

Planning Development Management Committee

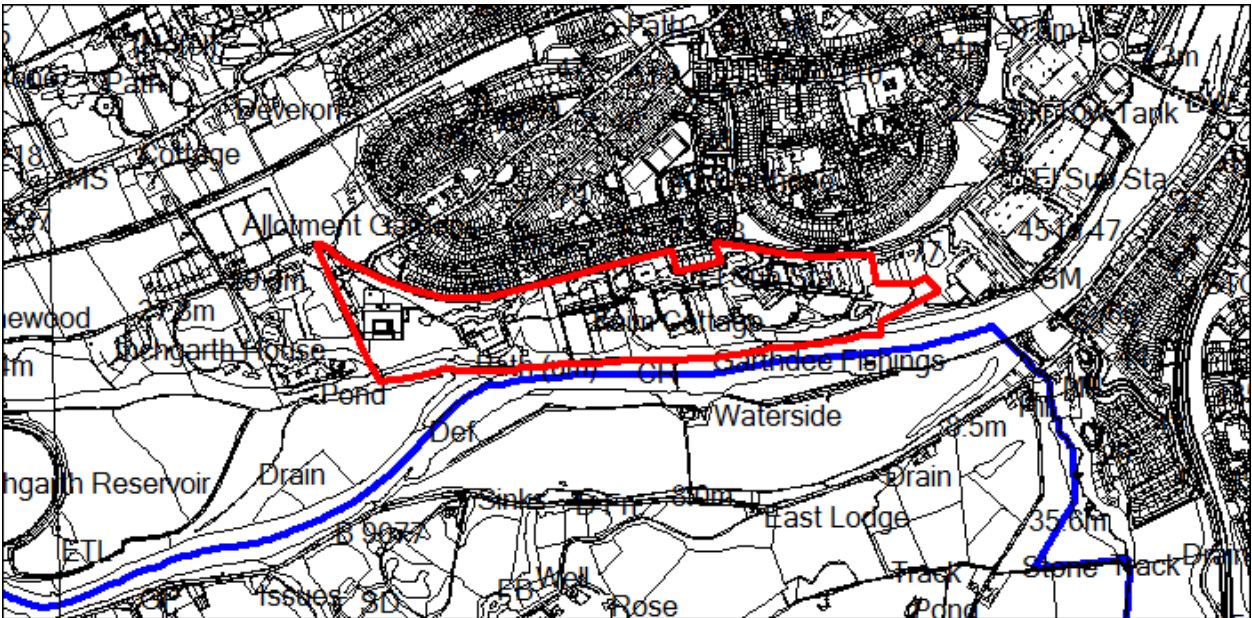
RIVERSIDE EAST BUILDING, GARTHDEE
ROAD, GARTHDEE CAMPUS

VARIATION OF CONDITION 33 OF PLANNING
REFERENCE P091761 (REFERS TO
CONTROLLED PARKING ZONE DELIVERY)

For: Robert Gordon University

Application Type : Section 42 Variation
Application Ref. : P140573
Application Date: 15/04/2014
Officer: Paul Williamson
Ward : Airyhall/Broomhill/Garthdee (I Yuill/A
Taylor/G Townson)

Advert : Can't notify neighbour(s)
Advertised on: 07/05/2014
Committee Date: 19 June 2014
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site of approximately 23 hectares, covers the entire Robert Gordon University Campus at Garthdee.

RELEVANT HISTORY

The western part of the campus includes buildings such as Grays School of Art and the Scott Sutherland School of Architecture, which have been on site since 1966 and 1956 respectively. The central part of the site has been more recently developed over the last 15-20 years, and includes the Business and Health Schools, along with a Sports and Health Centre. The eastern part, which extends down to the David Lloyd Sports Centre was a former touring caravan park, which has now been partially implemented for the latest phases of academic construction on site.

Planning Application 091761 was submitted in November 2009 for a development of circa 35,000 sq.m of new teaching space, social facilities and staff accommodation, additional car parking, junction, road and environmental improvements. That application was subsequently approved conditionally (subject to a s75) on 27 July 2010. The initial phases of that building have now been completed, with construction on the last phase now underway.

PROPOSAL

Planning permission is sought to vary Condition 33 of Planning Permission 091761 relating to the implementation of an extension to the Garthdee Controlled Parking Zone (CPZ). Condition 33 states:

“That the development hereby approved shall not be occupied unless a scheme for the extension of the Garthdee Controlled Parking Zone (CPZ) to include the uncontrolled area bounded by Auchinyell Road, Garthdee Road and the A90 Anderson Drive, has been submitted to and approved in writing by the local planning authority. The agreed CPZ scheme shall thereafter be implemented in full prior to the occupation of the development and all costs borne by the applicant unless otherwise agreed in writing with the local planning authority”.

In this instance, as the applicant has already occupied the development, and have sought an extension to the period to implement the extension of the CPZ for a period of 30 months beyond the date of occupation (21 May 2013). In essence that would require the CPZ extension to be implemented by 21 November 2015.

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?ref=140573>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because it has been the subject of six or more timeous letters of representation that express objection or concern about the proposal – representing a significant level of opposition to any local development proposal. In addition, the application has also been the subject of a formal objection by the local Community Council within whose area the application site falls. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection for the variation of condition 33. The ESPI Committee of 22 January 2013 resolved to allow for further monitoring of the car parking situation in Garthdee, in order to establish whether there was indeed a need for an extension to the CPZ to be provided. Roads Officers have requested that any amended wording of the condition should allow a timescale for the CPZ to be introduced, once the need for the CPZ extension has been established.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) - No observations.

Garthdee Community Council – Object to any further delay in amending the CPZ order. They consider that the University should not be allowed to continue occupation of the development in breach of the condition. A further comment related to the requirement for the University to accept its obligations to absolve the local community from any charges for Residential Exemption Permits.

REPRESENTATIONS

24 letters of objection have been received. The objections raised relate to the following matters:

- 1) There is no provision for parking for students;
- 2) Residents should not be charged for car parking permits;
- 3) Lack of detailed plans online;
- 4) Ground works have started prior to planning permission having been granted;
- 5) The CPZ condition was imposed to protect residential amenity;
- 6) RGU were to cover the costs of permits which was part of the legal agreement and condition;
- 7) The proposal shall cause congestion.
- 8) Residents were unaware that the free permits were time limited;
- 9) Residents in adjacent Kaimhill do not have permits or are required to pay for parking;

- 10) Statutory notices from 2002 advised that permits would be available free of charge;
- 11) The current CPZ is illegal;
- 12) Insufficient information is available to allow the public to comment on the application;
- 13) Parking is killing the green space in Garthdee;
- 14) Pensioners should be exempt from charges;
- 15) Parking restrictions should be limited to Mon to Fri 8am to 5pm; and,
- 16) Students parking in Garthdee are posing a risk to residents and young children due to reckless driving.

PLANNING POLICY

Aberdeen Local Development Plan

Policy CF1 Existing Community Sites and Facilities states that this policy applies to both land zoned as CF1 and to health, education and other community facilities in other Local Development Plan zonings. Existing further education sites shall be used for mainly educational purposes. Proposals for new or extended uses of these types on these sites will be supported in principle.

Policy I1 Infrastructure Delivery and Developer Contributions states that 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. Masterplans will be expected to reflect the infrastructure requirements and developer contributions identified and should include a Delivery Statement setting out details of how the proposed development, and supporting infrastructure, will be delivered.

Policy T2 Managing the Transport Impact of Development states that 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.

Supplementary Guidance

Robert Gordon University Garthdee Masterplan/Development Framework

The Robert Gordon University Garthdee Development Framework was approved as Supplementary Guidance by Planning Committee on 18 June 2009. The

framework has been prepared as a guide for future development consolidating RGU's teaching facilities at Garthdee. This replaces the previous Updated Masterplan Development Report (UMD Report) approved by Planning Committee in 2006.

The Masterplan advises that it is founded upon the principle of concentrating academic development to the east of the site providing a very strong relationship to the main access/entrance from Garthdee Road. The Masterplan also specifically refers to the issue of car parking having been raised through the Consultation Process on the Masterplan. "The University's approach is to strike a balance between the desire amongst several of those individuals who commented for parking to be maximised whilst taking a responsible attitude in terms of environmental sustainability through seeking to discourage unnecessary car journeys to the campus. To this end the University intends to provide 1200 car parking spaces on the Garthdee site. This provision, although lower than the Scottish Planning Policy (SPP) maximum permissible allowance, is a considerable increase over current figures. When viewed in combination with the revised Campus Green Travel Plan, and the proposed time period extension of the Garthdee CPZ, the level of parking provision is deemed to be an optimum with regards to meeting the demands of the University, protecting the environment and minimising the impact on the surrounding community".

Further reference is also made where the Masterplan acknowledges "there are currently some 383 off-site controlled car parking spaces used by the University within the existing Garthdee CPZ. However parking surveys undertaken by Jacobs during spring 2009, indicate that current usage of the CPZ is only around 109. With anticipated demand on the CPZ being approximately 269 spaces (109 existing demand plus 160 additional demand), it appears that the demands from additional trips can be accommodated through a combination of the retention of the existing CPZ and the proposed increase in on-campus car parking provisions".

Other Relevant Material Considerations

None relevant to this application.

EVALUATION

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively the planning authority can refuse the application, which would result in the conditions on the original application remaining.

Main Considerations

In this instance, the original condition required that the Controlled Parking Zone in Garthdee be implemented prior to the occupation of the latest phase of buildings at the eastern edge of the wider University Campus. Unfortunately, the CPZ has not been progressed to a stage where it can be implemented, and therefore the buildings have in essence been occupied in breach of the aforementioned condition.

At the meeting of the Enterprise, Planning and Infrastructure Committee on 22 January, a report was considered which detailed the results of an informal consultation by letter drop, which was carried out in the streets proposed for inclusion within the Garthdee CPZ. The recommendation of that report, which was accepted by Members, outlined that the results of the exercise should be noted, and that the Committee instruct Officers to monitor the parking impact in the area following the opening of the expanded University campus, and report findings back to the Committee with further recommendations pertaining to the implementation of the CPZ. It is understood that this report shall be considered by the meeting of the Enterprise, Strategic Planning and Infrastructure Committee on 4 September 2014. Thereafter, should the Committee be minded to proceed with the CPZ extension the period for implementation would be approximately 9 to 12 months, which would in theory align with the extended period sought by the applicant.

For such applications, the only aspect to consider is whether the request of the applicant to vary or modify the condition is reasonable. In this case, and in light of the ongoing consultation on the proposed extension to the CPZ, it is considered that an extension to the period of time before implementation may be necessary is warranted. The applicants have requested the provision of a period of 30 months from the date of occupation would run to 21 November 2015. As noted above, a further report is anticipated to be considered in 4 September at the meeting of the ESPI Committee. Thus should Members at that point resolve to implement the CPZ extension, Roads Officers would have approximately 14 months to undertake the necessary processes and procedures. It is therefore considered that the period sought by the applicants would align with the procedural requirements of the Council for such implementation to take place.

Matters Raised in written Representations

In respect of matters which were raised in objections, some of which were very detailed, the majority related to aspects which are not part of the consideration of this specific application. The specific issue of costs associated with the provision of Parking Permits is a separate matter, and subject to its own legislative processes and procedures. Parking is provided for students on campus, albeit not on a one space per student ratio, as staff and students alike are encouraged to travel to the campus by alternative means as supported through the University's Green Travel Plan. Ground works have commenced on site as part of the previous planning approval 091761, and therefore current works are not unauthorised.

Requests have been made both by objectors and the Garthdee Community Council for the phases of development previously approved through application 091761, to be closed/unoccupied until such time as the extension to the CPZ has been put in place. However, as per the requirements of Circular 4/1998 in respect of the use of planning conditions, it is not considered desirable, necessary or reasonable to prevent occupation of this educational institution. This is particularly relevant given that monitoring of the car parking position at Garthdee is ongoing, and is the subject of a separate legislative process. Accordingly, while it is unfortunate that the CPZ was not implemented prior to the occupation of the aforementioned buildings, progress towards the ultimate extension of the CPZ is underway. Once the report to the ESPI Committee in September has been considered, it shall outline the findings of around 18 months of monitoring of the parking situation, including one complete University year. As such, decisions as to whether the CPZ extension is necessary, and any associated costs can be established at that time, and not as part of the current planning application to extend the timescale to implement the relevant planning condition.

In conclusion, the Planning Service recommends granting full planning permission to vary condition 33 of planning reference 091761 by removing the requirement to implement the extension to the CPZ by the time of occupation, and instead allowing a period of 30 months from the date of occupation in light of the on-going monitoring exercise in the affected area. In varying the aforementioned condition, this decision would in effect create a new decision document for the development. As such, it is no longer necessary to attach any planning conditions which have either been complied with or formally purified/discharged by the planning authority. As such, the following conditions of the original planning decision 091761, are no longer necessary: 1, 2, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, 25, 26, 28, and 32. The following conditions which have yet to be purified would therefore be appended should planning permission be approved: 29, 30, 31, and 34.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

That the proposal to vary the existing planning condition associated with the provision of the extended Garthdee Controlled Parking Zone (CPZ) has been justified as an ongoing monitoring exercise is underway to fully assess the requirement for an extended CPZ, and shall be subject to a separate legislative and consultation exercise in due course. The development as implemented, is therefore still in accordance with the Aberdeen Local Development Plan, the approved Masterplan, and remains governed by Green Travel initiatives within the existing legal agreement.

CONDITIONS

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

- (1) Unless otherwise agreed in writing by the Planning Authority, a scheme for the extension of the Garthdee Controlled Parking Zone (CPZ) to include the uncontrolled area bounded by Auchinyell Road, Garthdee Road, and the A90 South Anderson Drive shall be submitted to and approved in writing by the local planning authority. The agreed CPZ Scheme shall thereafter be implemented in full within 30 months of the date of occupation of the development (which was 21 May 2013), and all costs associated with the promotion of the extension shall be borne by the applicant.
- (2) That on full implementation of the car parking provision as shown on the approved development layout the site operators shall prepare and have agreed with the local planning authority a revised Parking Monitoring Policy the recommendations of which shall be applied to agreed Green Travel Plan for the campus - to ensure the efficient operation of on site parking provision.
- (3) that prior to the completion of the development hereby approved the developers shall prepare a scheme of additional traffic calming measures within the campus which shall be agreed with the local planning authority and the agreed scheme implemented prior to the occupation of the development - in the interests of the safety of all road users and to restrict vehicle speeds within the campus.
- (4) That following completion of the development hereby approved the developers shall undertake a review of the junction safety requirements with regard to the operation of the site exit onto Garthdee Road. Such a review shall be carried out annually and the recommendations of the review shall be implemented as agreed with the local planning authority. Should, within a 5 year period following the opening of the development, the review indicate a requirement for a traffic light controlled junction at this location, the necessary works shall be carried out by and all costs borne by the site operator to the requirements of the local planning authority - in the interests of traffic safety.
- (5) No part of the development shall be occupied unless a financial contribution towards the provision of park and ride facilities to the south of Aberdeen has been paid to Transport Scotland Trunk Road Network Management Directorate. The value of this contribution shall be agreed in writing with the planning authority in consultation with Transport Scotland Trunk Road Network Management Directorate – to ensure that the safety and free flow of traffic on the trunk road is not diminished.

Dr Margaret Bochel

Head of Planning and Sustainable Development.