

# Planning Development Management Committee

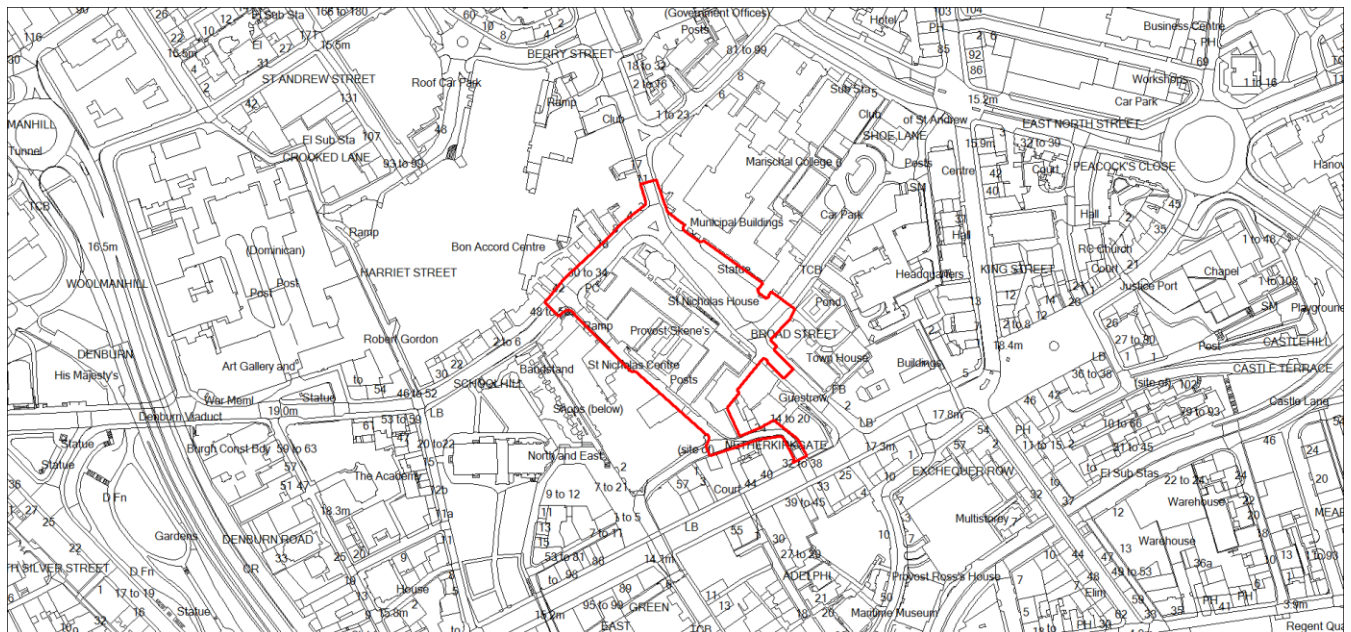
FORMER ST.NICHOLAS HOUSE, BROAD STREET, ABERDEEN

MIXED USE DEVELOPMENT INCLUDING OFFICE, HOTEL, RETAIL, RESTAURANT, LEISURE, CIVIC SPACE INCLUDING CAR PARKING, ACCESS, LANDSCAPING, INFRASTRUCTURE AND PUBLIC REALM IMPROVEMENTS

For: Muse Developments Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P140698  
Application Date: 13/05/2014  
Officer: Gavin Evans  
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert : Section 60/65 - Dev aff  
LB/CA  
Advertised on: 28/05/2014  
Committee Date: 24/07/14  
Community Council : Comments



**RECOMMENDATION: Defer for Public Hearing**

## **DESCRIPTION**

The proposed development relates to the Council's former HQ, St Nicholas House, along with the section of Broad Street between Upperkirkgate and Queen Street.

Broad Street runs north-west from the eastern end of Union Street, providing connection to Upperkirkgate and Gallowgate. To the west lie the Bon-Accord and St Nicholas shopping centres, with the Kirk of St Nicholas, Robert Gordon's College and Aberdeen Art Gallery beyond. On the northern side of Broad Street lies the category 'A' listed Marischal College, which was extensively renovated to act as the Council's HQ from 2011.

The St Nicholas House site and the adjacent St Nicholas Shopping Centre are excluded from the Union Street Conservation Area, which surrounds them on all sides. The Conservation Area incorporates the eastern side of Broad Street, the northern side of Upperkirkgate, the southern side of Upperkirkgate and the land to the west of the St Nicholas Centre. The northern side of Upperkirkgate is characterised by a series of townhouses, between 3 and 4 ½ storeys, the majority of which are listed (category 'B' and 'C').

St Nicholas House was a building of modernist design comprising a 14 storey tower and a long, 3 storey wing projecting along its Broad Street frontage and wrapping around onto Upperkirkgate. The tower was sited opposite Broad Street's junction with Queen Street. Flourmill Lane runs to the rear and gave access to basement car parking. A pedestrian path, under the projecting 3-storey wing, allowed for access through from Broad Street to Flourmill Lane, passing a landscaped area in front of the category 'A' listed Provost Skene's House, originally dating from the 16<sup>th</sup> century, which lies at the centre of the site and is considered a rare surviving example of the early burgh architecture. At time of writing St Nicholas House is in the final stages of demolition, opening up previously obscured views of Provost Skene's House and Marischal College.

## **RELEVANT HISTORY**

A Proposal of Application Notice (PoAN), ref P131473 ,was submitted to the Council on 7th October 2013 for a, *'Mixed use development including office, hotel, retail, restaurants, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements'*.

An Environmental Impact Assessment (EIA) screening opinion request was submitted in 2013 by CBRE on behalf of Muse Developments, to determine whether or not an Environmental Statement (ES) would be required for a, *"Mixed use development including office, hotel, retail, restaurants, leisure, civic space, car parking, access, landscaping, infrastructure and public realm improvements"*. Aberdeen City Council confirmed in November 2013 that an ES would not be required.

A separate application for Listed Building Consent, ref P140755, has been lodged with the Council. This seeks consent for the following works:

*'removal of steps and balustrade to front of Provost Skene House, re-profile and renew surface finishes between the balustrade and Provost Skene House and re-location of stone arch'.*

This application is pending determination at the time of writing.

## **PROPOSAL**

Detailed planning permission is sought for a mixed use development including the following: office, hotel, retail, restaurant and leisure uses; civic space; car parking; access routes; landscaping; other infrastructure; and public realm improvements.

The development essentially involves: the formation of three new buildings (two office and one a hotel) surrounding Provost Skene's House; an area of public open space laid out via the pedestrianisation of Broad Street; a new garden space around Provost Skene's House; and a covered courtyard space enclosed by the northernmost of the two office buildings. The siting of buildings and the presence of pends allow for a pedestrian route, running south-east to north-west, which is loosely based on the historic Guestrow route. Two below-ground levels, accessed via Flourmill Lane, would accommodate 250 car parking spaces.

16,264sqm of office floorspace would be provided, along with 2,193sqm of retail (class 1) and restaurants (class 3), and a 4-star hotel (125 bedrooms). Service laybys would be formed in Flourmill Lane, though it is proposed to allow servicing via the Broad Street frontage during certain hours.

The Broad Street frontage would be defined by the two office buildings, between which a break in the frontage would allow for access to and views of Provost Skene's House, which would be set within an area of public open space. Additional accesses are provided via 'pends' off Broad Street into both office buildings. Ground floors within the office buildings are set back behind a colonnade along the Broad Street frontage, which is intended to provide shelter. The majority of ground-level floorspace within these buildings would be in retail and leisure use, including restaurants, the only exception being reception spaces for the offices above.

Office 02, to the south-eastern corner of the site, would achieve a height of 27.75m above ground level to its rooftop (7 storeys) plus rooftop plant above, with the massing of the building broken up at several points by setting upper floor accommodation back from the building's footprint. This is particularly evident in the division separating the two office buildings, where office 02 presents 5 storeys to the internal pedestrian route, with 6<sup>th</sup> and 7<sup>th</sup> floor accommodation set further back.

Office 01 occupies the northern end of the site, enclosing a central covered atrium space on all sides and presenting frontage to Broad Street, Upperkirkgate

and Flourmill Lane, as well as providing the immediate backdrop to Provost Skene's House. This building varies in height due to both the fall in ground levels between Broad Street and Flourmill Lane and the top 2 floors of accommodation being set back from the building frontage in places, but achieves a height of 24.75m (6 storeys) plus rooftop plant above, along with a further lower floor level providing a retail unit at the corner of Upperkirkgate and Flourmill Lane.

The proposed hotel building, L-shaped in plan and providing accommodation across 7 above-ground floors, would be sited in the south-western corner of the site, adjacent to the junction of Flourmill Lane and Upperkirkgate. It would achieve an overall height of 23.7m to roof level, plus plant above, reflecting the lower floor-to-ceiling height of the hotel building. Pedestrian access from the Netherkirkgate end of Flourmill Lane to Broad Street would be provided via the formation of new pedestrian steps. Stepped access is also shown between Flourmill Lane and the area around Provost Skene's House.

The elevations of the two office buildings are to be principally finished with granite cladding and glazed curtain walling, with the massing of the buildings broken up through the varied use of these materials. A random window pattern is shown in granite-clad sections. Ground floor levels feature a greater proportion of glazing, reflecting the presence of retail, restaurants and reception areas. The hotel building would be finished in a ceramic granite cladding, with a more regular window pattern.

Proposals for the composition of the pedestrianised civic space involve granite paving, with sculpted benches and seating edges also in granite. The edges of the pedestrianised space, at Queen Street and Upperkirkgate, are defined by similar benches. Trees, uplift in evenings, would be sited at the Queen Street end of the space, intended to form a strong edge and shelter the space. A series of lawns, both at ground and elevated levels, would sit within this space. A water feature and external seating are also indicated.

## **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=140698>

- Pedestrian Level Wind Microclimate Assessment
- Design and Access Statement
- Noise Impact Assessment
- Planning Statement
- Pre-Application Consultation (PAC) Report and appendices
- Desk-based Archaeological Assessment
- Sustainability and Low Carbon Development Statement
- Heritage Statement
- Public Realm Strategy

- Landscape Surface Finishes Plan
- Phase 1 Habitat Survey
- Transport Assessment
- Travel Plan
- Drainage Assessment

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

### **PRE-APPLICATION CONSULTATION**

The proposed development has been the subject of pre-application consultation, as required for applications falling within the category of 'major developments', defined in the relevant 'Hierarchy of Development' Regulations. The extensive consultation undertaken has exceeded the minimum statutory requirements, and has included the following;

- Three separate public events, held at Aberdeen Art Gallery in October 2013, December 2013 and April 2014;
- Advertisement in local newspapers (Evening Express and Press and Journal) 7 days ahead of each public event;
- Invitations sent to key consultees and interested parties two weeks in advance of first event;
- After each event, exhibition materials were put on display at Marischal College's main reception;
- Sessions at local schools and colleges to coincide with the first public event;
- An exhibition bus visiting local communities, coinciding with the first public event; and
- Dedicated website at [www.marischalsquare.co.uk](http://www.marischalsquare.co.uk)

### **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee because it has been the subject of more than 20 objections, and is a development in which the Council has a financial interest, due to its ownership of the St Nicholas House site. These factors trigger a report to Committee to seek a decision on whether or not a public hearing should be held.

### **CONSULTATIONS**

**Roads Projects Team** – A response has been provided in relation to the submitted Transport Assessment (TA). This advises that the TA does not contain sufficient information to allow a conclusion to be reached on the impact of the development. A full response, including details of necessary contributions towards the Strategic Transport Fund, is to be provided under separate cover.

Further information or revision is sought in the following areas:

- Provision of accessible through routes
- Appropriate design of junctions
- Capacity and design of replacement bus timing points and coach drop-off area
- Arrangements for servicing of the development, including arrangements in the event that the development comes forward in advance of the pedestrianisation of Broad St
- Access/barrier arrangements at the proposed car park access
- Arrangements for the managing of car parking spaces within the development
- Consideration of existing cycle facilities and proposals for infrastructure necessary to support the development (including off-site)
- Pedestrian signposting
- Traffic modelling exercises and results
- Information required in relation to construction plan, including phasing, network changes, temporary TROs etc.

**Environmental Health** – No objection to the redevelopment of the former St Nicholas House site, however advise that comments relating to pedestrianisation of Broad Street will be provided separately.

Air Quality - Note that the development and its associated traffic would have a negligible impact on air quality. States that the development represents a 'medium' risk to human health as a result of dust emissions associated with the construction phase, however appropriate mitigation measures can reduce emissions so that impact would be negligible.

Notes that the main air quality concern arises from traffic displaced as a result of the pedestrianisation of Broad Street. Identifies increases in NO<sub>2</sub> and PM<sub>10</sub> concentrations at West North Street and King Street, where current air quality objectives are already significantly exceeded. Whilst the submitted assessment identifies both beneficial change and detrimental change for certain properties, it ultimately concludes that overall impact would be negligible. It is noted, however, that this assessment did not make reference to detrimental change occurring at locations where levels already exceed air quality objectives.

Noise – Notes potential to cause noise nuisance from building services and plant, deliveries, traffic, amplified music and patrons visiting the development. Noise from building services and fixed plant can be controlled by appropriate building design and deliveries by restricting their timings. Retail units, restaurants and cafes as proposed are likely to play only background music, and would not be expected to open late at night, and on that basis amplified music is not envisaged to cause nuisance. Impact arising from additional roads traffic and patrons of the development are considered to be insignificant.

Advise that a noise assessment will be required to determine the effect of the re-routing of traffic on noise levels at parts of Kings Street and Union Street, which

are currently Candidate Noise Management Areas (CNMAs), and being considered as potential Noise Management Areas (NMAs).

Odours – Restaurant and hotel uses are identified as being likely to give rise to cooking odours. It is therefore requested that suitable filtrated extraction systems be incorporated as part of the design and that any terminal point be at the highest part of the buildings.

**Developer Contributions Team** – Given the extensive public realm works included within the proposed development, and the benefits attributable to the redevelopment of the site, it has not been considered appropriate to seek additional financial contributions towards core path network or public realm improvements.

Highlights requirements for developments to make a fair and proportionate contribution to the Strategic Transport Fund, which ensures the delivery of a package of road and public transport interventions where the cumulative impact of new development is likely to cause increased congestion. This site is liable for contributions to the STF, with the exact level of contribution to be determined through consultation with the Council's Roads Projects Team.

**Enterprise, Planning & Infrastructure (Flooding)** - No comments provided Scottish Water have no objections to the application.

Notes that attenuation volumes designed are acceptable to ACC, however as the receiving combined sewer is owned by Scottish Water, it is appropriate to seek their approval. Notes that the proposal does not include the expected level of treatment for roof water but, as the system discharges to a Scottish Water combined sewer, concludes that it is for Scottish Water to determine whether they will accept this arrangement.

**Education, Culture & Sport (Archaeology)** – Recommend that a condition, requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

**Scottish Environment Protection Agency** – No objection. Encourage the use of Sustainable Urban Drainage Systems (SUDS) rather than discharging surface water to a combined sewer. Recommend consultation with Scottish Water to establish that there is available capacity in the public sewer for surface water run-off from the development. Recommend a condition, requiring submission and agreement of a site-specific Construction Method Statement.

**Scottish Water** – No response received at time of writing.

**Historic Scotland** – No objection. Express satisfaction that the proposed development would not have any significant adverse impact on the setting of Provost Skene's House, Marischal College and Greyfriar's Church. Indeed, state that the setting of these listed buildings and the wider setting of the Conservation Area can be positively transformed by the proposed development.

Generally content that the development would sit comfortably in the existing setting, and are pleased that the scheme seeks to better integrate Provost Skene's House with intimate vistas and connections, notably from Broad Street. Would welcome further discussion of the treatment for the proposed Provost Skene's House gardens. Note that a separate response will be provided in response to LBC application P140755 concerning relocation of the arch and wall. Would welcome clarification of the proposals for the public space/pedestrian lane at the immediate rear/north of Provost Skene's house in terms of any works directly impacting on the building and landscape surfacing/street furniture and lighting.

As a separate matter to the current applications, HS would welcome clarification from ACC on its intentions for the re-opening of Provost Skene's House and any associated proposed works.

**Architecture and Design Scotland (A+DS)** – A+DS have provided feedback to the design team via 3 separate workshop sessions, held in August 2013, January 2014 and May 2014 respectively. In their most recent project appraisal report, issued June 2014, the panel summarised as follows:

- The scheme generally appears to have evolved positively throughout the workshop series. Generally the designs as submitted as part of the planning application have the potential to form the basis of a good scheme, within the commercial constraints of the project. However, there are still specific areas of the designs that the Panel felt could be developed further and which would benefit from further refinement. These were generally felt to be more detailed aspects of the scheme, and which the applicants asserted could be dealt with during the next stage of design development. Based on the forum workshop process carried out to date, and on the assumption that the issues discussed at the workshop and as set out in the full form of A+DS's response will be addressed, A+DS find the project to be 'well considered and supported'.

**Aberdeen City and Shire Design Review Panel** – The local Design Review Panel considered the proposal in December 2013, though it should be noted that the proposal has changed since that time. The Panel was generally supportive of the proposal as a whole, but noted that there was insufficient detail available regarding proposals for traffic management. The need for consideration of microclimate was highlighted, with particular emphasis on the effects of wind on the pedestrian environment. The main points highlighted in relation to the design merits of the proposal were as follows:

- Views between Schoolhill and Marischal College should be maximised.
- Pedestrianisation of Broad Street was questioned, and the impact this would have on bus routes and traffic movements requires to be fully assessed and appropriately managed.



- Active uses within the development were welcomed, and the use of individual entrances to shops was encouraged to maximise the extent of active frontages.
- Attracting people to the development was highlighted as a challenge. The purpose of the 'Guestrow' route was questioned and, with modification, was identified as a potential way to attract footfall into the development.
- Effects of wind should be assessed to ensure there are not significant adverse effects on pedestrian environment.

**Community Council** – The local City Centre Community Council objects to the proposed development in its current form, making the following observations;

- Highlights the desire for less buildings and a greater area of open space, expressed by many at consultation events;
- Acknowledges that the land was sold as a development site and accepts the scale of the civic space to be provided;
- Nevertheless retains reservations about the traffic management implications of Broad Street's pedestrianisation;
- Sees merit in the provision of much needed hotel rooms.
- Accepts that demand for office space appears to be for 'new build' rather than conversion of existing buildings, such as those on Union Street, but expresses disappointment at this situation.
- Identifies the gardens around Provost Skene's House as potentially creating a nice, quiet space, but states reservation about the size/scale of the development, particularly along the Upperkirkgate frontage.
- Supportive of 24-hour access through the development, on the understanding that appropriate security measures will be in place.
- Understands that Provost Skene's House would be visible through gaps in the layout, but would be keen to see the main opening made larger. Any loss of commercial floorspace could be made up via an increase in height on the Union St side of the development.
- Would like to see more detail on how spaces could be enlivened, for example through the use of coloured lighting and water features.
- The scale of the development is much greater than had been first thought, and insufficient consideration has been given to the treatment of the proposed civic space.

## **REPRESENTATIONS**

43 letters of representation have been received. The points raised relate to the following matters –

### Consultation

- Views expressed at consultation events have been ignored
- Muse have either over-stated the level of public representation or failed to make all comments publicly available

### Parking, traffic & accessibility

- Car parking within the site is insufficient to serve the proposed development
- Where will visitors to the area park?
- Traffic modelling suggests gridlocking within the network
- The submitted Transport Assessment has not adequately taken account of the impact of the proposed closure of Broad Street on the wider city centre
- Access and parking arrangements for hotel are queried
- Access to the Bon-Accord Centre car park and vehicle access to the John Lewis store would be made more difficult and routes more convoluted
- Disabled car parking on Queen Street is some distance from the square - the disabled car park which existed opposite M&S should be reinstated
- Journey times will be increased by the pedestrianisation of Broad Street, making existing city centre retail premises less accessible
- Potential impact on pedestrian movement between the Bon Accord and St Nicholas Centres

### Pedestrianisation

- Pedestrianisation of Broad Street will cause traffic congestion elsewhere
- Disruption to public transport routes and increased journey times
- Concern over how the proposal will affect Police Scotland operations from Queen Street
- The pedestrianisation proposal appears to be premature to a full assessment of the alternative options to achieve similar objectives, and also to an agreed City Centre Masterplan

### Design proposals

- Blocks views of Marischal College and Provost Skene's House and acts as a barrier between the two historic buildings
- Design is unsympathetic to its surroundings
- This proposal repeats the mistakes of St Nicholas House
- The proposal represents overdevelopment of the site
- The design, scale, height and massing of buildings remains excessive
- These proposals do nothing to promote the city as a tourist attraction
- Buildings should have more curves to reflect the waves of the sea
- Support for a tall, iconic building
- Buildings should incorporate rooftop activity (e.g. cafés and restaurants)
- Queries whether the water feature in front of Provost Skene's House will remain (sculpture designed by Thomas Bayliss Huxley Jones – currently understood to be in storage per ACC Structure Trail publication)
- Concern over treatment of Flourmill Lane (retained purely as a service lane, rather than introducing linkages with the aim of introducing active frontages and enhancement of this environment in future)
- The layout is well-considered, but less successful in elevation
- Building heights are too uniform, giving a bulky appearance to the whole
- Elevations are like those of any number of other buildings in Scotland
- Building heights should be increased to reduce footprint, open up the site and allow for more green space

- Buildings will cast Broad St into shade for long periods
- The proposed development will ruin the city's skyline

#### Impacts arising from the proposed development

- Potential impact on existing retail premises - Union Street, George Street etc.
- The opening hours of any cafes/bars should be restricted
- There is no 'need' for new retail uses or hotel – existing vacancies on Union Street suggest that there is no market for additional retail.
- Demolition works have breached noise restrictions – assurances are sought regarding the control of noise during construction
- Re-routing of traffic will have adverse impacts on air quality and will cause noise pollution
- The height of new buildings will create a canyon effect between the development and Marischal College, funnelling wind to uncomfortable levels
- ACC's own STAG appraisal has failed to adequately assess noise and air quality considerations
- Limited mitigation measures are proposed to address impact of diversions

#### Suggestions for alternative proposals

- The site should be laid out as a largely open civic plaza/civic green space
- Any new open space should incorporate a fountain, statues, benches, flowers etc
- Union Street buildings should be restored and rents made affordable to encourage shops to be located on the main street

#### Other

- The Council/developer's primary motivation is money
- Money was wasted on consultation as a decision has already been made
- The plans were very difficult to view online due to the size of files
- Arrangements for viewing plans at Marischal College were poor
- Assurances are sought that the integrity and professionalism of the planning service has not been compromised by the Council's interest in the site
- Councillors urged not to vote along party-political lines
- It was understood that the site is held in the 'common good'

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Scottish Planning Policy (SPP)

SPP sets out national planning policies for operation of the planning system and for the development and use of land. Principal policies relating to sustainability and placemaking are of relevance, as are subject policies including those on the promotion of town centres; supporting business and employment; and valuing the

historic environment. SPP also sets out policy principles in relation to promoting sustainable transport and active travel, and facilitating the transition to a low carbon economy.

### Creating Places

This is the Scottish Government's policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design.

### Designing Streets

A Scottish Government policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance.

### Scottish Historic Environment Policy (SHEP)

This sets out Scottish Ministers' policies for the historic environment, and complements Scottish Planning Policy. Underlines the requirements of section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that the planning authority, in determining any application for planning permission for development that affects a listed building or its setting, is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

### **Aberdeen City and Shire Strategic Development Plan (SDP) 2014**

The SDP sets out a series of key objectives for the growth of the City and Aberdeenshire. The SDPA recognises the importance of the City Centre as an asset, and highlights that its regeneration is vital for the economic future of the area, stating a need to attract more major office developments to the city centre. It is also stated that there needs to be a strong focus on improving the quality of the city centre's shopping, leisure, commercial and residential environment, with partial pedestrianisation of Union Street having an important role.

A stated objective of the plan is provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries. This must be balanced against another key objective to make sure new development maintains and improves the region's important built, natural and cultural assets.

The SDPA sets targets for major employment and service developments in strategic growth areas to show that they are easy to access by walking, cycling or using public transport, and Travel Plans for such developments should reduce the need for people to use cars.

### **Aberdeen Local Development Plan**

#### C1: City Centre Development – Regional Centre

Development within the City Centre must contribute towards the delivery of the vision for the City Centre as a regional centre as expressed in the City Centre Development Framework. As such, the City Centre is the preferred location for

retail, commercial and leisure development serving a city-wide or regional market.

Proposals for new retail, commercial, leisure and other city centre uses shall be located in accordance with the sequential approach referred to in the Retailing section of the plan and in the relevant 'Hierarchy of Centres' supplementary guidance.

#### C2: City Centre Business Zone and Union Street

The City Centre Business Zone is the preferred location for major retail developments, as defined in policy RT1. Policy C2 seeks to encourage the retention of existing retail uses within the City Centre Business Zone, and in instances where it has been satisfactorily demonstrated that there is a lack of demand for continued retail use, new uses must enhance or adequately maintain daytime vitality and an active street frontage. Proposals to use basement and upper floor levels for retail, residential and other uses compatible with a city centre location will be encouraged in principle.

#### 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

#### T2: Transport impact of development

Policy T2 requires that new developments demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed thresholds set out in the associated 'Transport and Accessibility' Supplementary Guidance. Maximum car parking standards are set out in the associated supplementary guidance.

#### D1: Architecture and Placemaking

Policy D1 sets out that, in order 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. It also notes that landmark or high buildings should respect the heights and scale of their surroundings, the urban topography and the city's skyline, and should aim to preserve or enhance important views.

#### 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.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

#### D5: Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy. In relation to development affecting archaeological resources, further details are set out in the 'Archaeology and Planning' supplementary guidance document.

#### D6: Landscape

Development will not be acceptable unless it avoids;

- 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.
- obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways, and particularly from the main city approaches.

#### RT1: Sequential Approach and Retail Impact

All retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in the 'Hierarchy of Retail Centres' supplementary guidance.

Tier 1 – Regional Centre

Tier 2 – Town centres

Tier 3 – District centres

Tier 4 – Neighbourhood centres

Retail Parks

Proposals serving a catchment area that is city-wide or larger shall be located in the City Centre, preferably in the City Centre Business Zone.

Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre, but may also be located in the City Centre Business Zone.

#### NE3: Urban Green Space

Permission will not be granted to use or redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation or sport, unless an equivalent and equally convenient and accessible area for public access is laid out and made available in the locality by the applicant for urban green space purposes. In all cases, development will only be acceptable provided that:

1. There is no significant loss to the landscape character and amenity of the site and adjoining areas;
2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;
5. Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved benefits to the replaced area and is as accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads;
6. They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development; and
7. Proposals to develop playing fields or sports pitches should also be consistent with the terms of Scottish Planning Policy.

Note - Only larger areas of Urban Green Space are zoned as NE3 on Proposals Map

#### NE6: Flooding and Drainage

Where more than 100sqm of floorspace is proposed, developers will be required to submit a Drainage Impact Assessment. Further detail is contained in the relevant 'Drainage Impact Assessments' supplementary guidance. Surface water drainage associated with development must:

1. be the most appropriate available in terms of Sustainable Urban Drainage Systems principles; and
2. avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided, and private wastewater systems in sewered areas will not be permitted.

#### NE9: Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities, including access rights, core paths, other paths and rights of way. Core Paths are shown on the ALDP proposals map. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

#### NE10: Air Quality

Applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the Planning Authority. Such planning applications should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed. Attention is drawn to the associated 'Air Quality' supplementary guidance.

#### R6: Waste Management Requirements for New Development

Details of storage facilities and means of collection must be included as part of any application for development which would generate waste. Further details are set out in the 'Waste Management' supplementary guidance.

#### R7: Low and Zero Carbon Buildings

States that all new buildings must install low and zero-carbon generating technologies to reduce their predicted carbon dioxide emissions by at least 15% below the levels required by the 2007 building standards. Further guidance, including exceptions and routes to achieving 'deemed compliance' is set out in the associated 'Low and Zero Carbon Buildings' supplementary guidance.

### **Supplementary Guidance**

City Centre Development Framework  
Transport and Accessibility  
Archaeology and Planning  
Hierarchy of Retail Centres  
Drainage Impact Assessments  
Air Quality  
Waste Management  
Low and Zero Carbon Buildings  
Aberdeen City and Shire Design Review Panel

### **Other Relevant Material Considerations**

The Bon-Accord Quarter Masterplan, whilst not carried forward as supplementary guidance to the current Local Development Plan, provided guidance on the scope for the redevelopment of this area of the City Centre. The City Centre Development framework makes reference to the Bon-Accord Quarter Masterplan.

### **HEARING GUIDELINES**

Under 38A (4) of the Planning Act, the planning authority may decided to hold a hearing for any development not covered by the mandatory requirements and to give the applicant and any other person an opportunity of appearing before and being heard by the committee. In June 2010 the Council agreed guidelines on 'When to hold public hearings in relation to planning applications'. The circumstances in which it is appropriate to hold a public hearing prior to determination of a planning application (where a pre-determination hearing is not statutory) are: where the application has been the subject of more than 20 objections; and, the Council has a financial interest; and / or, the application is a departure from the development plan.



This proposal has attracted a total of 43 objections, and therefore clearly exceeds the threshold stated in the first of these criteria.

The Council is the owner of the St Nicholas House site, and is a Joint Venture Partner in the proposed Marischal Square development, and therefore has a direct financial interest in the outcome of the application.

The combination of these two factors alone is sufficient to trigger a requirement for this report, the purpose of which is to establish whether officers consider a public hearing should be held and to make a recommendation to members accordingly. No recommendation is being made at this time in respect of the determination of the application. A later report will be presented to a future committee making such a recommendation.

Turning to consideration of whether the proposal represents a departure from the Development Plan, it is recognised that the St Nicholas House site is identified as an 'Opportunity Site' in the Aberdeen Local Development Plan. Its designation, OP118, does not specify the type of use or development envisaged on the site, simply stating that the site would become vacant on the City Council's departure to Marischal College and noting that the site lies within the area identified in the Aberdeen Local Development Plan (ALDP) as the City Centre Business Zone.

Within the designated City Centre Business Zone (CCBZ), policy C2 of the ALDP is applicable. Policy C2 identifies the CCBZ as the preferred location for major retail developments and encourages the retention of existing retail uses by stating restrictions on changes of use from retail (Class 1 of the Use Classes Order) to any other use.

Policy C1 (City Centre Development – Regional Centre) stipulates that development within the City Centre must contribute towards the delivery of the vision for the City Centre as a major regional centre, as expressed in the City Centre Development Framework. The policy identifies the City Centre as the preferred location for retail, commercial and leisure developments serving a city-wide or regional market.

The proposed development comprises offices, retail, restaurants and leisure uses which is consistent with policy C2's encouragement for the siting of retail, leisure and commercial uses within the City Centre. The location of retail use at the scale proposed in this City Centre location is consistent with the sequential test set out at policy RT1 (Sequential Approach and Retail Impact), which aims to ensure that new retail uses are located within existing retail centres appropriate to their catchment.

Taking these matters into account, it is concluded that the proposal does not represent a departure from the Development Plan in principle, having had regard to its zoning and the nature of the proposed uses, and that detailed assessment of the finer details will establish whether there are any areas of conflict with policy. For the purposes of this report, the proposal is not considered to represent a departure from the Development Plan.

The Council's established hearing guidelines state that the issues which require to be addressed in determining whether a hearing should be held will *include 'whether the development plan policy is up to date and relevant to the matters raised, and whether these matters are material planning considerations.'*

The Aberdeen Local Development Plan, adopted in February of 2012, and the Aberdeen City and Shire Strategic Development Plan, which came into effect on 28<sup>th</sup> March 2014, collectively constitute the development plan against which applications for planning permission will be considered. At this time the development plan is considered to provide an up-to-date and relevant policy framework for the determination of this planning application.

The representations received raise a wide range of issues, including the massing, scale and architectural composition of the proposed buildings; the implications of Broad Street's closure for congestion on the surrounding road network, air quality and noise pollution; the relationship between the proposals and the surrounding listed buildings, notably Provost Skene's House and Marischal College; and the potentially adverse impact on the viability of existing retail uses. These are all relevant planning considerations and relate to areas covered by the development plan.

Given the significant level of objection and the nature of the matters raised, it is considered that the most appropriate manner of addressing these concerns is to convene a hearing at which all parties will have an opportunity to state their views in front of the elected members of the Planning Development Management Committee. A recommended date of 29<sup>th</sup> August this year has been set aside for such a Hearing, subject to Committee agreement. Following any hearing a further detailed report will be prepared to allow full consideration of the proposals by a subsequent committee.

## **RECOMMENDATION**

### **Defer for Public Hearing**

## **REASONS FOR RECOMMENDATION**

This application relates to land currently owned by Aberdeen City Council, and has attracted a significant body of public representation, which raises a wide range of material planning considerations, relevant to the planning authority's consideration of the proposal against the Development Plan (Aberdeen Local Development Plan and Aberdeen City and Shire Strategic Development Plan).

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.