it is concluded that any overlooking is consistent with the existing arrangement, and that no unacceptable loss of privacy would arise from the distance between the habitable rooms of the respective buildings.
- Issues 13 and 14, relating to loss of view and property devaluation respectively, are not relevant planning considerations, and cannot be taken into account the planning authority's assessment of this application.
- Issues 15 and 17 refer to the potential for inadequate light levels within the development and loss of light to the rear of the Spital. This is understood to relate to background daylight, rather than direct sunlight, and in this regard the near 20m separation between the two properties is quite sufficient to ensure that adequate levels of light will be afforded to residents of the new development and those in adjacent homes and gardens.
- Issue 16 relates to concerns over appropriate access for emergency vehicles. Consultation has been undertaken with the Council's Roads Projects team, and no objection has been made, nor concern raised on this basis.
- Issue 18 highlights the potential impact on the character or appearance of the Old Aberdeen Conservation Area. It is noted that the site lies outwith the Conservation Area in question and in any case, due to the topography and level of the site, it is not considered that there would be any adverse impact on the character or appearance of the Conservation Area. The Council's Masterplanning, Design and Conservation team were consulted in relation to this application, and made no observations.
- Issues 19 and 20 cite the potential for nuisance by way of light spillage and noise arising from the adjacent King Street bus depot, however consultation with the Council's Environmental Health staff indicates that any noise nuisance is most likely capable of being adequately mitigated to allow residential accommodation. As regards light spillage, Environmental Health's consultation response raised no concerns on this basis, and it is understood that the Council has separate powers as regards control of nuisance caused by lighting.
- Issue 22 indicates that there may be increased littering and problems with refuse collection. Environmental Health have recommended that conditions be attached to require further details of refuse storage and collection arrangements to be agreed in consultation with the Council. Provided appropriate provision is made for such facilities on-site, that the occupants are students is of little relevance.

- Issue 23 raises concerns over the potential for adequate privacy for residents of the new scheme at ground floor level. The agent for this scheme advises in his supporting statement that the internal floor level for those properties fronting St Peter's Lane has been raised in order to avoid any loss of privacy arising from its proximity to the street frontage. It is noted also that St Peter's Lane is not a through route, so the potential for a significant level of pedestrian movement along this frontage is limited.
- Issue 24 raises concerns regarding the potentially limited capacity in the sewerage system and issues of water pressure. Consultation with Scottish Water has acknowledged existing water pressure issues, but notes that this issue is not insurmountable, does not preclude approval of the application, and that the further consent of Scottish Water will be required before connecting to the network.
- Issue 25 notes that the most recent versions of 2 drawings were not made available for public comment for a full 21 days. When re-notification was carried out, a full set of drawings were available online for comment, however further minor changes to 2 drawings were made. These changes were made in good faith as 2 drawings were erroneously submitted initially. The revisions made did not in themselves warrant further a further round of re-notification, and the up-to-date drawings were made available as soon as was practicable. It is noted also that there is no statutory obligation for documents to be made available online following notification.

Proposed Legal Agreement for Developer Contributions

Consultation with the Developer Contributions Team, a shared service between Aberdeen City and Aberdeenshire Councils, has highlighted that the proposed development would, in line with the Council's Infrastructure and Developer Contributions Manual, be required to make a contribution towards the maintenance and enhancement of the Core Path Network. The applicant proposes to pay this contribution prior to the release of consent via an agreement under section 69 of the Local Government Scotland Act, therefore avoiding the potential delay in entering into an agreement under section 75 of the Town and Country Planning (Scotland) Act for a relatively modest sum. In taking this approach, an exchange of letters will take place between the Council's solicitors and the solicitor representing the applicants, detailing the amount of the payment, its intended purpose, the timescale within which monies must be used for the stated purpose, and the circumstances under which the contribution must be refunded. This proposal has been agreed with the Council's solicitors in advance. The payment of such developer contributions as related to the development and its direct or cumulative impacts satisfies the requirements of policy I1 (Infrastructure Delivery and Developer Contributions) of the Aberdeen Local Development Plan.

Conclusion

In summary, it is concluded that the proposed development represents an appropriate form of development within this designated Mixed Use Area, and would not result in undue conflict with the adjacent land uses and amenity, as required by policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan. The design approach taken makes efficient use of the site, but demonstrates due regard for its context through appropriate height, scale, proportions and massing, and would make a positive contribution to its setting through replacing an existing industrial use in close proximity to residential

accommodation. This proposal is considered to accord with policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

The proposal provides an acceptable environment for prospective residents, presenting a clear public frontage to the street and a private face to an enclosed communal garden/amenity space area. The building would be sufficiently sited and orientated to ensure adequate privacy for those within the development and in adjacent buildings. In this regard, the proposal is considered to accord with policy D2 (Design and Amenity) of the Aberdeen Local Development Plan. The location of the site in close proximity to Aberdeen University's main campus lends itself well to student accommodation use, and minimises the need for travel by private car, thereby encouraging more sustainable modes of travel, in accordance with policy D3 (Sustainable Travel) of the Aberdeen Local Development Plan. The high-density form of the development is appropriate for this use, and represents an efficient use of the available site area, consistent with the aims of policy H3 (Density) of the Aberdeen Local Development Plan. The Council's Roads Projects team are satisfied with the level of car parking and access arrangements proposed, and it is concluded that the development would accord with the terms of policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan. The proposal has been assessed by the Council's Developer Contributions team, and the applicants propose to make an appropriate payment towards the extension and/or enhancement of the Core Paths network, commensurate with the scale and impact of the development. It is therefore concluded that the proposal demonstrates accordance with the relevant provisions of the development plan, and that no material considerations identified have been sufficient to warrant departure from the Development Plan. It is therefore recommended that members indicate a willingness to approve this application be approved subject to conditions as specified below, with consent withheld until such time as the applicant has entered into an appropriate agreement regarding the payment of developer contributions relating to Core Paths.

RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold issue of the consent document until such time as the applicant has entered into an appropriate agreement regarding the payment to the Council of developer contributions towards the extension and/or enhancement of core paths in the locality.

REASONS FOR RECOMMENDATION

the development hereby approved demonstrates due regard for its context, and makes a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP). The approved use would not result in any undue conflict with the adjacent land use and amenity, and represents an appropriate density of development, as required by policies H2 (Mixed Use Areas) and H3 (Density) of the ALDP respectively. The development provides appropriate car and cycle parking facilities and appropriate means of access, as required by policy T2 (Managing the Transport Impact of Development), and an appropriate level of amenity would be created for residents of the development, as stated in policy D2 (Design and Amenity) of

the ALDP. Appropriate developer contributions will be secured in relation to the enhancement and/or extension of the Core Paths network, as addressed in policy I1 (Infrastructure and Developer Contributions) of the ALDP. The installation of appropriate Low and Zero Carbon Generating technologies, as required by policy R7 of the ALDP, can be secured through condition. No material considerations have been identified which warrant determination other than in accordance with the Development Plan.

CONDITIONS

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

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

(2) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 950-P2-001-B 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 the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(4) 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.

(5) 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.

(6) 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.

(7) that no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

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

1. an investigation to determine the nature and extent of contamination,

2. a site-specific risk assessment,

3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

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

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and

2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

- reason: in order to ensure that the site is fit for human occupation

(8) 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 safety.

(9) that the premises hereby approved shall not be used other than for the approved purpose as accommodation for students in full-time education, with the exception of any arrangements submitted to and agreed in writing by the planning authority in relation to short-term occupancy outwith normal term-times - in order that the premises are restricted to occupancy by students in full-time education during terms times, on the basis that the parking requirements of non-student use have not been met on-site, but that sufficient flexibility is permitted on a short-term basis outwith term-times.

(10) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan statement 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 - in order to encourage more sustainable forms of travel to the development.

(11) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities shown on drawing number 950-P2-030A has been implemented in full accordance with said drawing - in the interests of encouraging more sustainable modes of travel.

(12) 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'.

Dr Margaret Bochel

Head of Planning and Sustainable Development.